

House BILL NO. 385

INTRODUCED BY

McCulloch *V. Verkuhn Clark*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING WHEN A DRIVER BEING OVERTAKEN BY A VEHICLE ON THE LEFT SHALL GIVE WAY TO THE RIGHT; ALLOWING FOR A LEFT TURN INTO A PUBLIC OR PRIVATE PARKING LOT OR A ROADWAY ACROSS DOUBLE YELLOW LINES UNDER CERTAIN CONDITIONS; AND AMENDING SECTIONS 61-8-323 AND 61-8-328, MCA."

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

Section 1. Section 61-8-323, MCA, is amended to read:

"61-8-323. **Overtaking a vehicle on the left.** The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to ~~these~~ the limitations, exceptions, and special rules ~~hereinafter stated~~ provided in this part:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left ~~thereof~~ of the other vehicle at a safe distance and shall may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle ~~on~~ upon an audible signal or the use of signal lamps, as provided in 61-9-218, and shall may not increase the speed of ~~his~~ the vehicle until completely passed by the overtaking vehicle. When giving way to the right on a two-lane highway, ~~he~~ the driver of the vehicle being overtaken may travel upon the shoulder at a safe speed until passed if the shoulder is wide enough and is in a condition allowing safe travel."

Section 2. Section 61-8-328, MCA, is amended to read:

"61-8-328. **Driving on roadways laned for traffic.** Whenever ~~any~~ a roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all ~~others~~ other consistent ~~herewith~~ rules, shall apply:

(1) A vehicle shall must be driven as nearly as practicable entirely within a single lane and shall may not be moved from ~~such~~ the lane until the driver has first ascertained that ~~such~~ the movement can be made

1 with safety.

2 (2) Upon a roadway ~~which~~ that is divided into three lanes, a vehicle ~~shall~~ may not be driven in the
3 center lane except:

4 (a) when overtaking and passing another vehicle where the roadway is clearly visible and ~~such~~ the
5 center lane is clear of traffic within a safe distance, ~~or~~;

6 (b) in preparation for a left turn; or

7 (c) ~~where such~~ when the center lane is at the time allocated exclusively to traffic moving in the
8 direction that the vehicle is proceeding and is signposted to give notice of ~~such~~ the allocation.

9 (3) Official signs may be erected directing slow-moving traffic to use a designated lane or
10 designating those lanes to be used by traffic moving in a particular direction regardless of the center of the
11 roadway, ~~and drivers~~ Drivers of vehicles shall obey the directions of every ~~such~~ official sign that designates
12 use of specific lanes.

13 (4) A person may turn a vehicle left across a lane marked with two yellow lines into a public or
14 private parking lot or a roadway if the turn can be made safely and if the person does not hinder the flow
15 of traffic."

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