

SECOND REGULAR SESSION

SENATE BILL NO. 851

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 6, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5133S.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 two new sections relating to the operation of motorcycles or motortricycles, with 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-
2 seventh general assembly, second regular session, and section 302.020 as enacted
3 by house bill no. 111, ninety-sixth general assembly, first regular session, are
4 repealed and two new sections enacted in lieu thereof, to be known as sections
5 302.020 and 302.026, 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 younger than twenty-one years of age**
20 operating or riding as a passenger on any motorcycle or motortricycle, as defined
21 in section 301.010, upon any highway of this state shall wear protective headgear
22 at all times the vehicle is in motion, **except that any person twenty-one**
23 **years of age or older operating any motorcycle or motortricycle who**
24 **has not completed a motorcycle safety education course approved**
25 **pursuant to sections 302.133 to 302.137 or possessed his or her**
26 **motorcycle license or motorcycle endorsement for a minimum period**
27 **of two years or has been issued an instruction permit shall wear**
28 **protective headgear at all times the vehicle is in motion.** The protective
29 headgear shall meet reasonable standards and specifications established by the
30 director.

31 3. Notwithstanding the provisions of section 302.340 any person convicted
32 of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a
33 misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this
34 section shall be punishable as a class D misdemeanor. A second violation of
35 subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class
36 A misdemeanor. Any person convicted a third or subsequent time of violating
37 subdivision (1) or (2) of subsection 1 of this section is guilty of a class E
38 felony. Notwithstanding the provisions of section 302.340, violation of
39 subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first
40 violation punishable as a class D misdemeanor, a second or subsequent violation
41 of this section punishable as a class C misdemeanor, and the penalty for failure
42 to wear protective headgear as required by subsection 2 of this section is an
43 infraction for which a fine not to exceed twenty-five dollars may be
44 imposed. Notwithstanding all other provisions of law and court rules to the
45 contrary, no court costs shall be imposed upon any person due to such violation.
46 No points shall be assessed pursuant to section 302.302 for a failure to wear such
47 protective headgear. Prior pleas of guilty and prior findings of guilty shall be
48 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 **who is younger than twenty-one years of age**
20 operating or riding as a passenger on any motorcycle or motortricycle, as defined
21 in section 301.010, upon any highway of this state shall wear protective headgear
22 at all times the vehicle is in motion, **except that any person twenty-one**
23 **years of age or older operating any motorcycle or motortricycle who**
24 **has not completed a motorcycle safety education course approved**
25 **pursuant to sections 302.133 to 302.137 or possessed his or her**
26 **motorcycle license or motorcycle endorsement for a minimum period**
27 **of two years or has been issued an instruction permit shall wear**
28 **protective headgear at all times the vehicle is in motion.** The protective
29 headgear shall meet reasonable standards and specifications established by the
30 director.

31 3. Notwithstanding the provisions of section 302.340 any person convicted
32 of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a
33 misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this
34 section shall be punishable by a fine not to exceed three hundred dollars. A
35 second violation of subdivision (1) or (2) of subsection 1 of this section shall be
36 punishable by imprisonment in the county jail for a term not to exceed one year
37 and/or a fine not to exceed one thousand dollars. Any person convicted a third
38 or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section

39 is guilty of a class D felony. Notwithstanding the provisions of section 302.340,
40 violation of subdivisions (3) and (4) of subsection 1 of this section is a
41 misdemeanor, the first violation punishable by a fine not to exceed three hundred
42 dollars, a second or subsequent violation of this section punishable as a class C
43 misdemeanor, and the penalty for failure to wear protective headgear as required
44 by subsection 2 of this section is an infraction for which a fine not to exceed
45 twenty-five dollars may be imposed. Notwithstanding all other provisions of law
46 and court rules to the contrary, no court costs shall be imposed upon any person
47 due to such violation. No points shall be assessed pursuant to section 302.302 for
48 a failure to wear such protective headgear. Prior pleas of guilty and prior
49 findings of guilty shall be pleaded and proven in the same manner as required by
50 section 558.021.

**302.026. 1. Any qualified motorcycle operator who is twenty-one
2 years of age or older may operate a motorcycle or motortricycle upon
3 any highway of this state without wearing protective headgear if he or
4 she has first-party insurance coverage and has completed a motorcycle
5 safety education course approved pursuant to sections 302.133 to
6 302.137 or possessed his or her motorcycle license or motorcycle
7 endorsement for a minimum period of two years. In addition to
8 maintaining proof of financial responsibility in accordance with
9 chapter 303, any such qualified motorcycle operator who desires to
10 operate a motorcycle or motortricycle upon any highway of this state
11 without wearing protective headgear shall be covered by a health
12 insurance policy, a personal injury protections insurance policy or
13 rider, or other form of insurance providing first-party medical benefits
14 in the minimum amount of fifty thousand dollars for injuries incurred
15 as a result of an accident while operating a motorcycle or
16 motortricycle.**

**17 2. Proof of coverage required by subsection 1 of this section shall
18 be provided, upon request, by showing a copy of the qualified
19 operator's insurance card.**

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