

## HOUSE BILL NO. 179

INTRODUCED BY . DURAM, M. MALONE, G. NIKOLAKAKOS, D. FERN, G. OBLANDER, M. CUFFE, B.  
BARKER, J. ETCHART, W. RUSK, B. BEARD, D. BAUM, L. HELLEGAARD

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CARELESS DRIVING LAWS; SPECIFYING  
CIRCUMSTANCES THAT QUALIFY AS CARELESS DRIVING; AND AMENDING SECTION 61-8-302, MCA."

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

**Section 1.** Section 61-8-302, MCA, is amended to read:

**"61-8-302. Careless driving.** (1) A person operating or driving a vehicle on a public highway shall  
drive it in a careful and prudent manner that does not unduly or unreasonably endanger the life, limb, property,  
or other rights of a person entitled to the use of the highway.

(2) Careless driving includes:

(a) failing to drive in the manner required by subsection (1); or

(b) passing any of the following at a speed above the posted speed limit or at a speed that is not  
careful and prudent under the circumstances:

(i) a vehicle on the shoulder flashing its hazard lights;

(ii) a person walking on the shoulder while wearing hunter orange, high-visibility lime, or  
retroreflective material; or

(iii) a person riding a bicycle on the shoulder while wearing hunter orange, high-visibility lime, or  
retroreflective material.

~~(2)~~(3) A person who is convicted of the offense of careless driving is subject to the penalties provided  
in 61-8-711 or 61-8-716."

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