

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 610

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS STAPLES AND DePASCO.

Pre-filed December 1, 1999, and 1,000 copies ordered printed.

Read 2nd time January 6, 2000, and referred to the Committee on Transportation.

Reported from the Committee March 3, 2000, with recommendation that the bill do pass.

Taken up for Perfection April 4, 2000. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

2779S.01P

AN ACT

To repeal section 302.020, RSMo Supp. 1999, relating to motor vehicles, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 302.020, RSMo Supp. 1999, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows:

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by section 302.080, to:

(1) Operate any vehicle upon any highway in this state unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any highway of this state unless such person has a valid license that shows the person has successfully passed an examination for the operation of a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a valid license issued to such person, or shall issue a license restricting the applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is conducted on such vehicle;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

under such person's control to be driven upon any highway by any person whose license does not indicate that the person has passed the examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

(4) Operate a motor vehicle with an instruction permit or license issued to another person.

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Every person who desires to operate or ride as a passenger on any motorcycle or motortricycle without protective headgear shall file with the director of revenue a security bond or medical insurance policy in the amount of one hundred thousand dollars which shall cover the operator's or rider's medical expenses.

4. Each person must furnish proof of financial responsibility to the director of revenue that he or she has in effect a motor vehicle liability policy subject to the minimum limits outlined in section 303.190, RSMo.

5. Every person who rides a motorcycle or motortricycle shall be required to submit to a breathalyzer test prior to any ride on which he is responsible for operation of said vehicle.

[3.] **6.** Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

7. Notwithstanding the provision of 307.178, RSMo Supp. 1999, all operations of motorcycles and motortricycles shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements.