

HOUSE BILL NO. 542

INTRODUCED BY KITSELMAN, NORDTVEDT

IN THE HOUSE

January 28, 1983	Introduced and referred to Committee on Highways and Transportation.
February 9, 1983	Committee recommend bill do pass as amended. Report adopted.
February 10, 1983	Bill printed and placed on members' desks.
February 11, 1983	Second reading, do pass.
February 14, 1983	Considered correctly engrossed.
February 15, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 16, 1983	Introduced and referred to Committee on Highways and Transportation.
March 17, 1983	Committee recommend bill be concurred in. Report adopted.
March 19, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 22, 1983	Returned to House.
March 23, 1983	Sent to enrolling.
	Reported correctly enrolled.

1 House BILL NO. 542  
2 INTRODUCED BY Kitseman Wulfsberg  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING MOTORCYCLES  
5 THAT QUALIFY FOR REGISTRATION AS COLLECTOR'S ITEMS FROM  
6 REQUIREMENTS RELATING TO HEADLIGHTS AND TAILLIGHTS;  
7 PROVIDING THAT IF NOT PROPERLY EQUIPPED THEY MAY NOT BE  
8 OPERATED AT NIGHT; AMENDING SECTIONS 61-8-359, 61-9-203, AND  
9 61-9-204, MCA."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 61-8-359, MCA, is amended to read:

13 "61-8-359. Riding on motorcycles. (1) A person  
14 operating a motorcycle on public streets or highways shall  
15 ride only upon the permanent and regular seat attached  
16 thereto, and such operator shall not carry any other person;  
17 nor shall any other person ride on a motorcycle unless such  
18 motorcycle is designed to carry more than one person, in  
19 which event a passenger may ride upon the permanent and  
20 regular seat if designed for two persons or upon another  
21 seat firmly attached to the rear or side of the operator.

22 (2) No passenger shall be carried in a position that  
23 will interfere with the operation of the motorcycle or the  
24 view of the operator.

25 (3) No person operating a motorcycle shall carry any

1 packages, bundles, or articles which would interfere with  
2 the operation of said vehicle in a safe and prudent manner.

3 (4) "Side saddle" riding on a motorcycle is  
4 prohibited.

5 (5) Motorcycles are to be operated with lights on at  
6 all times when operated on any public highway or street,  
7 except that if the motorcycle qualifies for registration  
8 under 61-3-411 as a collector's item, it may be operated  
9 without lights from one-half hour before sunrise to one-half  
10 hour after sunset if persons and vehicles are clearly  
11 discernible at a distance of 500 feet.

12 (6) Not more than two motorcycles shall be operated  
13 side by side in a single traffic lane.

14 (7) All motor vehicles, including motorcycles, are  
15 entitled to the full use of a traffic lane, and no vehicle  
16 shall be driven or operated in such a manner so as to  
17 deprive any other vehicle of the full use of a traffic lane,  
18 except that motorcycles may, with the consent of both  
19 drivers, be operated not more than two abreast in a single  
20 traffic lane.

21 (8) Every person riding a motorcycle upon a roadway  
22 shall be granted all of the rights and shall be subject to  
23 all of the duties applicable to the driver of a motor  
24 vehicle except as to those provisions which, by their  
25 nature, can have no application."

Section 2. Section 61-9-203, MCA, is amended to read:

"61-9-203. Headlamps on motor vehicles. (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter. If a motorcycle qualifies for registration under 61-3-411 as a collector's item, it need not be equipped with headlamps, but if it is not so equipped it may not be operated upon a highway or street from one-half hour after sunset to one-half hour before sunrise or if persons and vehicles are not clearly discernible at a distance of 500 feet.

(3) Every headlamp upon every motor vehicle, including every motorcycle and every motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than 54 inches or less than 24 inches to be measured as set forth in 61-9-202(2)."

Section 3. Section 61-9-204, MCA, is amended to read:

"61-9-204. Taillamps. (1) Every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle

which is being drawn at the end of a train of vehicles shall be equipped with at least one taillamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the taillamp on the rearmost vehicle need actually be seen from the distance specified. Further, every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1956, shall be equipped with at least two taillamps mounted on the rear, which when lighted as herein required, shall comply with the provisions of this section.

(2) Every taillamp upon every vehicle shall be located at a height of not more than 72 inches or less than 15 inches.

(3) Either taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any taillamp or taillamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

(4) Taillamps are not required on a motorcycle that qualifies for registration under 61-3-411 as a collector's

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1 item, but such motorcycle may not be operated on a highway  
2 or street from one-half hour after sunset to one-half hour  
3 before sunrise or when persons and vehicles are not clearly  
4 discernible at a distance of 500 feet unless it is equipped  
5 with the required taillamps."

-End-

Approved by Committee  
on Highways & Transportation

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A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING MOTORCYCLES THAT ~~QUALIFY FOR REGISTRATION ARE REGISTERED~~ AS COLLECTOR'S ITEMS FROM REQUIREMENTS RELATING TO HEADLIGHTS AND TAILLIGHTS; PROVIDING THAT IF NOT PROPERLY EQUIPPED THEY MAY NOT BE OPERATED AT NIGHT; AMENDING SECTIONS 61-8-359, 61-9-203, AND 61-9-204, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-359, MCA, is amended to read:

"61-8-359. Riding on motorcycles. (1) A person operating a motorcycle on public streets or highways shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person; nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator.

(2) No passenger shall be carried in a position that will interfere with the operation of the motorcycle or the view of the operator.

(3) No person operating a motorcycle shall carry any

packages, bundles, or articles which would interfere with the operation of said vehicle in a safe and prudent manner.

(4) "Side saddle" riding on a motorcycle is prohibited.

(5) Motorcycles are to be operated with lights on at all times when operated on any public highway or street, ~~except that if the motorcycle qualifies for registration is REGISTERED under 61-3-411 as a collector's item, it may be operated without lights from one-half hour before sunrise to one-half hour after sunset if persons and vehicles are clearly discernible at a distance of 500 feet.~~

(6) Not more than two motorcycles shall be operated side by side in a single traffic lane.

(7) All motor vehicles, including motorcycles, are entitled to the full use of a traffic lane, and no vehicle shall be driven or operated in such a manner so as to deprive any other vehicle of the full use of a traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(8) Every person riding a motorcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle except as to those provisions which, by their nature, can have no application."

Section 2. Section 61-9-203, MCA, is amended to read:

"61-9-203. Headlamps on motor vehicles. (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this chapter. ~~If a motorcycle qualifies for registration IS REGISTERED under 61-3-411 as a collector's item, it need not be equipped with headlamps, but if it is not so equipped it may not be operated upon a highway or street from one-half hour after sunset to one-half hour before sunrise or if persons and vehicles are not clearly discernible at a distance of 500 feet.~~

(3) Every headlamp upon every motor vehicle, including every motorcycle and every motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than 54 inches or less than 24 inches to be measured as set forth in 61-9-202(2)."

Section 3. Section 61-9-204, MCA, is amended to read:

"61-9-204. Taillamps. (1) Every motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle

which is being drawn at the end of a train of vehicles shall be equipped with at least one taillamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the taillamp on the rearmost vehicle need actually be seen from the distance specified. Further, every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1956, shall be equipped with at least two taillamps mounted on the rear, which when lighted as herein required, shall comply with the provisions of this section.

(2) Every taillamp upon every vehicle shall be located at a height of not more than 72 inches or less than 15 inches.

(3) Either taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any taillamp or taillamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

~~(4) Taillamps are not required on a motorcycle that qualifies for registration IS REGISTERED under 61-3-411 as a~~

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2 a highway or street from one-half hour after sunset to  
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(2) No passenger shall be carried in a position that will interfere with the operation of the motorcycle or the view of the operator.

(3) No person operating a motorcycle shall carry any

packages, bundles, or articles which would interfere with the operation of said vehicle in a safe and prudent manner.

(4) "Side saddle" riding on a motorcycle is prohibited.

(5) Motorcycles are to be operated with lights on at all times when operated on any public highway or street, ~~except that if the motorcycle qualifies for registration is REGISTERED under 61-3-411 as a collector's item, it may be operated without lights from one-half hour before sunrise to one-half hour after sunset if persons and vehicles are clearly discernible at a distance of 500 feet.~~

(6) Not more than two motorcycles shall be operated side by side in a single traffic lane.

(7) All motor vehicles, including motorcycles, are entitled to the full use of a traffic lane, and no vehicle shall be driven or operated in such a manner so as to deprive any other vehicle of the full use of a traffic lane, except that motorcycles may, with the consent of both drivers, be operated not more than two abreast in a single traffic lane.

(8) Every person riding a motorcycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle except as to those provisions which, by their nature, can have no application."



Section 2. Section 61-9-203, MCA, is amended to read:

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(3) Every headlamp upon every motor vehicle, including every motorcycle and every motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than 54 inches or less than 24 inches to be measured as set forth in 61-9-202(2)."

Section 3. Section 61-9-204, MCA, is amended to read:

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which is being drawn at the end of a train of vehicles shall be equipped with at least one taillamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the taillamp on the rearmost vehicle need actually be seen from the distance specified. Further, every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1956, shall be equipped with at least two taillamps mounted on the rear, which when lighted as herein required, shall comply with the provisions of this section.

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(3) Either taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any taillamp or taillamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

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