

FIRST REGULAR SESSION

SENATE BILL NO. 296

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time January 22, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1551S.011

AN ACT

To repeal section 302.020 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 302.020 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, and to enact in lieu thereof one new section relating to protective headgear for operation of enclosed three wheel vehicles, with existing penalty provisions.

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

Section A. Section 302.020 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 302.020 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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 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

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, upon any highway of this state shall
21 wear protective headgear at all times the vehicle is in motion. The protective
22 headgear shall meet reasonable standards and specifications established by the
23 director. **The provisions of this subsection shall not apply to such a**
24 **person or passenger on any three wheeled vehicle that is fully enclosed**
25 **and contains manufacturer-installed seat belts with shoulder restraints.**

26 3. Notwithstanding the provisions of section 302.340 any person convicted
27 of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a
28 misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this
29 section shall be punishable as a class D misdemeanor. A second violation of
30 subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class
31 A misdemeanor. Any person convicted a third or subsequent time of violating
32 subdivision (1) or (2) of subsection 1 of this section is guilty of a class E
33 felony. Notwithstanding the provisions of section 302.340, violation of
34 subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first
35 violation punishable as a class D misdemeanor, a second or subsequent violation
36 of this section punishable as a class C misdemeanor, and the penalty for failure
37 to wear protective headgear as required by subsection 2 of this section is an
38 infraction for which a fine not to exceed twenty-five dollars may be
39 imposed. Notwithstanding all other provisions of law and court rules to the
40 contrary, no court costs shall be imposed upon any person due to such violation.
41 No points shall be assessed pursuant to section 302.302 for a failure to wear such
42 protective headgear. Prior pleas of guilty and prior findings of guilty shall be
43 pleaded and proven in the same manner as required by section 558.021.

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, upon any highway of this state shall
21 wear protective headgear at all times the vehicle is in motion. The protective
22 headgear shall meet reasonable standards and specifications established by the
23 director. **The provisions of this subsection shall not apply to such a**
24 **person or passenger on any three wheeled vehicle that is fully enclosed**
25 **and contains manufacturer-installed seat belts with shoulder restraints.**

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

44 findings of guilty shall be pleaded and proven in the same manner as required by
45 section 558.021.

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