

SENATE BILL NO. 314

INTRODUCED BY C. VINCENT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS GOVERNING OPERATION OF MOTORCYCLES AND QUADRICYCLES; EXEMPTING A MOTORCYCLE OR QUADRICYCLE THAT IS NOT BEING OPERATED ON A PAVED HIGHWAY FROM CERTAIN EQUIPMENT AND OPERATION REQUIREMENTS; PROVIDING THAT A DRIVER'S LICENSE IS NOT REQUIRED TO OPERATE A MOTORCYCLE OR QUADRICYCLE ON AN UNPAVED HIGHWAY; ALLOWING A PERSON UNDER 12 YEARS OF AGE TO OPERATE A MOTORCYCLE OR QUADRICYCLE UNDER CERTAIN CIRCUMSTANCES; REQUIRING REASONABLE AND PRUDENT OPERATION OF A MOTORCYCLE OR QUADRICYCLE AT ALL TIMES; AND AMENDING SECTIONS 23-2-824, 61-8-359, 61-9-101, AND 61-9-109, MCA."

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

Section 1. Section 23-2-824, MCA, is amended to read:

"23-2-824. Operation on public roads, streets, and highways. (1) A person may operate an off-highway vehicle on a controlled-access highway or facility only if the vehicle is registered and licensed under 61-3-301 and the operator possesses a license to drive the vehicle issued under Title 61, chapter 5.

(2) Off-highway vehicle operation is permitted on the roadway or shoulder of any public road or highway, state highway, county road, or city street located within the boundaries of any municipality only if:

(a) the operator has received permission or is otherwise authorized for that travel by the municipality in the case of town or city streets, the board of county commissioners for county roads, or the state highway patrol for all other highways; or

(b) operation is authorized on municipal streets by municipal ordinance.

(3) (a) ~~An~~ Except as provided in subsection (3)(b), an off-highway vehicle may not be operated as allowed under subsection (2) unless it is equipped with at least one headlamp and one taillamp, which must be lighted at all times during operation, and unless it is equipped with a suitable braking device operable by either hand or foot.

(b) A motorcycle or quadricycle that is not subject to the provisions of Title 61, chapter 9, is exempt from the requirements in subsection (3)(a).

(4) (a) Except as provided in subsection (4)(b), a person who operates an off-highway vehicle when allowed under subsection (2) must have in the person's possession a license to drive a motor vehicle issued under Title 61, chapter 5.

(b) An operator is exempt from the requirement to possess a license when operating an off-highway vehicle as allowed under subsection (2) if the person:

(i) is under 16 years of age but at least 12 years of age; ~~and~~

(ii) at the time of operation of the off-highway vehicle, has in the person's possession a certificate showing the successful completion of an off-highway vehicle safety education course approved by the department of fish, wildlife, and parks and is in the physical presence of a person who possesses a license to drive a motor vehicle; and

(iii) is operating a motorcycle or quadricycle that is not subject to the provisions of Title 61, chapter 9.

(5) A person under 12 years of age may operate a motorcycle or quadricycle on unpaved roads or highways if the person is accompanied by an adult and the motorcycle or quadricycle is operated in a reasonable and prudent manner. The provisions of 61-9-417 apply to the operation of a motorcycle or quadricycle under this subsection."

Section 2. Section 61-8-359, MCA, is amended to read:

"61-8-359. Riding on motorcycles or quadricycles. (1) A person operating a motorcycle ~~or quadricycle~~ on public streets or highways may ride only upon the permanent and regular seat attached to the motorcycle ~~or quadricycle~~. The operator may not carry any other person and another person may not ride on a motorcycle ~~or quadricycle~~ unless the motorcycle ~~or quadricycle~~ 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) A passenger may not be carried in a position that will interfere with the operation of the motorcycle ~~or quadricycle~~ or the view of the operator.

(3) A person operating a motorcycle ~~or quadricycle~~ may not carry any packages, bundles, or articles that would prevent the operator from keeping both hands on the handlebars or that would interfere with the operation of the vehicle in a safe and prudent manner.

(4) A person may ride upon a motorcycle ~~or quadricycle~~ only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle ~~or quadricycle~~.

(5) Except as provided in subsections (5)(a) and (5)(b) and subject to 61-9-101(4), motorcycles ~~and~~ ~~quadricycles~~ must be operated with lights on at all times when operated on any public roadway. A motorcycle ~~or~~ ~~quadricycle~~ may be operated without lights from one-half hour before sunrise to one-half hour after sunset if:

(a) the motorcycle is registered under 61-3-411 as a collector's item and if persons and vehicles are clearly discernible at a distance of 500 feet; or

(b) the motorcycle ~~or quadricycle~~ is being driven to the nearest repair facility for headlamp repair.

(6) No more than two motorcycles may be operated side by side in a single traffic lane.

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

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

(9) A person operating a motorcycle or quadricycle shall operate the motorcycle or quadricycle in a reasonable and prudent manner at all times."

Section 3. Section 61-9-101, MCA, is amended to read:

"61-9-101. Application -- exceptions. (1) The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except as provided in subsection (4) or where a different place is specifically referred to in a given section.

(2) The operation of motor vehicles directly across the public roads and highways of this state, especially as required in the transportation of natural resource products, including agricultural products and livestock, may not be considered to be the operation of the vehicles on the public roads and highways of this state. The crossings must be adequately marked with warning signs or devices relating to stopping before entry and to restoration of any damage, as may reasonably be prescribed by the state or local agency in control of safety of operation of the public highway involved.

(3) If a provision of this chapter conflicts with federal laws or regulations governing motor vehicle equipment standards, the applicable federal law or regulation supersedes.

(4) (a) Except as provided in subsection (4)(b), the provisions of this chapter apply to the operation and

equipping of a motorcycle or quadricycle only when the motorcycle or quadricycle is being operated on a paved highway. A person operating a motorcycle or quadricycle on an unpaved highway shall operate the motorcycle or quadricycle in a reasonable and prudent manner.

(b) The requirements of 61-9-417 and 61-9-418(2)(c) apply to the operation of a motorcycle or quadricycle at all times specified in those sections."

Section 4. Section 61-9-109, MCA, is amended to read:

"61-9-109. Driving vehicle in unsafe condition prohibited -- applicability of chapter. (1) It is a misdemeanor for a person to drive or permit to be driven on a highway a vehicle or combination of vehicles that:

(a) is in such unsafe condition as to endanger a person;

(b) is not equipped with lamps and other equipment as required in this chapter; or

(c) is equipped in a manner in violation of this chapter.

(2) It is a misdemeanor for a person to perform an act forbidden or fail to perform an act required under this chapter.

(3) The use of additional parts and accessories on a vehicle not inconsistent with the provisions of this chapter is not prohibited.

(4) The provisions of this chapter do not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as made applicable in this chapter.

(5) All lamps and equipment required by this chapter must be maintained in proper working order and adjustment at all times.

(6) (a) Except as provided in subsection (6)(b), the provisions of this chapter apply to the operation of a motorcycle or quadricycle only when the motorcycle or quadricycle is being operated on a paved highway. A person operating a motorcycle or quadricycle on an unpaved highway shall operate the motorcycle or quadricycle in a reasonable and prudent manner.

(b) The requirements of 61-9-417 and 61-9-418(2)(c) apply to the operation of a motorcycle or quadricycle at all times specified in those sections."

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