

HOUSE BILL NO. 889

Introduced: 02/17/83

Referred to Committee on Highways & Transportation: 02/18/83
Died in Committee

1 House BILL NO. 889
2 INTRODUCED BY Abraham Smith
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE
6 PROHIBITION AGAINST WALKING ALONG A HIGHWAY IN AN
7 INTOXICATED CONDITION; AMENDING SECTIONS 53-24-106 AND
8 61-8-508, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 53-24-106, MCA, is amended to read:

12 "53-24-106. Criminal laws limitation. (1) No county,
13 municipality, or other political subdivision may adopt or
14 enforce a local law, ordinance, resolution, or rule having
15 the force of law that includes drinking, being a common
16 drunkard, or being found in an intoxicated condition as one
17 of the elements of the offense giving rise to a criminal or
18 civil penalty or sanction.

19 (2) Nothing in this section affects any law,
20 ordinance, resolution, or rule against walking upon or along
21 a highway in a hazardous manner while intoxicated or against
22 drunken driving, driving under the influence of alcohol, or
23 other similar offense involving the operation of a vehicle,
24 an aircraft, a boat, machinery, or other equipment or
25 regarding the sale, purchase, dispensing, possessing, or use

1 of alcoholic beverages at stated times and places or by a
2 particular class of persons."

3 Section 2. Section 61-8-508, MCA, is amended to read:

4 "61-8-508. Intoxicated pedestrian. No person shall
5 walk upon or along the highway while under the influence of
6 intoxicating liquor in a manner hazardous to himself or
7 moving motor vehicle traffic."

-End-