

HOUSE BILL NO. 486

INTRODUCED BY R. COOK

BY REQUEST OF THE HOUSE TRANSPORTATION STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "BICYCLE" BY REMOVING THE REFERENCES TO A MOPED; DEFINING "MOPED" AND ADDING REFERENCES TO EXISTING APPLICABLE LAWS; AND AMENDING SECTIONS 15-6-219, 33-23-204, ~~45-5-205~~, 61-1-101, 61-8-102, ~~61-8-401~~, 61-8-601, 61-8-602, 61-8-603, 61-8-604, 61-8-605, 61-8-606, 61-8-607, 61-8-608, 61-8-609, AND 61-12-101, MCA."

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

**Section 1.** Section 15-6-219, MCA, is amended to read:

**"15-6-219. Personal and other property exemptions.** The following categories of property are exempt from taxation:

(1) harness, saddlery, and other tack equipment;

(2) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(a) construct, repair, and maintain improvements to real property; or

(b) repair and maintain machinery, equipment, appliances, or other personal property;

(3) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(4) a bicycle or a moped, as defined in 61-8-102, used by the owner for personal transportation purposes;

(5) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(a) the acquired cost of the personal property is less than \$15,000;

(b) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

1 (c) the lease of the personal property is generally on an hourly, daily, weekly, semimonthly, or monthly  
2 basis;

3 (6) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture,  
4 launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and  
5 launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that  
6 are directly used for space vehicle design, manufacture, launch, repair, and maintenance; and

7 (7) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in  
8 33-25-105."

9

10 **Section 2.** Section 33-23-204, MCA, is amended to read:

11 **"33-23-204. Definitions.** As used in this part, the following definitions apply:

12 (1) (a) "Motor vehicle" means a vehicle propelled by its own power and designed primarily to transport  
13 persons or property ~~upon~~ on the highways of the state.

14 (b) The term does not include a bicycle or a moped, as defined in 61-8-102, an electric personal assistive  
15 mobility device, as defined in 61-1-101, ~~and~~ or a motorized nonstandard vehicle, as defined in 61-1-101.

16 (2) "Motor vehicle liability policy" means a policy of automobile or motor vehicle insurance against liability  
17 required under Title 61, chapter 6, parts 1 and 3, and all additional coverages included in or added to the policy  
18 by rider, endorsement, or otherwise, whether or not required under Title 61, including, without limitation,  
19 uninsured, underinsured, and medical payment coverages."

20

21 ~~Section 3.~~ Section 45-5-205, MCA, is amended to read:

22 ~~"45-5-205. Negligent vehicular assault -- penalty.~~ (1) A person who negligently operates a vehicle,  
23 ~~other than a bicycle or a moped as defined in 61-8-102, while under the influence of alcohol, a dangerous drug,~~  
24 ~~any other drug, or any combination of the three, as provided for in 61-8-401(1), and who causes bodily injury to~~  
25 ~~another commits the offense of negligent vehicular assault.~~

26 ~~(2) Subject to subsection (3), a person convicted of the offense of negligent vehicular assault shall be~~  
27 ~~fined an amount not to exceed \$1,000 or incarcerated in a county jail for a term not to exceed 1 year, or both, and~~  
28 ~~shall be ordered to pay restitution as provided in 46-18-241.~~

29 ~~(3) A person convicted of the offense of negligent vehicular assault who caused serious bodily injury to~~  
30 ~~another shall be fined an amount not to exceed \$10,000 or incarcerated for a term not to exceed 10 years, or~~

1 ~~both, and shall be ordered to pay restitution as provided in 46-18-241.~~

2 ~~—— (4) If a term of incarceration is imposed under subsection (2) or (3), the judge may suspend the term of~~  
 3 ~~incarceration upon the condition of payment of any fine imposed and of restitution. If the person does not pay the~~  
 4 ~~fine or restitution, the term of incarceration may be imposed."~~

5

6 **Section 3.** Section 61-1-101, MCA, is amended to read:

7 **"61-1-101. Definitions.** As used in this title, unless the context indicates otherwise, the following  
 8 definitions apply:

9 (1) (a) "Authorized agent" means a person who has executed a written agreement with the department  
 10 and is specifically authorized by the department to electronically access and update the department's motor  
 11 vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or  
 12 purposes ~~upon~~ on behalf of a third party.

13 (b) For purposes of this subsection (1), "person" means an individual, corporation, partnership, limited  
 14 partnership, limited liability company, association, joint venture, state agency, local government unit, another state  
 15 government, the United States, a political subdivision of this or another state, or any other legal or commercial  
 16 entity.

17 (2) "Authorized agent agreement" means the written agreement executed between an authorized agent  
 18 and the department that sets the technical and operational program standards, compliance criteria, payment  
 19 options, and service expectations by which the authorized agent is required to operate in performing specific  
 20 motor vehicle or driver-related record functions.

21 (3) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the  
 22 transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the  
 23 transportation of persons for compensation.

24 (4) (a) "Business entity" means a corporation, association, partnership, limited liability partnership, limited  
 25 liability company, or other legal entity recognized under state law.

26 (b) The term does not include an individual.

27 (5) (a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to  
 28 an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a  
 29 cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

30 (b) The term does not include a truck canopy cover or topper.

1 (6) "CDLIS driver record" means the electronic record of a person's commercial driver's license status  
2 and history stored as part of the commercial driver's license system established under 49 U.S.C. 31309.

3 (7) "Certificate of title" means the paper record issued by the department or by the appropriate agency  
4 of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons  
5 and the motor vehicle specifically described in the record and that provides notice of a perfected security interest  
6 in the motor vehicle.

7 (8) "Commercial driver's license" means:

8 (a) a driver's license issued under or granted by the laws of this state that authorizes a person to operate  
9 a class of commercial motor vehicle; ~~and~~ or

10 (b) the privilege of a person to drive a commercial motor vehicle, whether or not the person holds a valid  
11 commercial driver's license.

12 (9) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in  
13 commerce to transport passengers or property if the vehicle:

14 (i) has a gross combination weight rating or a gross combination weight of 26,001 pounds or more,  
15 whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

16 (ii) has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is  
17 greater;

18 (iii) is designed to transport at least 16 passengers, including the driver;

19 (iv) is a school bus; or

20 (v) is of any size and is used in the transportation of hazardous materials.

21 (b) The following vehicles are not commercial motor vehicles:

22 (i) an authorized emergency service vehicle:

23 (A) equipped with audible and visual signals as required under 61-9-401 and 61-9-402; and

24 (B) entitled to the exemptions granted under 61-8-107;

25 (ii) a vehicle:

26 (A) controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;

27 (B) used to transport farm products, farm machinery, or farm supplies to or from the farm within Montana  
28 within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles  
29 of the farm, including any area within that perimeter that is in the adjoining state; and

30 (C) not used to transport goods for compensation or for hire; or

1 (iii) a vehicle operated for military purposes by active duty military personnel, a member of the military  
2 reserves, a member of the national guard on active duty, including personnel on full-time national guard duty,  
3 personnel in part-time national guard training, and national guard military technicians, or active duty United States  
4 coast guard personnel.

5 (c) For purposes of this subsection (9):

6 (i) "farmer" means a person who operates a farm or who is directly involved in the cultivation of land or  
7 crops or the raising of livestock owned by or under the direct control of that person;

8 (ii) "gross combination weight rating" means the value specified by the manufacturer as the loaded weight  
9 of a combination or articulated vehicle;

10 (iii) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of  
11 a single vehicle; and

12 (iv) "school bus" has the meaning provided in 49 CFR 383.5.

13 (10) "Commission" means the state transportation commission.

14 (11) "Custom-built motorcycle" means a motorcycle that is equipped with:

15 (a) an engine that was manufactured 20 years prior to the current calendar year and that has been  
16 altered from the manufacturer's original design; or

17 (b) an engine that was manufactured to resemble an engine 20 or more years old and that has been  
18 constructed in whole or in part from nonoriginal materials.

19 (12) "Custom vehicle" means a motor vehicle other than a motorcycle that:

20 (a) (i) was manufactured with a model year after 1948 and that is at least 25 years old; or

21 (ii) was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current  
22 calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least  
23 25 years old; and

24 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal  
25 materials.

26 (13) "Customer identification number" means:

27 (a) a driver's license or identification card number when the customer is an individual who has been  
28 issued a driver's license or identification card by a state driver licensing authority;

29 (b) a federal employer or tax identification number when the customer is a business entity that has been  
30 issued a federal employer or tax identification number;

1 (c) the identification number assigned by the secretary of state to a business entity authorized to do  
2 business in this state under Title 35 if the customer is a business entity that does not have a federal employer  
3 or tax identification number other than a social security number; or

4 (d) if the customer has not been issued one of the numbers described in subsections (13)(a) through  
5 (13)(c), a number assigned to the customer by the department when a transaction is initiated under this title.

6 (14) (a) "Dealer" means a person that, for commission or profit, engages in whole or in part in the  
7 business of buying, selling, exchanging, or accepting on consignment new or used motor vehicles, trailers,  
8 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, off-highway vehicles, or special  
9 mobile equipment that is not registered in the name of the person.

10 (b) The term does not include the following:

11 (i) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting  
12 under a judgment or order of any court of competent jurisdiction;

13 (ii) employees of the persons included in subsection (14)(b)(i) when engaged in the specific performance  
14 of their duties as employees; or

15 (iii) public officers while performing or in the operation of their duties.

16 (15) "Declared weight" means the total unladen weight of a vehicle plus the weight of the maximum load  
17 to be carried on the vehicle as stated by the registrant in the application for registration.

18 (16) "Department" means the department of justice acting directly or through its duly authorized officers  
19 or agents.

20 (17) "Dolly or converter gear" means a device consisting of one or two axles with a fifth wheel and trailer  
21 tongue used to support the forward end of a semitrailer, converting a semitrailer into a trailer.

22 (18) "Domiciled" means a place where:

23 (a) an individual establishes residence;

24 (b) a business entity maintains its principal place of business;

25 (c) the business entity's registered agent maintains an address; or

26 (d) a business entity most frequently uses, dispatches, or controls a motor vehicle, trailer, semitrailer,  
27 or pole trailer that it owns or leases.

28 (19) "Downgrade" means the removal of a person's privilege to operate a commercial motor vehicle, as  
29 maintained by the department on the individual Montana driving record and the CDLIS driver record for that  
30 person.

1 (20) "Driver" means a person who drives or is in actual physical control of a vehicle.

2 (21) "Driver's license" means a license or permit to operate a motor vehicle issued under or granted by  
3 the laws of this state, including:

4 (a) any temporary license or instruction permit;

5 (b) the privilege of any person to drive a motor vehicle, whether or not the person holds a valid license;

6 (c) any nonresident's driving privilege;

7 (d) a motorcycle endorsement; or

8 (e) a commercial driver's license.

9 (22) "Electric personal assistive mobility device" means a device that has two nontandem wheels, is  
10 self-balancing, and is designed to transport only one person with an electric propulsion system that limits the  
11 maximum speed of the device to 12 1/2 miles an hour.

12 (23) "For hire" means an action performed for remuneration of any kind, whether paid or promised, either  
13 directly or indirectly, or received or obtained through leasing, brokering, or buy-and-sell arrangements from which  
14 a remuneration is obtained or derived for transportation service.

15 (24) (a) "Golf cart" means a motor vehicle that is designed for use on a golf course to carry a person or  
16 persons and golf equipment and that has an average speed of less than 15 miles per hour.

17 (b) Except as provided in 61-3-201, a golf cart is exempt from titling, registration, and mandatory liability  
18 insurance requirements under this title.

19 (25) "Gross vehicle weight" means the weight of a vehicle without load plus the weight of any load on the  
20 vehicle.

21 (26) "Hazardous material" means:

22 (a) any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be  
23 placarded under 49 CFR, part 172; or

24 (b) any quantity of a material listed as a select agent or toxin in 42 CFR, part 73.

25 (27) "Highway" or "public highway" means the entire width between the boundary lines of every publicly  
26 maintained way when any part of the publicly maintained way is open to the use of the public for purposes of  
27 vehicular travel.

28 (28) "Highway patrol officer" means a state officer authorized to direct or regulate traffic or to make  
29 arrests for violations of traffic regulations.

30 (29) "Implement of husbandry" means a vehicle that is designed for agricultural purposes and exclusively

1 used by the owner of the vehicle in the conduct of the owner's agricultural operations.

2 (30) "Kit vehicle" is a motor vehicle assembled from a manufactured kit either as:

3 (a) a complete kit, consisting of a prefabricated body and chassis, to construct a new motor vehicle; or

4 (b) a kit with a prefabricated body to be mounted to an existing motor vehicle chassis and drivetrain,  
5 commonly referred to as a donor vehicle.

6 (31) "Light vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility  
7 vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

8 (32) "Low-speed electric vehicle" means a motor vehicle, ~~upon~~ on or by which a person may be  
9 transported, that:

10 (a) has four wheels;

11 (b) has a maximum speed of at least 20 miles an hour and no greater than 40 miles an hour as certified  
12 by the manufacturer;

13 (c) is propelled by its own power, using an electric motor or other device that transforms stored electrical  
14 energy into the motion of the vehicle;

15 (d) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power  
16 grid or from renewable electrical energy sources;

17 (e) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

18 (f) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle  
19 identification number as provided in 49 CFR, part 565; and

20 (g) is equipped as provided in 61-9-432.

21 (33) "Low-speed restricted driver's license" means a license or permit limited to the operation of a  
22 low-speed electric vehicle or a golf cart issued under or granted by the laws of this state, including:

23 (a) a temporary license or instruction permit;

24 (b) the privilege of a person to drive a low-speed electric vehicle or golf cart under the authority of  
25 61-5-122, whether or not the person holds a valid driver's license; and

26 (c) a nonresident's similarly restricted driving privilege.

27 (34) "Manufactured home" has the meaning provided in 15-24-201.

28 (35) "Manufacturer" includes any person engaged in the manufacture of motor vehicles, trailers,  
29 semitrailers, pole trailers, travel trailers, motorboats, sailboats, snowmobiles, or off-highway vehicles as a regular  
30 business.



1 (36) "Manufacturer's certificate of origin" means the original paper record produced and issued by the  
2 manufacturer of a vehicle or, if in a medium authorized by the department, an electronic record created and  
3 transmitted by the manufacturer of a vehicle to the manufacturer's agent or a licensed dealer. The record must  
4 establish the origin of the vehicle specifically described in the record and, upon assignment, transfers of  
5 ownership of the vehicle to the person or persons named in the certificate.

6 (37) (a) "Medium-speed electric vehicle" is a motor vehicle, ~~upon~~ on or by which a person may be  
7 transported, that:

8 (i) has a maximum speed of 45 miles an hour as certified by the manufacturer;

9 (ii) is propelled by its own power, using an electric motor or other device that transforms stored electrical  
10 energy into the motion of the vehicle;

11 (iii) stores electricity in batteries, ultracapacitors, or similar devices, which are charged from the power  
12 grid or from renewable electrical energy sources;

13 (iv) is fully enclosed and includes at least one door for entry;

14 (v) has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater;

15 (vi) exhibits a manufacturer's compliance with 49 CFR, part 565, or displays a 17-character vehicle  
16 identification number as provided in 49 CFR, part 565;

17 (vii) bears a sticker, affixed by the manufacturer or dealer, on the left side of the rear window that  
18 indicates the vehicle's maximum speed rating; and

19 (viii) as certified by the manufacturer, is equipped as provided in 61-9-432.

20 (b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and  
21 registration under Title 61, chapter 3.

22 (c) A medium-speed electric vehicle may not have a gross vehicle weight in excess of 5,000 pounds.

23 (38) "Mobile home" or "housetrailer" has the meaning provided in 15-24-201.

24 (39) "Montana resident" means:

25 (a) an individual who resides in Montana as determined under 1-1-215; or

26 (b) for the purposes of chapter 3, a business entity that maintains a principal place of business or a  
27 registered agent in this state.

28 (40) (a) "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any  
29 machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal  
30 source of propulsion. The term includes boats temporarily equipped with detachable motors or engines.

1 (b) The term does not include a vessel that has a valid marine document issued by the U.S. coast guard  
2 or any successor federal agency.

3 (41) (a) "Motor carrier" means a person or corporation or its lessees, trustees, or receivers appointed by  
4 a court that are operating motor vehicles ~~upon~~ on a public highway in this state for the transportation of property  
5 for hire on a commercial basis.

6 (b) The term does not include motor carriers regulated under Title 69, chapter 12.

7 (42) (a) "Motorcycle" means a motor vehicle that has a seat or saddle for the use of the operator and that  
8 is designated to travel on not more than three wheels in contact with the ground. A motorcycle may carry one or  
9 more attachments and a seat for the conveyance of a passenger.

10 (b) The term does not include a tractor, a bicycle or a moped as defined in 61-8-102, a motorized  
11 nonstandard vehicle, or a two- or three-wheeled all-terrain vehicle that is used exclusively on private property.

12 (43) (a) "Motor-driven cycle" means a motorcycle, including a motor scooter, with a motor that produces  
13 5 horsepower or less.

14 (b) The term does not include a bicycle or a moped, as defined in 61-8-102, or a motorized nonstandard  
15 vehicle.

16 (44) "Motor home" means a motor vehicle:

17 (a) designed to provide temporary living quarters, built as an integral part of or permanently attached to  
18 a self-propelled motor vehicle chassis or van;

19 (b) containing permanently installed independent life support systems that meet the ANSIA/A119.2  
20 standard; and

21 (c) providing at least four of the following types of facilities:

22 (i) cooking, refrigeration, or icebox;

23 (ii) self-contained toilet;

24 (iii) heating or air conditioning, or both;

25 (iv) potable water supply, including a faucet and sink; or

26 (v) separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.

27 (45) (a) "Motorized nonstandard vehicle" means a vehicle, ~~upon~~ on or by which a person may be  
28 transported, that:

29 (i) is propelled by its own power, using an internal combustion engine or an electric motor;

30 (ii) has a wheelbase of less than 40 inches and a wheel diameter of less than 10 inches; and

1 (iii) does not display a manufacturer's certification in accordance with 49 CFR, part 567, or have a  
2 17-character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.

3 (b) The term includes but is not limited to a motorized skateboard and a vehicle commonly known as a  
4 "pocket rocket".

5 (c) The term does not include a moped as defined in 61-8-102, an electric personal assistive mobility  
6 device, or a motorized wheelchair or other low-powered, mechanically propelled vehicle designed specifically for  
7 use by a physically disabled person.

8 (46) (a) "Motor vehicle" means:

9 (i) a vehicle propelled by its own power and designed or used to transport persons or property ~~upon~~ on  
10 the highways of the state;

11 (ii) a quadricycle if it is equipped for use on the highways as prescribed in chapter 9; ~~and~~ or

12 (iii) a golf cart only if it is equipped for use on the highways as prescribed in chapter 9 and is operated  
13 pursuant to 61-8-391 or by a person with a low-speed restricted driver's license.

14 (b) The term does not include a bicycle or a moped as defined in 61-8-102, an electric personal assistive  
15 mobility device, a motorized nonstandard vehicle, or a motorized wheelchair or other low-powered, mechanically  
16 propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means  
17 of mobility for that person.

18 (47) "New motor vehicle" means a motor vehicle, regardless of the mileage of the vehicle, the legal or  
19 equitable title to which has never been transferred by a manufacturer, distributor, or dealer to another person as  
20 the result of a retail sale.

21 (48) "Nonresident" means a person who is not a Montana resident.

22 (49) (a) "Not used for general transportation purposes" means the operation of a motor vehicle; registered  
23 as a collector's item, a custom vehicle, a street rod, or a custom-built motorcycle to or from a car or motorcycle  
24 club activity or event or an exhibit, show, cruise night, or parade, or for other occasional transportation activity.

25 (b) The term does not include operation of a motor vehicle for routine or ordinary household  
26 maintenance, employment, education, or other similar purposes.

27 (50) (a) "Off-highway vehicle" means a self-propelled vehicle designed for recreation or cross-country  
28 travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to  
29 motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land  
30 transportation deriving motive power from any source other than muscle or wind.

1 (b) The term does not include:

2 (i) vehicles designed primarily for travel on, over, or in the water;

3 (ii) snowmobiles; or

4 (iii) motor vehicles designed to transport persons or property ~~upon~~ on the highways unless the vehicle  
5 is used for off-road recreation on public lands.

6 (51) "Operator" means a person who is in actual physical control of a motor vehicle.

7 (52) "Owner" means a person who holds the legal title to a vehicle. If a vehicle is the subject of an  
8 agreement for the conditional sale of the vehicle with the right of purchase upon performance of the conditions  
9 stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the  
10 event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control,  
11 for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the  
12 person in whom is vested the right of possession or control.

13 (53) "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

14 (54) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering  
15 a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting,  
16 standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

17 (55) "Pole trailer" means a vehicle without power designed to be drawn by another vehicle and attached  
18 to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle  
19 and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members  
20 capable generally of sustaining themselves as beams between the supporting connections.

21 (56) "Police officer" means an officer authorized to direct or regulate traffic or to make arrests for  
22 violations of traffic regulations.

23 (57) (a) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having  
24 a seat or saddle ~~upon~~ on which the operator sits and a motor capable of producing not more than 50 horsepower.

25 (b) The term does not include golf carts.

26 (58) "Railroad" means a carrier of persons or property ~~upon~~ on cars, other than streetcars, operated ~~upon~~  
27 on stationary rails.

28 (59) (a) "Railroad train" or "train" means a steam engine or electric or other motor, with or without cars  
29 coupled to the engine, that is operated ~~upon~~ on rails.

30 (b) The term does not include streetcars.

1 (60) "Recreational vehicle" includes a motor home, travel trailer, or camper.

2 (61) "Registration" or "register" means the act or process of creating an electronic record, maintained by  
3 the department, of the assignment of a license plate or a set of license plates to and the issuance of a registration  
4 decal for a specific vehicle, the ownership of which has been established or is presumed in department records.

5 (62) "Registration decal" means an adhesive sticker produced by the department and issued by the  
6 department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semitrailer, pole  
7 trailer, motorboat, sailboat, personal watercraft, or snowmobile as proof of payment of all fees imposed for the  
8 registration period indicated on the sticker as recorded by the department under 61-3-101.

9 (63) "Registration receipt" means a paper record that is produced and issued or, if authorized by the  
10 department, an electronic record that is transmitted by the department, its authorized agent, or a county treasurer  
11 to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of title  
12 for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the  
13 vehicle for the registration period indicated in the receipt.

14 (64) "Retail sale" means the sale of a motor vehicle, trailer, semitrailer, pole trailer, travel trailer,  
15 motorboat, snowmobile, off-highway vehicle, or special mobile equipment by a dealer to a person for purposes  
16 other than resale.

17 (65) "Revocation" means the termination by action of the department of a person's driver's license,  
18 privilege to drive a motor vehicle on the public highways, and privilege to apply for and be issued a driver's license  
19 for a period of time designated by law, during which the license or privilege may not be renewed, restored, or  
20 exercised. An application for a new license may be presented and acted ~~upon~~ on by the department after the  
21 expiration of the period of the revocation.

22 (66) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular  
23 travel, exclusive of the berm or shoulder. In the event that a highway includes two or more separate roadways,  
24 the term refers to any roadway separately but not to all roadways collectively.

25 (67) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

26 (b) The term does not include a canoe or kayak propelled by wind.

27 (68) "School zone" means an area near a school beginning at the school's front door, encompassing the  
28 campus and school property, and including the streets directly adjacent to the school property and for as many  
29 blocks surrounding the school as determined by the local authority establishing a special speed limit under  
30 61-8-310(1)(d).

1 (69) "Sell" means to transfer ownership from one person to another person or from a dealer to another  
2 person for consideration.

3 (70) "Semitrailer" means a vehicle, with or without motive power, other than a pole trailer, designed for  
4 carrying property and for being drawn by a motor vehicle and constructed so that some part of its weight and that  
5 of its load rests ~~upon~~ on or is carried by another vehicle.

6 (71) "Snowmobile" means a self-propelled vehicle of an overall width of 48 inches or less, excluding  
7 accessories, that is designed primarily for travel on snow or ice, that may be steered by skis or runners, and that  
8 is not otherwise registered or licensed under the laws of the state of Montana.

9 (72) "Special mobile equipment" means a vehicle not designed for the transportation of persons or  
10 property on the highways but incidentally operated or moved over the highways, including road construction or  
11 maintenance machinery, ditch-digging apparatus, and well-boring apparatus. The fact that equipment is  
12 permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this  
13 subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

14 (73) (a) "Specially constructed vehicle" means a motor vehicle, including a motorcycle, that:

15 (i) was not originally constructed under a distinctive make, model, or type by a generally recognized  
16 manufacturer of motor vehicles;

17 (ii) has been structurally modified so that it does not have the same appearance as similar vehicles from  
18 a generally recognized manufacturer of motor vehicles;

19 (iii) has been constructed or assembled entirely from custom-built parts and materials not obtained from  
20 other vehicles;

21 (iv) has been constructed or assembled by using major component parts from one or more manufactured  
22 vehicles and that cannot be identified as a specific make or model; or

23 (v) has been constructed by the use of a kit that cannot be visually identified as a specific make or model.

24 (b) The term does not include a motor vehicle that has been repaired or restored to its original design  
25 by replacing parts.

26 (74) (a) "Sport utility vehicle" means a light vehicle designed to transport 10 or fewer persons that is  
27 constructed on a truck chassis or that has special features for occasional off-road use.

28 (b) The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

29 (75) (a) "Stop", when required, means complete cessation from movement.

30 (b) "Stop", "stopping", or "standing", when prohibited, means any stopping or standing of a vehicle,

1 whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the  
2 directions of a police officer, highway patrol officer, or traffic control sign or signal.

3 (76) "Storage lot" means property owned, leased, or rented by a dealer that is not contiguous to the  
4 dealer's established place of business where a motor vehicle from the dealer's inventory may be placed when  
5 space at the dealer's established place of business is not available.

6 (77) "Street" means the entire width between the boundary lines of every publicly maintained way when  
7 any part of the publicly maintained way is open to the use of the public for purposes of vehicular travel.

8 (78) "Street rod" means a motor vehicle, other than a motorcycle, that:

9 (a) was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949,  
10 including a kit vehicle intended to resemble a vehicle manufactured before 1949; and

11 (b) has been altered from the manufacturer's original design or has a body constructed from nonoriginal  
12 materials.

13 (79) "Suspension" means the temporary withdrawal by action of the department of a person's driver's  
14 license, privilege to drive a motor vehicle on the public highways, and privilege to apply for or be issued a driver's  
15 license for a period of time designated by law.

16 (80) "Temporary registration permit" means a paper record:

17 (a) issued by the department, an authorized agent, a county treasurer, or a person, using a  
18 department-approved electronic interface after an electronic record has been transmitted to the department, that  
19 contains:

20 (i) required vehicle and owner information; and

21 (ii) the purpose for which the record was generated; and

22 (b) that, when placed in a durable license-plate style plastic pouch approved by the department and  
23 displayed as prescribed in 61-3-224, authorizes a person to operate the described motor vehicle, motorboat,  
24 sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for 40 days from the date the record  
25 is issued or until the vehicle is registered under Title 23 or this title, whichever first occurs.

26 (81) "Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances  
27 either singly or together while using any highways for purposes of travel.

28 (82) (a) "Trailer" means a vehicle, with or without motive power, other than a pole trailer, designed for  
29 carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests ~~upon~~  
30 on the towing vehicle.

1 (b) The term does not include a mobile home or a manufactured home, as defined in 15-1-101.

2 (83) "Transaction summary receipt" means an electronic record produced and issued by the department,  
3 its authorized agent, or a county treasurer for which a paper receipt is issued. The record may be created by the  
4 department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain  
5 a unique transaction record number and summarize and verify the electronic filing of the transaction described  
6 in the receipt on the electronic record of title maintained under 61-3-101.

7 (84) "Travel trailer" means a vehicle:

8 (a) that is 40 feet or less in length;

9 (b) that is of a size or weight that does not require special permits when towed by a motor vehicle;

10 (c) with gross trailer area of less than 320 square feet; and

11 (d) that is designed to provide temporary facilities for recreational, travel, or camping use and not used  
12 as a principal residence.

13 (85) "Truck" or "motortruck" means a motor vehicle designed, used, or maintained primarily for the  
14 transportation of property.

15 (86) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and  
16 not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

17 (87) "Under the influence" has the meaning provided in 61-8-401.

18 (88) "Used motor vehicle" includes any motor vehicle that has been sold, bargained, exchanged, or given  
19 away; or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer,  
20 wholesaler, or agent of the manufacturer or importer and that has been used so as to have become what is  
21 commonly known as "secondhand" within the ordinary meaning of that term.

22 (89) "Van" means a motor vehicle designed for the transportation of at least six persons and not more  
23 than nine persons and intended for but not limited to family or personal transportation without compensation.

24 (90) (a) "Vehicle" means a device in, ~~upon~~ on, or by which any person or property may be transported  
25 or drawn ~~upon~~ on a public highway, except devices moved by animal power or used exclusively ~~upon~~ on  
26 stationary rails or tracks.

27 (b) The term does not include a manually or mechanically propelled wheelchair or other low-powered,  
28 mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is  
29 used as a means of mobility for that person.

30 (91) "Vehicle identification number" means the number, letters, or combination of numbers and letters



1 assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for  
2 the purpose of identifying the motor vehicle or a component part of the motor vehicle.

3 (92) "Vessel" means every description of watercraft, unless otherwise defined by the department, other  
4 than a seaplane on the water, used or capable of being used as a means of transportation on water.

5 (93) "Wholesaler" means a person that for a commission or with intent to make a profit or gain of money  
6 or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor  
7 vehicle, trailer, semitrailer, pole trailer, travel trailer, motorboat, snowmobile, off-highway vehicle, or special mobile  
8 equipment only to dealers and auto auctions licensed under chapter 4, part 1."

9

10 **Section 4.** Section 61-8-102, MCA, is amended to read:

11 **"61-8-102. Uniformity of interpretation -- definitions.** (1) Interpretation of this chapter in this state must  
12 be as consistent as possible with the interpretation of similar laws in other states.

13 (2) As used in this chapter, unless the context requires otherwise, the following definitions apply:

14 (a) "Authorized emergency vehicle" means a vehicle of a governmental fire agency organized under Title  
15 7, chapter 33, an ambulance, ~~and~~ or an emergency vehicle designated or authorized by the department.

16 (b) "Bicycle" means:

17 ~~——(i) a vehicle propelled solely by human power upon on which any person may ride and that has two~~  
18 ~~tandem wheels and a seat height of more than 25 inches from the ground when the seat is raised to its highest~~  
19 ~~position, except scooters and similar devices; or~~

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

27 (c) "Business district" means the territory contiguous to and including a highway when within any 600  
28 feet along a highway there are buildings in use for business or industrial purposes, including but not limited to  
29 hotels, banks, office buildings, railroad stations, and public buildings that occupy at least 300 feet of frontage on  
30 one side or 300 feet collectively on both sides of the highway.

1 (d) "Controlled-access highway" means a highway, street, or roadway in respect to which owners or  
2 occupants of abutting lands and other persons have no legal right of access to or from the highway, street, or  
3 roadway except at the points and in the manner as determined by the public authority having jurisdiction over the  
4 highway, street, or roadway.

5 (e) "Crosswalk" means:

6 (i) that part of a roadway at an intersection included within the connections of the lateral lines of the  
7 sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges  
8 of the traversable roadway; or

9 (ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing  
10 by lines or other markings on the surface.

11 (f) "Flag person" means a person who directs, controls, or alters the normal flow of vehicular traffic ~~upon~~  
12 on a street or highway as a result of a vehicular traffic hazard then present on that street or highway. This person,  
13 except a uniformed traffic enforcement officer exercising the officer's duty as a result of a planned vehicular traffic  
14 hazard, must be equipped as required by the rules of the department of transportation.

15 (g) "Highway" has the meaning provided in 61-1-101, but includes ways that have been or are later  
16 dedicated to public use.

17 (h) "Ignition interlock device" means ignition equipment that:

18 (i) analyzes the breath to determine blood alcohol concentration;

19 (ii) is approved by the department pursuant to 61-8-441; and

20 (iii) is designed to prevent a motor vehicle from being operated by a person who has consumed a specific  
21 amount of an alcoholic beverage.

22 (i) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral curb  
23 lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join one  
24 another at or approximately at right angles or the area within which vehicles traveling ~~upon~~ on different highways  
25 joining at any other angle may come in conflict.

26 (ii) When a highway includes two roadways 30 feet or more apart, then every crossing of each roadway  
27 of the divided highway by an intersecting highway must be regarded as a separate intersection. If the intersecting  
28 highways also include two roadways 30 feet or more apart, then every crossing of two roadways of the highways  
29 must be regarded as a separate intersection.

30 (j) "Local authorities" means every county, municipal, and other local board or body having authority to

1 enact laws relating to traffic under the constitution and laws of this state.

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

9 ~~(k)~~(l) "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or  
 10 combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and  
 11 includes but is not limited to the vehicles listed in 61-1-101(9)(b).

12 ~~(l)~~(m) "Official traffic control devices" means all signs, signals, markings, and devices not inconsistent  
 13 with this title that are placed or erected by authority of a public body or official having jurisdiction for the purpose  
 14 of regulating, warning, or guiding traffic.

15 ~~(m)~~(n) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled  
 16 wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically  
 17 disabled person.

18 ~~(n)~~(o) "Police vehicle" means a vehicle used in the service of any law enforcement agency.

19 ~~(o)~~(p) "Private road" or "driveway" means a way or place in private ownership and used for vehicular  
 20 travel by the owner and those having express or implied permission from the owner, but not by other persons.

21 ~~(p)~~(q) "Residence district" means the territory contiguous to and including a highway not comprising a  
 22 business district when the property on the highway for a distance of 300 feet or more is primarily improved with  
 23 residences or with residences and buildings in use for business.

24 ~~(q)~~(r) "Right-of-way" means the privilege of the immediate use of the roadway.

25 ~~(r)~~(s) "School bus" has the meaning provided in 20-10-101.

26 ~~(s)~~(t) "Sidewalk" means ~~that~~ the portion of a street that is between the curb lines or the lateral lines of  
 27 a roadway and the adjacent property lines and that is intended for use by pedestrians.

28 ~~(t)~~(u) "Traffic control signal" means a device, whether manually, electrically, or mechanically operated,  
 29 by which traffic is alternately directed to stop and to proceed.

30 ~~(u)~~(v) "Urban district" means the territory contiguous to and including any street that is built up with

1 structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a  
 2 distance of one-fourth mile or more."

3

4 ~~Section 6. Section 61-8-401, MCA, is amended to read:~~

5 ~~"61-8-401. Driving under influence of alcohol or drugs -- definitions. (1) It is unlawful and~~  
 6 ~~punishable, as provided in 61-8-442, 61-8-714, and 61-8-731 through 61-8-734, for a person who is under the~~  
 7 ~~influence of:~~

8 ~~(a) alcohol to drive or be in actual physical control of a vehicle upon on the ways of this state open to~~  
 9 ~~the public;~~

10 ~~(b) a dangerous drug to drive or be in actual physical control of a vehicle within this state;~~

11 ~~(c) any other drug to drive or be in actual physical control of a vehicle within this state; or~~

12 ~~(d) alcohol and any dangerous or other drug to drive or be in actual physical control of a vehicle within~~  
 13 ~~this state.~~

14 ~~(2) The fact that any person charged with a violation of subsection (1) is or has been entitled to use~~  
 15 ~~alcohol or a drug under the laws of this state does not constitute a defense against any charge of violating~~  
 16 ~~subsection (1).~~

17 ~~(3) (a) "Under the influence" means that as a result of taking into the body alcohol, drugs, or any~~  
 18 ~~combination of alcohol and drugs, a person's ability to safely operate a vehicle has been diminished.~~

19 ~~(b) Subject to 61-8-440, as used in this part, "vehicle" has the meaning provided in 61-1-101, except that~~  
 20 ~~the term does not include a bicycle or a moped.~~

21 ~~(4) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been~~  
 22 ~~committed by any person driving or in actual physical control of a vehicle while under the influence of alcohol,~~  
 23 ~~the concentration of alcohol in the person at the time of a test, as shown by analysis of a sample of the person's~~  
 24 ~~blood or breath drawn or taken within a reasonable time after the alleged act, gives rise to the following~~  
 25 ~~inferences:~~

26 ~~(a) If there was at that time an alcohol concentration of 0.04 or less, it may be inferred that the person~~  
 27 ~~was not under the influence of alcohol.~~

28 ~~(b) If there was at that time an alcohol concentration in excess of 0.04 but less than 0.08, that fact may~~  
 29 ~~not give rise to any inference that the person was or was not under the influence of alcohol, but the fact may be~~  
 30 ~~considered with other competent evidence in determining the guilt or innocence of the person.~~

1 ~~\_\_\_\_\_ (c) If there was at that time an alcohol concentration of 0.08 or more, it may be inferred that the person~~  
 2 ~~was under the influence of alcohol. The inference is rebuttable.~~

3 ~~\_\_\_\_\_ (5) The provisions of subsection (4) do not limit the introduction of any other competent evidence bearing~~  
 4 ~~upon the issue of whether the person was under the influence of alcohol, drugs, or a combination of alcohol and~~  
 5 ~~drugs.~~

6 ~~\_\_\_\_\_ (6) Each municipality in this state is given authority to enact 61-8-406, 61-8-408, 61-8-410, 61-8-411,~~  
 7 ~~61-8-714, 61-8-722, 61-8-731 through 61-8-734, and subsections (1) through (5) of this section, with the word~~  
 8 ~~"state" in 61-8-406, 61-8-411, and subsection (1) of this section changed to read "municipality", as an ordinance~~  
 9 ~~and is given jurisdiction of the enforcement of the ordinance and of the imposition of the fines and penalties~~  
 10 ~~provided in the ordinance.~~

11 ~~\_\_\_\_\_ (7) Absolute liability as provided in 45-2-104 is imposed for a violation of this section."~~

12

13 **Section 5.** Section 61-8-601, MCA, is amended to read:

14 **"61-8-601. Effect of regulations.** (1) It is a misdemeanor for any person to do any act forbidden or fail  
 15 to perform any act required in this part.

16 (2) ~~These~~ The SUBJECT TO THE EXCEPTIONS STATED IN THIS PART, THE regulations applicable to bicycles  
 17 shall apply whenever:

18 (A) a bicycle or moped is operated upon on any highway; or upon

19 (B) A BICYCLE IS OPERATED ON any path set aside for the exclusive use of bicycles or mopeds subject to  
 20 those the exceptions stated herein in this part."

21

22 **Section 6.** Section 61-8-602, MCA, is amended to read:

23 **"61-8-602. Traffic laws applicable to persons operating bicycles or mopeds.** Every A person  
 24 operating a bicycle ~~shall be~~ or moped is granted all of the rights and ~~shall be~~ is subject to all of the duties  
 25 applicable to the driver of any other vehicle by chapter 7, ~~this chapter,~~ and chapter 9, and this chapter except ~~as~~  
 26 to for special regulations in this part ~~and except as to those~~ or the provisions of chapter 7, ~~this chapter,~~ and  
 27 chapter 9, ~~which~~ and this chapter that by their very nature can have no application cannot apply."

28

29 **Section 7.** Section 61-8-603, MCA, is amended to read:

30 **"61-8-603. Riding on bicycles or mopeds.** A person propelling a bicycle ~~shall not~~ or moped may ride

1 ~~other than upon~~ only on or astride a permanent and regular seat attached ~~thereto~~ to the bicycle or moped."

2

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

4 **"61-8-604. Clinging to vehicles.** A person riding ~~upon~~ on any bicycle, coaster, moped, roller skates,  
5 sled, or toy vehicle may not attach the conveyance or be attached to any vehicle ~~upon~~ on a roadway, but a bicycle  
6 trailer or bicycle semitrailer may be attached to a bicycle if that trailer or semitrailer has been designed for  
7 attachment."

8

9 **Section 9.** Section 61-8-605, MCA, is amended to read:

10 **"61-8-605. Riding on roadways.** (1) As used in this section:

11 (a) "laned roadway" means a roadway that is divided into two or more clearly marked lanes for vehicular  
12 traffic; and

13 (b) "roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel,  
14 including the paved shoulder.

15 (2) A person operating a bicycle ~~upon~~ on a roadway at less than the normal speed of traffic at the time  
16 and place and under the conditions then existing shall ride as near to the right side of the roadway as practicable  
17 except when:

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

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

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

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

25 (4) Persons riding bicycles ~~upon~~ on a roadway shall ride in single file except when:

26 (a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;

27 (b) overtaking and passing another bicycle;

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

29 (d) riding within a single lane on a laned roadway with at least two lanes in each direction, in which case  
30 the persons may ride two abreast if they do not impede the normal and reasonable movement of traffic more than

1 they would otherwise impede traffic by riding single file and in accordance with the provisions of this chapter.

2 (5) A bicycle moped, as defined in 61-8-102(2)(b)(ii)(2)(k), is excluded from the provisions of subsections  
3 (2) and (3)."

4

5 **Section 10.** Section 61-8-606, MCA, is amended to read:

6 "**61-8-606. Carrying articles.** ~~No~~ A person operating a bicycle or moped ~~shall~~ may not carry any  
7 package, bundle, or article ~~which that~~ prevents the driver from keeping at least one hand ~~upon on~~ the ~~handle bars~~  
8 handlebars."

9

10 **Section 11.** Section 61-8-607, MCA, is amended to read:

11 "**61-8-607. Lamps and other equipment on bicycles and mopeds.** (1) ~~Every~~ A bicycle or moped when  
12 in use at nighttime ~~shall~~ must be equipped with a lamp on the front ~~which shall emit~~ emitting a white light visible  
13 from a distance of at least 500 feet to the front. A lamp emitting a red light visible from a distance of 500 feet to  
14 the rear may be used in addition to rear-facing reflectors required by this section.

15 (2) ~~Every~~ A bicycle or moped when in use at nighttime ~~shall~~ must be equipped with an essentially  
16 colorless front-facing reflector, essentially colorless or amber pedal reflectors, and a red rear-facing reflector.  
17 Pedal reflectors ~~shall~~ must be mounted on the front and back of each pedal.

18 (3) ~~Every~~ A bicycle or moped when in use at nighttime ~~shall~~ must be equipped with either tires with  
19 retroflective sidewalls or reflectors mounted on the spokes of each wheel. ~~Spoke-mounted~~ Spoke-mounted  
20 reflectors ~~shall~~ must be within 76 millimeters (3 inches) of the inside of the rim and ~~shall~~ be visible on each side  
21 of the wheel. The reflectors on the front wheel ~~shall~~ must be essentially colorless or amber and the reflectors on  
22 the rear wheel ~~shall~~ must be amber or red.

23 (4) Reflectors required by this section ~~shall~~ must be of a type approved by the department.

24 (5) ~~Every~~ A bicycle ~~shall~~ or moped must be equipped with a brake ~~which that~~ will enable the operator  
25 to make the braked wheels skid on dry, level, clean pavement.

26 (6) ~~Every~~ A bicycle or moped is encouraged to be equipped with a flag clearly visible from the rear and  
27 suspended not less than 6 feet above the roadway when the bicycle is standing upright. The flag ~~shall~~ must be  
28 fluorescent orange in color."

29

30 **Section 12.** Section 61-8-608, MCA, is amended to read:

1           **"61-8-608. Bicycles or mopeds on sidewalks AND BIKE LANES.** (1) ~~A~~ SUBJECT TO THE PROVISIONS OF  
 2 SUBSECTION (3)(B). A person operating a bicycle or moped ~~upon on~~ and along a sidewalk or across a roadway  
 3 ~~upon on~~ and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal  
 4 before overtaking and passing any pedestrian.

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

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

10           (B) A MOPED MAY BE OPERATED ON AND ALONG A SIDEWALK OR A BICYCLE PATH ONLY UNDER HUMAN  
 11 PROPULSION AND MAY NOT BE OPERATED ON OR ALONG A SIDEWALK OR BICYCLE PATH IF THE MOPED IS UNDER POWER  
 12 FROM AN INDEPENDENT POWER SOURCE.

13           (C) A MOPED MAY BE OPERATED UNDER HUMAN PROPULSION OR AN INDEPENDENT POWER SOURCE ON A  
 14 HIGHWAY, IN A DESIGNATED BICYCLE LANE ON A HIGHWAY, OR ON THE SHOULDER OF A HIGHWAY."

15

16           **Section 13.** Section 61-8-609, MCA, is amended to read:

17           **"61-8-609. Bicycle or moped racing -- when lawful.** (1) Bicycle or moped racing on a highway is  
 18 prohibited except as authorized in this section.

19           (2) Bicycle or moped racing on a highway is lawful when a racing event is approved by state or local  
 20 authorities on any highway under their respective jurisdictions. Approval of bicycle or moped highway racing  
 21 events ~~will~~ may be granted only under conditions that ~~assure~~ ensure reasonable safety for all race participants,  
 22 spectators, and other highway users and that prevent unreasonable interference with traffic flow.

23           (3) By agreement with the approving authority, participants in an approved bicycle or moped highway  
 24 racing event may be exempted from compliance with any traffic laws otherwise applicable if traffic control is  
 25 adequate to ~~assure~~ ensure the safety of all highway users."

26

27           **Section 14.** Section 61-12-101, MCA, is amended to read:

28           **"61-12-101. Powers of local authorities to regulate traffic.** The provisions of chapters 8 and 9 do not  
 29 prevent local authorities with respect to sidewalks, streets, and highways under their jurisdiction and within the  
 30 reasonable exercise of the police power from:



- 1 (1) regulating the standing or parking of vehicles;
- 2 (2) regulating the traffic by means of police officers or traffic control devices;
- 3 (3) regulating or prohibiting processions or assemblages on the highways;
- 4 (4) designating particular highways as one-way highways and requiring that all vehicles on those
- 5 highways be moved in one specific direction;
- 6 (5) regulating the speed of vehicles in public parks;
- 7 (6) designating any highway as a through highway, as defined in 61-8-341, and requiring that all vehicles
- 8 stop before entering or crossing a through highway and designating any intersection, as defined in 61-8-102, as
- 9 a stop intersection and requiring all vehicles to stop at one or more entrances to stop intersections;
- 10 (7) restricting the use of highways as authorized in 61-10-128(2);
- 11 (8) regulating the operation of bicycles or mopeds, as defined in 61-8-102, and requiring the registration
- 12 and licensing of bicycles or mopeds, including requiring a registration fee;
- 13 (9) regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
- 14 (10) altering the speed limits as authorized in Title 7, chapter 14, and Title 61, chapter 8;
- 15 (11) regulating the operating of a vehicle by a person who is a habitual user of or under the influence of
- 16 any narcotic drug or who is under the influence of any other drug to a degree that renders the person incapable
- 17 of safely operating a vehicle within the incorporated limits of any city or town;
- 18 (12) regulating or prohibiting a person who is under the influence of intoxicating liquor from operating or
- 19 being in actual physical control of a vehicle within the incorporated limits of a city or town;
- 20 (13) regulating or prohibiting the operation of a vehicle by a person in willful or wanton disregard for the
- 21 safety of persons or property within the incorporated limits of a city or town;
- 22 (14) enacting as ordinances any provisions of chapter 8 or 9 and any other law regulating traffic,
- 23 pedestrians, vehicles, and operators of vehicles that are not in conflict with state law or federal regulations and
- 24 enforcing the ordinances;
- 25 (15) regulating the operation of motorized nonstandard vehicles on sidewalks, streets, and highways; and
- 26 (16) regulating the operation of golf carts on streets and highways."

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