

SECOND REGULAR SESSION

# SENATE BILL NO. 743

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time February 2, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5693S.011

## AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with existing penalty provisions.

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

Section A. Section 302.020, RSMo, is repealed and one new section  
2 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  
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 **who is under twenty-one years of age** operating or

20 riding as a passenger on any motorcycle or motortricycle, as defined in section  
21 301.010, upon any highway of this state shall wear protective headgear at all  
22 times the vehicle is in motion. The protective headgear shall meet reasonable  
23 standards and specifications 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  
26 misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this  
27 section shall be punishable by a fine not to exceed three hundred dollars. A  
28 second violation of subdivision (1) or (2) of subsection 1 of this section shall be  
29 punishable by imprisonment in the county jail for a term not to exceed one year  
30 and/or a fine not to exceed one thousand dollars. Any person convicted a third  
31 or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section  
32 is guilty of a class D felony. Notwithstanding the provisions of section 302.340,  
33 violation of subdivisions (3) and (4) of subsection 1 of this section is a  
34 misdemeanor, the first violation punishable by a fine not to exceed three hundred  
35 dollars, a second or subsequent violation of this section punishable as a class C  
36 misdemeanor, and the penalty for failure to wear protective headgear as required  
37 by subsection 2 of this section is an infraction for which a fine not to exceed  
38 twenty-five dollars may be imposed. Notwithstanding all other provisions of law  
39 and court rules to the contrary, no court costs shall be imposed upon any person  
40 due to such violation. No points shall be assessed pursuant to section 302.302 for  
41 a failure to wear such protective headgear. Prior pleas of guilty and prior  
42 findings of guilty shall be pleaded and proven in the same manner as required by  
43 section 558.021.

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