

**Amendment - 2nd Reading-yellow - Requested by: Mary Ann Dunwell - (S) Committee of the Whole**

- 2025

69th Legislature 2025

Drafter: Rebecca Brown,

SB0387.001.002

SENATE BILL NO. 387

INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ELECTRICALLY ASSISTED BICYCLES; PROVIDING DEFINITIONS; AND AMENDING SECTIONS 61-1-101 AND 61-8-102, MCA."

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

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

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

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

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

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

(3) "Autocycle" means a three-wheeled motorcycle that is equipped with safety belts, roll bars or roll hoops, a steering wheel, and seating that does not require the operator to straddle or sit astride it.

(4) "Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the

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and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.

(88) "Under the influence" has the meaning provided in 61-8-1001.

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

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

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

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

(92) "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

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

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

**Section 2.** Section 61-8-102, MCA, is amended to read:

**"61-8-102. Uniformity of interpretation -- definitions.** (1) Interpretation of this chapter in this state

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must be as consistent as possible with the interpretation of similar laws in other states.

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

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

~~(b) (i) "Bicycle" means a vehicle propelled solely by human power on which any person may ride, irrespective of the number of wheels, except scooters, wheelchairs, and similar devices. The term includes an electrically assisted bicycle, including an electrically assisted bicycle, equipped with operable pedals that may be propelled solely by human power and a seat or saddle for the rider and that is designed to travel with no more than three wheels in contact with the ground.~~

~~(ii) This term does not include scooters, wheelchairs, or other similar devices.~~

~~(b) "Bicycle" means a vehicle propelled solely by human power on which any person may ride, irrespective of the number of wheels, except scooters, wheelchairs, and similar devices.~~

(c) "Bicycle trailer" means a device with one or more wheels that is designed to be towed by a bicycle.

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

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

(f) "Crosswalk" means:

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

(ii) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians

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crossing by lines or other markings on the surface.

(g) "Electrically assisted bicycle" means ~~a vehicle on which a person may ride that has two tandem wheels and an electric motor capable of propelling the vehicle and a rider who weighs 170 pounds no faster than 20 miles an hour on a paved, level surface.~~ a bicycle equipped with fully operable pedals, a seat or saddle for the rider, and an electric motor of 750 watts or less that meets the requirements of one of the following classes:

(i) "Class 1 electrically assisted bicycle" means an electrically assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles an hour.

(ii) "Class 2 electrically assisted bicycle" means an electrically assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles an hour.

(iii) "Class 3 electrically assisted bicycle" means an electrically assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles an hour.

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

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

(j) "Ignition interlock device" means ignition equipment that:

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

(ii) is approved by the department pursuant to 61-8-1025; and

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

(k) (i) "Intersection" means the area embraced within the prolongation or connection of the lateral

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1 curb lines or if there are no curb lines then the lateral boundary lines of the roadways of two highways that join  
2 one another at or approximately at right angles or the area within which vehicles traveling on different highways  
3 joining at any other angle may come in conflict.

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

8 (l) "Laned roadway" means a roadway that is divided into two or more clearly marked lanes for  
9 vehicular traffic.

10 (m) "Local authorities" means every county, municipal, and other local board or body having  
11 authority to enact laws relating to traffic under the constitution and laws of this state.

12 (n) "Moped" means a vehicle equipped with two or three wheels, foot pedals to permit muscular  
13 propulsion, and an independent power source providing a maximum of 2 brake horsepower. The power source  
14 may not be capable of propelling the device, unassisted, at a speed exceeding 30 miles an hour on a level  
15 surface. The device must be equipped with a power drive system that functions directly or automatically only  
16 and does not require clutching or shifting by the operator after the drive system is engaged.

17 (o) "Noncommercial motor vehicle" or "noncommercial vehicle" means any motor vehicle or  
18 combination of motor vehicles that is not included in the definition of commercial motor vehicle in 61-1-101 and  
19 includes but is not limited to the vehicles listed in 61-1-101(10)(b).

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

23 (q) "Pedestrian" means any person on foot or any person in a manually or mechanically propelled  
24 wheelchair or other low-powered, mechanically propelled vehicle designed specifically for use by a physically  
25 disabled person.

26 (r) "Police vehicle" means a vehicle used in the service of any law enforcement agency.

27 (s) "Private road" or "driveway" means a way or place in private ownership and used for vehicular

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1 travel by the owner and those having express or implied permission from the owner, but not by other persons.

2 (t) "Residence district" means the territory contiguous to and including a highway not comprising a  
3 business district when the property on the highway for a distance of 300 feet or more is primarily improved with  
4 residences or residences and buildings in use for business.

5 (u) "Right-of-way" means the privilege of the immediate use of the roadway.

6 (v) "Roadway" means the portion of a highway that is improved, designed, or ordinarily used for  
7 vehicular travel, including the paved shoulder.

8 (w) "School bus" has the meaning provided in 20-10-101.

9 (x) "Sidewalk" means the portion of a street that is between the curb lines or the lateral lines of a  
10 roadway and the adjacent property lines and that is intended for use by pedestrians.

11 (y) "Traffic control signal" means a device, whether manually, electrically, or mechanically  
12 operated, by which traffic is alternately directed to stop and to proceed.

13 (z) "Urban district" means the territory contiguous to and including any street that is built up with  
14 structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a  
15 distance of one-fourth mile or more."

16 - END -