

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 202
95TH GENERAL ASSEMBLY

Reported from the Committee on Small Business, Insurance and Industry, February 18, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Removed from the Consent Calendar February 24, 2009.

Re-reported from the Committee on Small Business, Insurance and Industry, February 26, 2009, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 202, adopted March 9, 2009.

Taken up for Perfection March 9, 2009. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

1073S.03P

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles.

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

Section A. Section 302.020, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.020 and 537.055, to read as
3 follows:

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

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

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

12 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by
13 such person or under such person's control to be driven upon any highway by any
14 person whose license does not indicate that the person has passed the
15 examination for the operation of a motorcycle or motortricycle or has been issued

16 an instruction permit therefor;

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

19 2. Every person operating or riding as a passenger on any motorcycle or
20 motortricycle, as defined in section 301.010, RSMo, upon any highway of this
21 state shall wear protective headgear at all times the vehicle is in motion. The
22 protective headgear shall meet reasonable standards and specifications
23 established by the director.

24 3. Notwithstanding the provisions of section 302.340 any person convicted
25 of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class
26 A misdemeanor. Any person convicted a third or subsequent time of violating
27 subdivision (1) or (2) of subsection 1 of this section is guilty of a class D
28 felony. Notwithstanding the provisions of section 302.340, violation of
29 subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor
30 and the penalty for failure to wear protective headgear as required by subsection
31 2 of this section is an infraction for which a fine not to exceed twenty-five dollars
32 may be imposed. Notwithstanding all other provisions of law and court rules to
33 the contrary, no court costs shall be imposed upon any person due to such
34 violation. No points shall be assessed pursuant to section 302.302 for a failure
35 to wear such protective headgear.

36 4. **Notwithstanding the provisions of subsection 2 of this section,**
37 **any person who is twenty-one years of age or older may operate or ride**
38 **as a passenger on any motorcycle or motortricycle without protective**
39 **headgear upon any highway of this state, except for an interstate**
40 **highway. Any person twenty-one years of age or older operating or**
41 **riding as a passenger on any motorcycle or motortricycle without**
42 **protective headgear upon an interstate highway shall be guilty of an**
43 **infraction for which a fine not to exceed twenty-five dollars may be**
44 **imposed. The protective headgear exemption provided by this**
45 **subsection shall expire on August 28, 2014.**

537.055. 1. In any action to recover damages arising out of the
2 ownership, common maintenance, or operation of a motor vehicle, the
3 fact that one of the parties was operating a motorcycle shall not, in and
4 of itself, be considered evidence of comparative negligence.

5 2. When investigating an accident or settling an automobile
6 insurance policy claim, no insurer, agent, producer, or claims adjuster

7 of an insurer shall assign a percentage of fault to a party based upon
8 the sole fact that the party was operating a motorcycle in an otherwise
9 legal manner. As used in this subsection, the term "insurer" shall mean
10 any insurance company, association or exchange authorized to issue
11 policies of automobile insurance in the state of Missouri. The term
12 "automobile insurance policy" shall mean a policy providing automobile
13 liability coverage, uninsured motorists coverage, automobile medical
14 payments coverage or automobile physical damage coverage insuring
15 a private passenger automobile owned by an individual or partnership.

Unofficial ✓

Bill

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