

SENATE AMENDMENT NO. _____

Offered by _____ Of _____

Amend SS/SCS/House Bill No. 1963, Page 108, Section 301.3176, Line 16,

2 by inserting immediately after all of said line the following:

3 "302.020. 1. Unless otherwise provided for by law, it
4 shall be unlawful for any person, except those expressly exempted
5 by section 302.080, to:

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

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

17 (3) Authorize or knowingly permit a motorcycle or
18 motortricycle owned by such person or under such person's control
19 to be driven upon any highway by any person whose license does
20 not indicate that the person has passed the examination for the
21 operation of a motorcycle or motortricycle or has been issued an

1 instruction permit therefor;

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

4 2. Every person under eighteen years of age who is
5 operating or riding as a passenger on any motorcycle or
6 motortricycle, as defined in section 301.010, upon any highway of
7 this state shall wear protective headgear at all times the
8 vehicle is in motion; except that, any person eighteen years of
9 age or older operating any motorcycle or motortricycle who has
10 been issued an instruction permit shall wear protective headgear
11 at all times the vehicle is in motion. The protective headgear
12 shall meet reasonable standards and specifications established by
13 the director. No political subdivision of this state shall
14 impose a protective headgear requirement on the operator or
15 passenger of a motorcycle or motortricycle. No person shall be
16 stopped, inspected, or detained solely to determine compliance
17 with this subsection.

18 3. Notwithstanding the provisions of section 302.340 any
19 person convicted of violating subdivision (1) or (2) of
20 subsection 1 of this section is guilty of a misdemeanor. A first
21 violation of subdivision (1) or (2) of subsection 1 of this
22 section shall be punishable as a class D misdemeanor. A second
23 violation of subdivision (1) or (2) of subsection 1 of this
24 section shall be punishable as a class A misdemeanor. Any person
25 convicted a third or subsequent time of violating subdivision (1)
26 or (2) of subsection 1 of this section is guilty of a class E
27 felony. Notwithstanding the provisions of section 302.340,
28 violation of subdivisions (3) and (4) of subsection 1 of this
29 section is a misdemeanor, the first violation punishable as a

1 class D misdemeanor, a second or subsequent violation of this
2 section punishable as a class C misdemeanor, and the penalty for
3 failure to wear protective headgear as required by subsection 2
4 of this section is an infraction for which a fine not to exceed
5 twenty-five dollars may be imposed. Notwithstanding all other
6 provisions of law and court rules to the contrary, no court costs
7 shall be imposed upon any person due to such violation. No
8 points shall be assessed pursuant to section 302.302 for a
9 failure to wear such protective headgear. Prior pleas of guilty
10 and prior findings of guilty shall be pleaded and proven in the
11 same manner as required by section 558.021.

12 302.026. 1. Any qualified motorcycle operator who is
13 eighteen years of age or older may operate a motorcycle or
14 motortricycle upon any highway of this state without wearing
15 protective headgear if he or she in addition to maintaining proof
16 of financial responsibility in accordance with chapter 303, is
17 covered by a health insurance policy or other form of insurance
18 which will provide the person with medical benefits for injuries
19 incurred as a result of an accident while operating or riding on
20 a motorcycle or motortricycle.

21 2. Proof of coverage required by subsection 1 of this
22 section shall be provided, upon request by authorized law
23 enforcement, by showing a copy of the qualified operator's
24 insurance card.

25 3. No person shall be stopped, inspected, or detained
26 solely to determine compliance with this section."; and

27 Further amend the title and enacting clause accordingly.