

SENATE BILL NO. 402

INTRODUCED BY MOHAR, VINCENT, HAGER,
TOWE, RAMIREZ, NORDTVEDT, SANDS,
HALLIGAN, CRIPPEN, JACOBSON,
ADDY, D. BROWN, B. BROWN

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Highways and Transportation.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 19, 1983	Correctly engrossed.
February 21, 1983	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on Highways and Transportation.
March 23, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in.

IN THE SENATE

March 28, 1983

Returned to Senate with
amendments.

April 5, 1983

Second reading, amendments
concurred in.

April 6, 1983

Third reading, amendments
concurred in. Ayes, 49;
Noes, 1.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *402*
 2 INTRODUCED BY *Mohan Vincent Hager* *Bob Ramirez*
 3 *Sanchez* *Hallgren* *Ep* *J. Jacobson* *Alley*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A BICYCLE AS A
 5 "VEHICLE"; REVISING AND CLARIFYING THE BICYCLE TRAFFIC LAWS;
 6 AMENDING SECTIONS 61-1-103, 61-1-123, 61-8-333, 61-8-336,
 7 61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604,
 8 AND 61-8-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 9 DATE."

10
 11 WHEREAS, the Legislature finds that it is appropriate
 12 to conform Montana's laws on bicycles with the provisions of
 13 the Uniform Vehicle Code.

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 61-1-103, MCA, is amended to read:
 17 "61-1-103. Vehicle. "Vehicle" means every device in,
 18 upon, or by which any person or property may be transported
 19 or drawn upon a public highway, except devices moved by
 20 human or animal power or used exclusively upon stationary
 21 rails or tracks. However, in chapters 3 and 4, the term
 22 means "motor vehicle" as defined in this part. ~~The term does~~
 23 ~~not include a bicycle as defined in 61-1-123.~~"

24 Section 2. Section 61-1-123, MCA, is amended to read:

25 "61-1-123. Bicycle. "Bicycle" means:

1 (1) every device ~~vehicle~~ propelled solely by human
 2 power upon which any person may ride, having two tandem
 3 wheels ~~either of which is more than 20 inches in diameter~~
 4 ~~and a seat height of more than 25 inches from the ground~~
 5 ~~when the seat is raised to its highest position, except~~
 6 ~~scooters and similar devices; or~~

7 (2) every device ~~vehicle~~ equipped with two or three
 8 wheels, foot pedals to permit muscular propulsion and an
 9 independent power source providing a maximum of two brake
 10 horsepower. If a combustion engine is used, the maximum
 11 piston or rotor displacement may not exceed 3.05 cubic
 12 inches (50 centimeters) regardless of the number of chambers
 13 in the power source. The power source must not be capable of
 14 propelling the device, unassisted, at a speed exceeding 30
 15 miles an hour (48.28 kilometers an hour) on a level surface.
 16 The device must be equipped with a power drive system that
 17 functions directly or automatically only and does not
 18 require clutching or shifting by the operator after the
 19 drive system is engaged."

20 Section 3. Section 61-8-333, MCA, is amended to read:

21 "61-8-333. Required position and method of turning at
 22 intersections ~~-- bicycle turn procedures --~~ signs. (1) The
 23 driver of a vehicle intending to turn at an intersection
 24 shall do so as follows:

25 (a) Right turns. Both the approach for a right turn

and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turn on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

~~(d) A person making a turn under subsections (1)(a), (1)(b), or (1)(c) is entitled to the full use of the lane from which the turn may be legally made.~~

~~(2) A person operating a bicycle who intends to turn left shall follow the course described in subsection (1) or shall approach the turn as close as practicable to the right side of the roadway. After proceeding across the intersecting roadway, the bicycle operator shall make the turn as close as practicable to the side of the roadway on the far side of the intersection. After turning, the bicycle operator shall comply with any official traffic-control device or police officer regulating traffic on the highway along which he intends to proceed.~~

~~(2)(3) Local authorities in their respective jurisdictions may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons, or signs."~~

Section 4. Section 61-8-336, MCA, is amended to read:

"61-8-336. Turning movements and required signals. (1)

No person shall turn a vehicle at an intersection unless the

vehicle is in proper position upon the roadway as required by 61-8-333 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

(2) A signal of intention to turn right or left, other than when passing, when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning in any business, residence, or urban district as defined in 61-1-403 through 61-1-410.

(3) A signal of intention to turn right or left, other than when passing, when required shall be given continuously during not less than the last 300 feet traveled by the vehicle before turning in areas other than those set forth in subsection (2).

~~(4) A signal by hand and arm need not be given continuously by the person operating a bicycle if the hand is needed in the control or operation of the bicycle.~~

~~††(5) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to~~

give such signal."

Section 5. Section 61-8-338, MCA, is amended to read:

"61-8-338. Method of giving hand-and-arm signals. ~~(1)~~

~~†† Except as provided in subsection (2), all signals herein~~ required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

~~††(a) Left turn. Hand and arm extended horizontally.~~

~~††(b) Right turn. Hand and arm extended upward.~~

~~††(c) Stop or decrease speed. Hand and arm extended downward.~~

~~(2) The person operating a bicycle may signal a right turn by extending the right hand and arm horizontally."~~

Section 6. Section 61-8-354, MCA, is amended to read:

"61-8-354. Stopping, standing, or parking prohibited in specified places -- exceptions. (1) No person shall stop, stand, or park a vehicle, except as allowed under subsection (2) or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or highway patrolman or traffic-control device, in any of the following places:

(a) on a sidewalk;

(b) in front of a public or private driveway;

(c) within an intersection;

(d) within 15 feet of a fire hydrant;

1 (e) on a crosswalk;

2 (f) within 20 feet of a crosswalk at an intersection;

3 (g) within 30 feet upon the approach to any flashing

4 beacon, stop sign, or traffic-control signal located at the

5 side of a roadway;

6 (h) between a safety zone and the adjacent curb or

7 within 30 feet of points on the curb immediately opposite

8 the ends of a safety zone, unless the local authorities

9 indicate a different length by signs or markings;

10 (i) within 50 feet of the nearest rail of a railroad

11 crossing;

12 (j) within 20 feet of the driveway entrance to any

13 fire station and on the side of a street opposite the

14 entrance to any fire station within 75 feet of said entrance

15 when properly signposted;

16 (k) alongside or opposite any street excavation or

17 obstruction when stopping, standing, or parking would

18 obstruct traffic;

19 (l) on the roadway side of any vehicle stopped or

20 parked at the edge or curb of a street;

21 (m) upon any bridge or other elevated structure upon a

22 highway or within a highway tunnel;

23 (n) at any place where official signs prohibit

24 stopping.

25 ~~(2) A bicycle may be parked on a sidewalk and other~~

1 ~~such places if the parking does not impede normal and~~

2 ~~reasonable movement of pedestrians or other traffic.~~

3 ~~(2)(3)~~ A public bus stop may not be established in the

4 areas described in subsections (1)(a) through (c) and (e).

5 Otherwise, this section does not prohibit the establishment

6 of public bus stops and the regulation of their use by a

7 local government. Such a bus stop must be established by

8 ordinance pursuant to a traffic and engineering study. Such

9 establishment is subject to review and approval by the

10 department of highways if the bus stop is to be established

11 on a street or highway under its jurisdiction.

12 ~~(3)(4)~~ No person shall move a vehicle not lawfully

13 under his control into any such prohibited area or away from

14 a curb such distance as is unlawful."

15 Section 7. Section 61-8-368, MCA, is amended to read:

16 "61-8-368. Opening and closing vehicle doors. No

17 person shall open the ~~any~~ door of a motor vehicle ~~on the~~

18 ~~side available to moving traffic~~ unless and until it is

19 reasonably safe to do so ~~without interfering with the~~

20 ~~movement of other traffic~~, nor shall any person leave a door

21 open on ~~the~~ a side of a vehicle available to moving traffic

22 for a period of time longer than necessary to load or unload

23 passengers."

24 Section 8. Section 61-8-504, MCA, is amended to read:

25 "61-8-504. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this part, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian ~~or with any person operating a bicycle~~ upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway."

Section 9. Section 61-8-602, MCA, is amended to read:

"61-8-602. Traffic laws applicable to persons ~~riding~~ operating bicycles. Every person ~~riding~~ operating a bicycle 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~~ any other vehicle by ~~chapter 7, this chapter,~~ and chapter 9 except as to special regulations in this part and except as to those provisions of ~~chapter 7, this chapter,~~ and chapter 9 which by their very nature can have no application."

Section 10. Section 61-8-604, MCA, is amended to read:

"61-8-604. Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway, ~~but a bicycle trailer or bicycle semitrailer may be attached to a bicycle if that trailer or semitrailer has been designed for such attachment.~~"

Section 11. Section 61-8-605, MCA, is amended to read:

"61-8-605. Riding on roadways and bicycle paths. (1) Every ~~A~~ person operating a bicycle upon a roadway ~~at less than the normal speed of traffic at the time and place and under the conditions then existing~~ shall ride as near to the right side of the roadway as practicable, ~~exercising due care when passing a standing vehicle or one proceeding in the same direction except when:~~

(a) ~~overtaking and passing another vehicle proceeding in the same direction;~~

(b) ~~preparing for a left turn at an intersection or into a private road or driveway; or~~

(c) ~~necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.~~

(2) ~~A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable.~~

(2)(3) Persons riding bicycles upon a roadway shall ride ~~in single file~~ ~~not more than two abreast~~ except on paths or parts of roadways set aside for the exclusive use of bicycles. ~~A person riding a bicycle may overtake and pass~~

~~another bicycle when safe to do so and when other traffic is not obstructed by so doing. Persons riding two abreast may not impede the normal and reasonable movement of traffic and on a laned roadway shall ride within a single lane.~~

†3†(4) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when such bicycle is prohibited from using such paths.

†4†(5) A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (1) and (2)."

NEW SECTION. Section 12. Pedestrian's right of way on sidewalks. The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

NEW SECTION. Section 13. Bicycles on sidewalks. (1) A person operating a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.

(2) A person may not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk where the use of a bicycle is prohibited by official traffic-control devices.

(3) Except as provided in subsections (1) and (2), a person operating a vehicle by human power upon and along a sidewalk or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances.

NEW SECTION. Section 14. Codification instruction. Section 12 is intended to be codified as an integral part of Title 61, chapter 8, part 5, and section 13 is intended to be codified as an integral part of Title 61, chapter 8, part 6, and the provisions of Title 61, chapter 8, apply to sections 12 and 13.

NEW SECTION. Section 15. Effective date. This act is effective on passage and approval.

-End-

Approved by Committee
on Highways & Transportation

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INTRODUCED BY MOHAR, VINCENT, HAGER,

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A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A BICYCLE AS A
"VEHICLE"; REVISING AND CLARIFYING THE BICYCLE TRAFFIC LAWS;
AMENDING SECTIONS 61-1-103, 61-1-123, 61-8-333, 61-8-336,
61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604,
AND 61-8-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

WHEREAS, the Legislature finds that it is appropriate
to conform Montana's laws on bicycles with the provisions of
the Uniform Vehicle Code.

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

Section 1. Section 61-1-103, MCA, is amended to read:

"61-1-103. Vehicle. "Vehicle" means every device in,
upon, or by which any person or property may be transported
or drawn upon a public highway, except devices moved by
~~human or~~ animal power or used exclusively upon stationary
rails or tracks. However, in chapters 3 and 4, the term
means "motor vehicle" as defined in this part. ~~The term does~~

~~not include a bicycle as defined in 61-1-123."~~

Section 2. Section 61-1-123, MCA, is amended to read:

"61-1-123. Bicycle. "Bicycle" means:

(1) every device ~~vehicle~~ propelled ~~solely~~ by human
power upon which any person may ride, having two tandem
wheels ~~either--of--which-is-more-than-20-inches-in-diameter~~
~~and a seat height of more than 25 inches from the ground~~
~~when the seat is raised to its highest position except~~
~~scooters and similar devices; or~~

(2) every device ~~vehicle~~ equipped with two or three
wheels, foot pedals to permit muscular propulsion and an
independent power source providing a maximum of two brake
horsepower. If a combustion engine is used, the maximum
piston or rotor displacement may not exceed 3.05 cubic
inches (50 centimeters) regardless of the number of chambers
in the power source. The power source must not be capable of
propelling the device, unassisted, at a speed exceeding 30
miles an hour (48.28 kilometers an hour) on a level surface.
The device must be equipped with a power drive system that
functions directly or automatically only and does not
require clutching or shifting by the operator after the
drive system is engaged."

Section 3. Section 61-8-333, MCA, is amended to read:

"61-8-333. Required position and method of turning at
intersections ~~-- bicycle turn procedures --~~ signs. (1) The

1 driver of a vehicle intending to turn at an intersection
2 shall do so as follows:

3 (a) Right turns. Both the approach for a right turn
4 and a right turn shall be made as close as practicable to
5 the right-hand curb or edge of the roadway.

6 (b) Left turn on two-way roadways. At any intersection
7 where traffic is permitted to move in both directions on
8 each roadway entering the intersection, an approach for a
9 left turn shall be made in that portion of the right half of
10 the roadway nearest the center line thereof and by passing
11 to the right of such center line where it enters the
12 intersection and after entering the intersection the left
13 turn shall be made so as to leave the intersection to the
14 right of the center line of the roadway being entered.
15 Whenever practicable the left turn shall be made in that
16 portion of the intersection to the left of the center of the
17 intersection.

18 (c) Left turns on other than two-way roadways. At any
19 intersection where traffic is restricted to one direction on
20 one or more of the roadways, the driver of a vehicle
21 intending to turn left at any such intersection shall
22 approach the intersection in the extreme left-hand lane
23 lawfully available to traffic moving in the direction of
24 travel of such vehicle and after entering the intersection
25 the left turn shall be made so as to leave the intersection,

1 as nearly as practicable, in the left-hand lane lawfully
2 available to traffic moving in such direction upon the
3 roadway being entered.

4 ~~(d) A person making a turn under subsections (1)(a),~~
5 ~~(1)(b), or (1)(c) is entitled to the full use of the lane~~
6 ~~from which the turn may be legally made.~~

7 ~~(2) A person operating a bicycle who intends to turn~~
8 ~~left shall follow the course described in subsection (1) or~~
9 ~~shall approach the turn as close as practicable to the right~~
10 ~~side of the roadway. After proceeding across the~~
11 ~~intersecting roadway, the bicycle operator shall make the~~
12 ~~turn as close as practicable to the side of the roadway on~~
13 ~~the far side of the intersection. After turning, the bicycle~~
14 ~~operator shall comply with any official traffic-control~~
15 ~~device or police officer regulating traffic on the highway~~
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17 ~~(2)(3) Local authorities in their respective~~
18 ~~jurisdictions may cause markers, buttons, or signs to be~~
19 ~~placed within or adjacent to intersections and thereby~~
20 ~~require and direct that a different course from that~~
21 ~~specified in this section be traveled by vehicles turning at~~
22 ~~an intersection, and when markers, buttons, or signs are so~~
23 ~~placed no driver of a vehicle shall turn a vehicle at an~~
24 ~~intersection other than as directed and required by such~~
25 ~~markers, buttons, or signs."~~

Section 4. Section 61-8-336, MCA, is amended to read:

"61-8-336. Turning movements and required signals. (1)

No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by 61-8-333 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

(2) A signal of intention to turn right or left, other than when passing, when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning in any business, residence, or urban district as defined in 61-1-408 through 61-1-410.

(3) A signal of intention to turn right or left, other than when passing, when required shall be given continuously during not less than the last 300 feet traveled by the vehicle before turning in areas other than those set forth in subsection (2).

~~(4) A signal by hand and arm need not be given continuously by the person operating a bicycle if the hand is needed in the control or operation of the bicycle.~~

~~††(5) No person shall stop or suddenly decrease the~~

speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal."

Section 5. Section 61-8-338, MCA, is amended to read:

"61-8-338. Method of giving hand-and-arm signals. (1)

~~At† Except as provided in subsection (2), all~~ signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

~~††(a) Left turn. Hand and arm extended horizontally.~~

~~††(b) Right turn. Hand and arm extended upward.~~

~~††(c) Stop or decrease speed. Hand and arm extended downward.~~

~~(2) The person operating a bicycle may signal a right turn by extending the right hand and arm horizontally."~~

Section 6. Section 61-8-354, MCA, is amended to read:

"61-8-354. Stopping, standing, or parking prohibited in specified places -- exceptions. (1) No person shall stop, stand, or park a vehicle, except as allowed under subsection (2) or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or highway patrolman or traffic-control device, in any of the following places:

(a) on a sidewalk;

1 (b) in front of a public or private driveway;
 2 (c) within an intersection;
 3 (d) within 15 feet of a fire hydrant;
 4 (e) on a crosswalk;
 5 (f) within 20 feet of a crosswalk at an intersection;
 6 (g) within 30 feet upon the approach to any flashing
 7 beacon, stop sign, or traffic-control signal located at the
 8 side of a roadway;
 9 (h) between a safety zone and the adjacent curb or
 10 within 30 feet of points on the curb immediately opposite
 11 the ends of a safety zone, unless the local authorities
 12 indicate a different length by signs or markings;
 13 (i) within 50 feet of the nearest rail of a railroad
 14 crossing;
 15 (j) within 20 feet of the driveway entrance to any
 16 fire station and on the side of a street opposite the
 17 entrance to any fire station within 75 feet of said entrance
 18 when properly signposted;
 19 (k) alongside or opposite any street excavation or
 20 obstruction when stopping, standing, or parking would
 21 obstruct traffic;
 22 (l) on the roadway side of any vehicle stopped or
 23 parked at the edge or curb of a street;
 24 (m) upon any bridge or other elevated structure upon a
 25 highway or within a highway tunnel;

1 (n) at any place where official signs prohibit
 2 stopping.
 3 ~~(2) A bicycle may be parked on a sidewalk and other~~
 4 ~~such places if the parking does not impede normal and~~
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 6 ~~(2)(3)~~ A public bus stop may not be established in the
 7 areas described in subsections (1)(a) through (c) and (e).
 8 Otherwise, this section does not prohibit the establishment
 9 of public bus stops and the regulation of their use by a
 10 local government. Such a bus stop must be established by
 11 ordinance pursuant to a traffic and engineering study. Such
 12 establishment is subject to review and approval by the
 13 department of highways if the bus stop is to be established
 14 on a street or highway under its jurisdiction.
 15 ~~(3)(4)~~ No person shall move a vehicle not lawfully
 16 under his control into any such prohibited area or away from
 17 a curb such distance as is unlawful."
 18 Section 7. Section 61-8-368, MCA, is amended to read:
 19 "61-8-368. Opening and closing vehicle doors. No
 20 person shall open the any door of a motor vehicle on-the
 21 side-available-to-moving-traffic unless and until it is
 22 reasonably safe to do so ~~without interfering with the~~
 23 ~~movement of other traffic,~~ nor shall any person leave a door
 24 open on the a side of a vehicle available to moving traffic
 25 for a period of time longer than necessary to load or unload

passengers."

Section 8. Section 61-8-504, MCA, is amended to read:

"61-8-504. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this part, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or with any person operating a bicycle upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway."

Section 9. Section 61-8-602, MCA, is amended to read:

"61-8-602. Traffic laws applicable to persons riding operating bicycles. Every person riding operating a bicycle 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 any other vehicle by chapter 7, this chapter, and chapter 9 except as to special regulations in this part and except as to those provisions of chapter 7, this chapter, and chapter 9 which by their very nature can have no application."

Section 10. Section 61-8-604, MCA, is amended to read:

"61-8-604. Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway, but a bicycle trailer or bicycle semitrailer may be

attached to a bicycle if that trailer or semitrailer has been designed for such attachment."

Section 11. Section 61-8-605, MCA, is amended to read:

"61-8-605. Riding on roadways and bicycle paths. (1)

Every A person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable, ~~exercising due care when passing a standing vehicle or one proceeding in the same direction except when:~~

(a) overtaking and passing another vehicle proceeding in the same direction;

(b) preparing for a left turn at an intersection or into a private road or driveway; or

(c) necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(2) A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable.

~~†(3)~~ Persons riding bicycles upon a roadway shall

ride in single-file ~~not more than two abreast~~ except on paths or parts of roadways set aside for the exclusive use of bicycles. ~~A person riding a bicycle may overtake and pass another bicycle when safe to do so and when other traffic is not obstructed by so doing~~ Persons riding two abreast may SHALL not impede the normal and reasonable movement of traffic and on a laned roadway shall ride within a single lane.

~~†3†(4)~~ Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the provisions of this subsection when such bicycle is prohibited from using such paths.

~~†4†(2)~~ A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (1) and (2)."

NEW SECTION. Section 12. Pedestrian's right of way on sidewalks. The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

NEW SECTION. Section 13. Bicycles on sidewalks. (1) A person operating a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.

(2) A person may not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk where the use of a bicycle is prohibited by official traffic-control devices.

(3) Except as provided in subsections (1) and (2), a person operating a vehicle by human power upon and along a sidewalk or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances.

NEW SECTION. Section 14. Codification instruction. Section 12 is intended to be codified as an integral part of Title 61, chapter 8, part 5, and section 13 is intended to be codified as an integral part of Title 61, chapter 8, part 6, and the provisions of Title 61, chapter 8, apply to sections 12 and 13.

NEW SECTION. Section 15. Effective date. This act is effective on passage and approval.

-End-

SENATE BILL NO. 402

INTRODUCED BY MOHAR, VINCENT, HAGER,

TOWE, RAMIREZ, NORDTVEDT, SANDS,

HALLIGAN, CRIPPEN, JACOBSON,

ADDY, D. BROWN, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A BICYCLE AS A "VEHICLE"; REVISING AND CLARIFYING THE BICYCLE TRAFFIC LAWS; AMENDING SECTIONS 61-1-103, 61-1-123, 61-8-333, 61-8-336, 61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604, AND 61-8-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the Legislature finds that it is appropriate to conform Montana's laws on bicycles with the provisions of the Uniform Vehicle Code.

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

Section 1. Section 61-1-103, MCA, is amended to read:

"61-1-103. Vehicle. "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks. However, in chapters 3 and 4, the term means "motor vehicle" as defined in this part. ~~The term does~~

~~not include a bicycle as defined in 61-1-123."~~

Section 2. Section 61-1-123, MCA, is amended to read:

"61-1-123. Bicycle. "Bicycle" means:

(1) every device vehicle propelled solely by human power upon which any person may ride, having two tandem wheels ~~either--of--which--is--more--than--20--inches--in--diameter and a seat height of more than 25 inches from the ground when the seat is raised to its highest position, except~~ scooters and similar devices; or

(2) every device vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement may not exceed 3.05 cubic inches (50 centimeters) regardless of the number of chambers in the power source. The power source must not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour (48.28 kilometers an hour) on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged."

Section 3. Section 61-8-333, MCA, is amended to read:

"61-8-333. Required position and method of turning at intersections ~~-- bicycle turn procedures --~~ signs. (1) The

1 driver of a vehicle intending to turn at an intersection
2 shall do so as follows:

3 (a) Right turns. Both the approach for a right turn
4 and a right turn shall be made as close as practicable to
5 the right-hand curb or edge of the roadway.

6 (b) Left turn on two-way roadways. At any intersection
7 where traffic is permitted to move in both directions on
8 each roadway entering the intersection, an approach for a
9 left turn shall be made in that portion of the right half of
10 the roadway nearest the center line thereof and by passing
11 to the right of such center line where it enters the
12 intersection and after entering the intersection the left
13 turn shall be made so as to leave the intersection to the
14 right of the center line of the roadway being entered.
15 whenever practicable the left turn shall be made in that
16 portion of the intersection to the left of the center of the
17 intersection.

18 (c) Left turns on other than two-way roadways. At any
19 intersection where traffic is restricted to one direction on
20 one or more of the roadways, the driver of a vehicle
21 intending to turn left at any such intersection shall
22 approach the intersection in the extreme left-hand lane
23 lawfully available to traffic moving in the direction of
24 travel of such vehicle and after entering the intersection
25 the left turn shall be made so as to leave the intersection,

1 as nearly as practicable, in the left-hand lane lawfully
2 available to traffic moving in such direction upon the
3 roadway being entered.

4 ~~(d) A person making a turn under subsections (1)(a),~~
5 ~~(1)(b), or (1)(c) is entitled to the full use of the lane~~
6 ~~from which the turn may be legally made.~~

7 ~~(2) A person operating a bicycle who intends to turn~~
8 ~~left shall follow the course described in subsection (1) or~~
9 ~~shall approach the turn as close as practicable to the right~~
10 ~~side of the roadway. After proceeding across the~~
11 ~~intersecting roadway, the bicycle operator shall make the~~
12 ~~turn as close as practicable to the side of the roadway, on~~
13 ~~the far side of the intersection. After turning, the bicycle~~
14 ~~operator shall comply with any official traffic-control~~
15 ~~device or police officer regulating traffic on the highway~~
16 ~~along which he intends to proceed.~~

17 ~~(2)(3) Local authorities in their respective~~
18 ~~jurisdictions may cause markers, buttons, or signs to be~~
19 ~~placed within or adjacent to intersections and thereby~~
20 ~~require and direct that a different course from that~~
21 ~~specified in this section be traveled by vehicles turning at~~
22 ~~an intersection, and when markers, buttons, or signs are so~~
23 ~~placed no driver of a vehicle shall turn a vehicle at an~~
24 ~~intersection other than as directed and required by such~~
25 ~~markers, buttons, or signs."~~

Section 4. Section 61-8-336, MCA, is amended to read:

"61-8-336. Turning movements and required signals. (1)

No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required by 61-8-333 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

(2) A signal of intention to turn right or left, other than when passing, when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning in any business, residence, or urban district as defined in 61-1-408 through 61-1-410.

(3) A signal of intention to turn right or left, other than when passing, when required shall be given continuously during not less than the last 300 feet traveled by the vehicle before turning in areas other than those set forth in subsection (2).

~~(4) A signal by hand and arm need not be given continuously by the person operating a bicycle if the hand is needed in the control or operation of the bicycle.~~

~~†††(5)~~ No person shall stop or suddenly decrease the

speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal."

Section 5. Section 61-8-338, MCA, is amended to read:

"61-8-338. Method of giving hand-and-arm signals. (1)

~~†† Except as provided in subsection (2), all~~ signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

~~††(a)~~ Left turn. Hand and arm extended horizontally.

~~††(b)~~ Right turn. Hand and arm extended upward.

~~††(c)~~ Stop or decrease speed. Hand and arm extended downward.

~~(2) The person operating a bicycle may signal a right turn by extending the right hand and arm horizontally."~~

Section 6. Section 61-8-354, MCA, is amended to read:

"61-8-354. Stopping, standing, or parking prohibited in specified places -- exceptions. (1) No person shall stop, stand, or park a vehicle, except as allowed under subsection (2) or when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or highway patrolman or traffic-control device, in any of the following places:

(a) on a sidewalk;

1 (b) in front of a public or private driveway;
 2 (c) within an intersection;
 3 (d) within 15 feet of a fire hydrant;
 4 (e) on a crosswalk;
 5 (f) within 20 feet of a crosswalk at an intersection;
 6 (g) within 30 feet upon the approach to any flashing
 7 beacon, stop sign, or traffic-control signal located at the
 8 side of a roadway;
 9 (h) between a safety zone and the adjacent curb or
 10 within 30 feet of points on the curb immediately opposite
 11 the ends of a safety zone, unless the local authorities
 12 indicate a different length by signs or markings;
 13 (i) within 50 feet of the nearest rail of a railroad
 14 crossing;
 15 (j) within 20 feet of the driveway entrance to any
 16 fire station and on the side of a street opposite the
 17 entrance to any fire station within 75 feet of said entrance
 18 when properly signposted;
 19 (k) alongside or opposite any street excavation or
 20 obstruction when stopping, standing, or parking would
 21 obstruct traffic;
 22 (l) on the roadway side of any vehicle stopped or
 23 parked at the edge or curb of a street;
 24 (m) upon any bridge or other elevated structure upon a
 25 highway or within a highway tunnel;

1 (n) at any place where official signs prohibit
 2 stopping.
 3 ~~(2) A bicycle may be parked on a sidewalk and other~~
 4 ~~such places if the parking does not impede normal and~~
 5 ~~reasonable movement of pedestrians or other traffic.~~
 6 ~~(2)(3)~~ A public bus stop may not be established in the
 7 areas described in subsections (1)(a) through (c) and (e).
 8 Otherwise, this section does not prohibit the establishment
 9 of public bus stops and the regulation of their use by a
 10 local government. Such a bus stop must be established by
 11 ordinance pursuant to a traffic and engineering study. Such
 12 establishment is subject to review and approval by the
 13 department of highways if the bus stop is to be established
 14 on a street or highway under its jurisdiction.
 15 ~~(3)(4)~~ No person shall move a vehicle not lawfully
 16 under his control into any such prohibited area or away from
 17 a curb such distance as is unlawful."
 18 Section 7. Section 61-8-368, MCA, is amended to read:
 19 "61-8-368. Opening and closing vehicle doors. No
 20 person shall open the any door of a motor vehicle on the
 21 side available to moving traffic unless and until it is
 22 reasonably safe to do so without interfering with the
 23 movement of other traffic, nor shall any person leave a door
 24 open on the a side of a vehicle available to moving traffic
 25 for a period of time longer than necessary to load or unload

passengers."

Section 8. Section 61-8-504, MCA, is amended to read:

"61-8-504. Drivers to exercise due care. Notwithstanding the foregoing provisions of this part, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian ~~or with any person operating a bicycle~~ upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway."

Section 9. Section 61-8-602, MCA, is amended to read:

"61-8-602. Traffic laws applicable to persons riding operating bicycles. Every person riding operating a bicycle 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 ~~any other~~ vehicle by ~~chapter 7, this chapter, and chapter 9~~ except as to special regulations in this part and except as to those provisions of ~~chapter 7, this chapter, and chapter 9~~ which by their very nature can have no application."

Section 10. Section 61-8-604, MCA, is amended to read:

"61-8-604. Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway, ~~but a bicycle trailer or bicycle semitrailer may be~~

~~attached to a bicycle if that trailer or semitrailer has been designed for such attachment."~~

Section 11. Section 61-8-605, MCA, is amended to read:

"61-8-605. Riding on roadways and bicycle paths. (1) Every A person operating a bicycle upon a roadway ~~at less than the normal speed of traffic at the time and place and under the conditions then existing~~ shall ride as near to the right side of the roadway as practicable--exercising due care--when passing a standing vehicle or--one--proceeding--in the same direction except when:

(a) ~~overtaking and passing another vehicle proceeding in the same direction;~~

(b) ~~preparing for a left turn at an intersection or into a private road or driveway; or~~

(c) ~~necessary to avoid a condition that makes it unsafe to continue along the right side of the roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian, animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.~~

(2) ~~A person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable.~~

(2)(3) Persons riding bicycles upon a roadway shall

1 ride ~~in single-file not more than two abreast~~ except on
 2 paths or parts of roadways set aside for the exclusive use
 3 of bicycles. ~~A person riding a bicycle may overtake and pass~~
 4 ~~another bicycle when safe to do so and when other traffic is~~
 5 ~~not obstructed by so doing~~ Persons riding two abreast may
 6 SHALL not impede the normal and reasonable movement of
 7 traffic and on a laned roadway shall ride within a single
 8 lane.

9 ~~†3†(4)~~ Whenever a usable path for bicycles has been
 10 provided adjacent to a roadway, bicycle riders shall use
 11 such path and shall not use the roadway. A person riding a
 12 bicycle defined in 61-1-123(2) is excluded from the
 13 provisions of this subsection when such bicycle is
 14 prohibited from using such paths.

15 ~~†4†(5)~~ A bicycle, as defined in 61-1-123(2), is
 16 excluded from the provisions of subsections (1) and (2)."

17 NEW SECTION. Section 12. Pedestrian's right of way on
 18 sidewalks. The driver of a vehicle crossing a sidewalk shall
 19 yield the right-of-way to any pedestrian and all other
 20 traffic on the sidewalk.

21 NEW SECTION. Section 13. Bicycles on sidewalks. (1) A
 22 person operating a bicycle upon and along a sidewalk or
 23 across a roadway upon and along a crosswalk shall yield the
 24 right-of-way to any pedestrian and shall give audible signal
 25 before overtaking and passing any pedestrian.

1 (2) A person may not ride a bicycle upon and along a
 2 sidewalk or across a roadway upon and along a crosswalk
 3 where the use of a bicycle is prohibited by official
 4 traffic-control devices.

5 (3) Except as provided in subsections (1) and (2), a
 6 person operating a vehicle by human power upon and along a
 7 sidewalk or across a roadway upon and along a crosswalk has
 8 all the rights and duties applicable to a pedestrian under
 9 the same circumstances.

10 NEW SECTION. Section 14. Codification instruction.
 11 Section 12 is intended to be codified as an integral part of
 12 Title 61, chapter 8, part 5, and section 13 is intended to
 13 be codified as an integral part of Title 61, chapter 8, part
 14 6, and the provisions of Title 61, chapter 8, apply to
 15 sections 12 and 13.

16 NEW SECTION. Section 15. Effective date. This act is
 17 effective on passage and approval.

-End-

Amend SB 402, third reading (blue) copy, as follows:

Committee
on Highways & Transportation

1. Page 4, line 7.

Following: "(2)"

Insert: "(a)"

2. Page 4, line 8.

Following: "or" at the end of line 8

Insert: "in subsection (2)(b)."

(b) A person operating a bicycle who intends to turn left"

3. Page 4, line 10

Following: line 9

Strike: "side" at the beginning of line 10

Insert: "curb or edge"

4. Page 4, line 11.

Following: "roadway, the"

Strike: "bicycle operator"

Insert: "person"

5. Page 4, line 12.

Following: "practicable to the"

Strike: "side"

Insert: "curb or edge"

Following: "roadway"

Strike: ",,"

6. Page 4, line 13.

Following: "far"

Insert: "right"

Following: "turning, the"

Strike: "bicycle"

7. Page 4, line 14.

Following: line 13

Strike: "operator" at beginning of line 14

Insert: "person"

Following: "shall"

Insert: "yield to through traffic and shall"

Amend SB 402, third reading (blue) copy, as follows:

1. Page 11, line 1.

Following: ~~"in single file"~~

Strike: "not more than two abreast"

Insert: "in single file"

Following: "except"

Insert: "when: (a) riding"

2. Page 11, line 3.

Following: "of bicycles"

Strike: "."

Insert: ";

3. Page 11, line 5 through line 8.

Following: ~~"by so doing"~~

Strike: the remainder of line 5 through "lane" on line 8

Insert: "(b) overtaking and passing another bicycle;

(c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two abreast; or

(d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case the persons may ride two abreast if they do not impede the normal and reasonable movement of traffic more than they would otherwise impede such traffic by riding single file and in accordance with the provisions of this chapter"

SENATE BILL NO. 402

INTRODUCED BY MOHAR, VINCENT, HAGER,

TOWE, RAMIREZ, NORDTVEDT, SANDS,

HALLIGAN, CRIPPEN, JACOBSON,

ADDY, D. BROWN, B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A BICYCLE AS A "VEHICLE"; REVISING AND CLARIFYING THE BICYCLE TRAFFIC LAWS; AMENDING SECTIONS 61-1-103, 61-1-123, 61-8-333, 61-8-336, 61-8-338, 61-8-354, 61-8-368, 61-8-504, 61-8-602, 61-8-604, AND 61-8-605, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the Legislature finds that it is appropriate to conform Montana's laws on bicycles with the provisions of the Uniform Vehicle Code.

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

Section 1. Section 61-1-103, MCA, is amended to read:

"61-1-103. Vehicle. "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails or tracks. However, in chapters 3 and 4, the term means "motor vehicle" as defined in this part. ~~The term does~~

~~not include a bicycle as defined in 61-1-123."~~

Section 2. Section 61-1-123, MCA, is amended to read:

"61-1-123. Bicycle. "Bicycle" means:

(1) every device ~~vehicle~~ propelled ~~solely~~ by human power upon which any person may ride, having two tandem wheels ~~either--of--which-is-more-than-28-inches-in-diameter and a seat height of more than 25 inches from the ground when the seat is raised to its highest position, except~~ scooters and similar devices; or

(2) every device ~~vehicle~~ equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or rotor displacement may not exceed 3.05 cubic inches (50 centimeters) regardless of the number of chambers in the power source. The power source must not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour (48.28 kilometers an hour) on a level surface. The device must be equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the drive system is engaged."

Section 3. Section 61-8-333, MCA, is amended to read:

"61-8-333. Required position and method of turning at intersections ~~==bicycle turn procedures==~~ signs. (1) The

1 driver of a vehicle intending to turn at an intersection
2 shall do so as follows:

3 (a) Right turns. Both the approach for a right turn
4 and a right turn shall be made as close as practicable to
5 the right-hand curb or edge of the roadway.

6 (b) Left turn on two-way roadways. At any intersection
7 where traffic is permitted to move in both directions on
8 each roadway entering the intersection, an approach for a
9 left turn shall be made in that portion of the right half of
10 the roadway nearest the center line thereof and by passing
11 to the right of such center line where it enters the
12 intersection and after entering the intersection the left
13 turn shall be made so as to leave the intersection to the
14 right of the center line of the roadway being entered.
15 Whenever practicable the left turn shall be made in that
16 portion of the intersection to the left of the center of the
17 intersection.

18 (c) Left turns on other than two-way roadways. At any
19 intersection where traffic is restricted to one direction on
20 one or more of the roadways, the driver of a vehicle
21 intending to turn left at any such intersection shall
22 approach the intersection in the extreme left-hand lane
23 lawfully available to traffic moving in the direction of
24 travel of such vehicle and after entering the intersection
25 the left turn shall be made so as to leave the intersection,

1 as nearly as practicable, in the left-hand lane lawfully
2 available to traffic moving in such direction upon the
3 roadway being entered.

4 ~~(d) A person making a turn under subsections (1)(a),~~
5 ~~(1)(b), or (1)(c) is entitled to the full use of the lane~~
6 ~~from which the turn may be legally made.~~

7 ~~(2) (A) A person operating a bicycle who intends to~~
8 ~~turn left shall follow the course described in subsection~~
9 ~~(1) or IN SUBSECTION (2)(B).~~

10 ~~(B) A PERSON OPERATING A BICYCLE WHO INTENDS TO TURN~~
11 ~~LEFT shall approach the turn as close as practicable to the~~
12 ~~right side CURB OR EDGE of the roadway. After proceeding~~
13 ~~across the intersecting roadway, the bicycle-operator PERSON~~
14 ~~shall make the turn as close as practicable to the side CURB~~
15 ~~OR EDGE of the roadway on the far RIGHT side of the~~
16 ~~intersection. After turning, the bicycle-operator PERSON~~
17 ~~shall YIELD TO THROUGH TRAFFIC AND SHALL comply with any~~
18 ~~official traffic-control device or police officer regulating~~
19 ~~traffic on the highway along which he intends to proceed.~~

20 ~~(2)(3) Local authorities in their respective~~
21 ~~jurisdictions may cause markers, buttons, or signs to be~~
22 ~~placed within or adjacent to intersections and thereby~~
23 ~~require and direct that a different course from that~~
24 ~~specified in this section be traveled by vehicles turning at~~
25 ~~an intersection, and when markers, buttons, or signs are so~~

1 placed no driver of a vehicle shall turn a vehicle at an
2 intersection other than as directed and required by such
3 markers, buttons, or signs."

4 Section 4. Section 61-8-336, MCA, is amended to read:

5 "61-8-336. Turning movements and required signals. (1)

6 No person shall turn a vehicle at an intersection unless the
7 vehicle is in proper position upon the roadway as required
8 by 61-8-333 or turn a vehicle to enter a private road or
9 driveway or otherwise turn a vehicle from a direct course or
10 move right or left upon a roadway unless and until such
11 movement can be made with reasonable safety. No person shall
12 so turn any vehicle without giving an appropriate signal in
13 the manner hereinafter provided in the event any other
14 traffic may be affected by such movement.

15 (2) A signal of intention to turn right or left, other
16 than when passing, when required shall be given continuously
17 during not less than the last 100 feet traveled by the
18 vehicle before turning in any business, residence, or urban
19 district as defined in 61-1-408 through 61-1-410.

20 (3) A signal of intention to turn right or left, other
21 than when passing, when required shall be given continuously
22 during not less than the last 300 feet traveled by the
23 vehicle before turning in areas other than those set forth
24 in subsection (2).

25 ~~(4) A signal by hand and arm need not be given~~

1 ~~continuously by the person operating a bicycle if the hand~~
2 ~~is needed in the control or operation of the bicycle.~~

3 ~~†††(5) No person shall stop or suddenly decrease the~~
4 ~~speed of a vehicle without first giving an appropriate~~
5 ~~signal in the manner provided herein to the driver of any~~
6 ~~vehicle immediately to the rear when there is opportunity to~~
7 ~~give such signal."~~

8 Section 5. Section 61-8-338, MCA, is amended to read:

9 "61-8-338. Method of giving hand-and-arm signals. (1)

10 ~~††† Except as provided in subsection (2), all signals herein~~
11 ~~required given by hand and arm shall be given from the left~~
12 ~~side of the vehicle in the following manner and such signals~~
13 ~~shall indicate as follows:~~

14 ~~†††(a) Left turn. Hand and arm extended horizontally.~~

15 ~~†††(b) Right turn. Hand and arm extended upward.~~

16 ~~†††(c) Stop or decrease speed. Hand and arm extended~~
17 ~~downward.~~

18 ~~(2) The person operating a bicycle may signal a right~~
19 ~~turn by extending the right hand and arm horizontally."~~

20 Section 6. Section 61-8-354, MCA, is amended to read:

21 "61-8-354. Stopping, standing, or parking prohibited
22 in specified places -- exceptions. (1) No person shall stop,
23 stand, or park a vehicle, except ~~as allowed under subsection~~
24 ~~(2) or~~ when necessary to avoid conflict with other traffic
25 or in compliance with law or the directions of a police

1 officer or highway patrolman or traffic-control device, in
 2 any of the following places:

- 3 (a) on a sidewalk;
- 4 (b) in front of a public or private driveway;
- 5 (c) within an intersection;
- 6 (d) within 15 feet of a fire hydrant;
- 7 (e) on a crosswalk;
- 8 (f) within 20 feet of a crosswalk at an intersection;
- 9 (g) within 30 feet upon the approach to any flashing
 10 beacon, stop sign, or traffic-control signal located at the
 11 side of a roadway;
- 12 (h) between a safety zone and the adjacent curb or
 13 within 30 feet of points on the curb immediately opposite
 14 the ends of a safety zone, unless the local authorities
 15 indicate a different length by signs or markings;
- 16 (i) within 50 feet of the nearest rail of a railroad
 17 crossing;
- 18 (j) within 20 feet of the driveway entrance to any
 19 fire station and on the side of a street opposite the
 20 entrance to any fire station within 75 feet of said entrance
 21 when properly signposted;
- 22 (k) alongside or opposite any street excavation or
 23 obstruction when stopping, standing, or parking would
 24 obstruct traffic;
- 25 (l) on the roadway side of any vehicle stopped or

1 parked at the edge or curb of a street;

- 2 (m) upon any bridge or other elevated structure upon a
 3 highway or within a highway tunnel;
- 4 (n) at any place where official signs prohibit
 5 stopping.

6 ~~(21) A bicycle may be parked on a sidewalk and other~~
 7 ~~such places if the parking does not impede normal and~~
 8 ~~reasonable movement of pedestrians or other traffic.~~

9 ~~(22)~~ (21) A public bus stop may not be established in the
 10 areas described in subsections (1)(a) through (c) and (e).
 11 Otherwise, this section does not prohibit the establishment
 12 of public bus stops and the regulation of their use by a
 13 local government. Such a bus stop must be established by
 14 ordinance pursuant to a traffic and engineering study. Such
 15 establishment is subject to review and approval by the
 16 department of highways if the bus stop is to be established
 17 on a street or highway under its jurisdiction.

18 ~~(23)~~ (21) No person shall move a vehicle not lawfully
 19 under his control into any such prohibited area or away from
 20 a curb such distance as is unlawful."

21 Section 7. Section 61-8-368, MCA, is amended to read:
 22 "61-8-368. Opening and closing vehicle doors. No
 23 person shall open the any door of a motor vehicle on--the
 24 side--available--to--moving--traffic unless and until it is
 25 reasonably safe to do so ~~without interfering with the~~

1 ~~movement of other traffic~~, nor shall any person leave a door
2 open on the ~~a~~ side of a vehicle available to moving traffic
3 for a period of time longer than necessary to load or unload
4 passengers."

5 Section 8. Section 61-8-504, MCA, is amended to read:

6 "61-8-504. Drivers to exercise due care.
7 Notwithstanding the foregoing provisions of this part, every
8 driver of a vehicle shall exercise due care to avoid
9 colliding with any pedestrian ~~or with any person operating a~~
10 ~~bicycle~~ upon any roadway and shall give warning by sounding
11 the horn when necessary and shall exercise proper precaution
12 upon observing any child or any confused or incapacitated
13 person upon a roadway."

14 Section 9. Section 61-8-602, MCA, is amended to read:

15 "61-8-602. Traffic laws applicable to persons ~~riding~~
16 ~~operating~~ bicycles. Every person ~~riding~~ operating a bicycle
17 upon a roadway shall be granted all of the rights and shall
18 be subject to all of the duties applicable to the driver of
19 ~~a any other~~ vehicle by chapter 7, this chapter, and chapter
20 9 except as to special regulations in this part and except
21 as to those provisions of chapter 7, this chapter, and
22 chapter 9 which by their very nature can have no
23 application."

24 Section 10. Section 61-8-604, MCA, is amended to read:

25 "61-8-604. Clinging to vehicles. No person riding upon

1 any bicycle, coaster, roller skates, sled, or toy vehicle
2 shall attach the same or himself to any vehicle upon a
3 roadway, ~~but a bicycle trailer or bicycle semitrailer may be~~
4 ~~attached to a bicycle if that trailer or semitrailer has~~
5 ~~been designed for such attachment."~~

6 Section 11. Section 61-8-605, MCA, is amended to read:

7 "61-8-605. Riding on roadways and bicycle paths. (1)
8 Every ~~a~~ person operating a bicycle upon a roadway at less
9 than the normal speed of traffic at the time and place and
10 under the conditions then existing shall ride as near to the
11 right side of the roadway as practicable--exercising due
12 care--when--passing--a--standing vehicle or one proceeding in
13 the same direction except when:

14 (a) ~~overtaking and passing another vehicle proceeding~~
15 ~~in the same direction;~~

16 (b) ~~preparing for a left turn at an intersection or~~
17 ~~into a private road or driveway; or~~

18 (c) ~~necessary to avoid a condition that makes it~~
19 ~~unsafe to continue along the right side of the roadway,~~
20 ~~including but not limited to a fixed or moving object,~~
21 ~~parked or moving vehicle, pedestrian, animal, surface~~
22 ~~hazard, or a lane that is too narrow for a bicycle and~~
23 ~~another vehicle to travel safely side by side within the~~
24 ~~lane.~~

25 (2) ~~A person operating a bicycle upon a one-way~~

highway with two or more marked traffic lanes may ride as close to the left side of the roadway as practicable.

~~†2†131~~ Persons riding bicycles upon a roadway shall ride in single file ~~not more than two abreast~~ IN SINGLE FILE except WHEN:

(A) RIDING on paths or parts of roadways set aside for the exclusive use of bicycles; ~~A person riding a bicycle may overtake and pass another bicycle when safe to do so and when other traffic is not obstructed by so doing~~ Persons riding ~~two abreast~~ may ~~shall not impede the normal and reasonable movement of traffic and on a laned roadway shall ride within a single lane~~

(B) OVERTAKING AND PASSING ANOTHER BICYCLE;

(C) RIDING ON A PAVED SHOULDER OR IN A PARKING LANE, IN WHICH CASE THE PERSONS MAY RIDE TWO ABREAST; OR

(D) RIDING WITHIN A SINGLE LANE ON A LANED ROADWAY WITH AT LEAST TWO LANES IN EACH DIRECTION, IN WHICH CASE THE PERSONS MAY RIDE TWO ABREAST IF THEY DO NOT IMPEDE THE NORMAL AND REASONABLE MOVEMENT OF TRAFFIC MORE THAN THEY WOULD OTHERWISE IMPEDE SUCH TRAFFIC BY RIDING SINGLE FILE AND IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

~~†3†141~~ Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. A person riding a bicycle defined in 61-1-123(2) is excluded from the

provisions of this subsection when such bicycle is prohibited from using such paths.

~~†4†151~~ A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (1) and (2)."

~~NEW SECTION.~~ Section 12. Pedestrian's right of way on sidewalks. The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk.

~~NEW SECTION.~~ Section 13. Bicycles on sidewalks. (1) A person operating a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.

(2) A person may not ride a bicycle upon and along a sidewalk or across a roadway upon and along a crosswalk where the use of a bicycle is prohibited by official traffic-control devices.

(3) Except as provided in subsections (1) and (2), a person operating a vehicle by human power upon and along a sidewalk or across a roadway upon and along a crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances.

~~NEW SECTION.~~ Section 14. Codification instruction. Section 12 is intended to be codified as an integral part of Title 61, chapter 8, part 5, and section 13 is intended to

1 be codified as an integral part of Title 61, chapter 8, part
2 6, and the provisions of Title 61, chapter 8, apply to
3 sections 12 and 13.

4 ~~NEW SECTION.~~ Section 15. Effective date. This act is
5 effective on passage and approval.

-End-