

# SENATE BILL NO. 1677

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

7121S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to child passengers on motorcycles and motortricycles, with penalty provisions and an effective date.

*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Section A. Section 302.020, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.020 and 302.023, to read as follows: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

17 control to be driven upon any highway by any person whose  
18 license does not indicate that the person has passed the  
19 examination for the operation of a motorcycle or  
20 motortricycle or has been issued an instruction permit  
21 therefor;

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

24 2. Every person under twenty-six years of age who is  
25 operating or riding as a passenger on any motorcycle or  
26 motortricycle, as defined in section 301.010, upon any  
27 highway of this state shall wear protective headgear at all  
28 times the vehicle is in motion; except that, any person  
29 twenty-six years of age or older operating any motorcycle or  
30 motortricycle who has been issued an instruction permit  
31 shall wear protective headgear at all times the vehicle is  
32 in motion. The protective headgear shall meet reasonable  
33 standards and specifications established by the director.  
34 No political subdivision of this state shall impose a  
35 protective headgear requirement on the operator or passenger  
36 of a motorcycle or motortricycle. No person shall be  
37 stopped, inspected, or detained solely to determine  
38 compliance with this subsection, **except that a person may be**  
39 **stopped, inspected, or detained when there is a reasonable**  
40 **basis to suspect that a violation of this subsection**  
41 **involves a child passenger under ten years of age.**

42 3. Notwithstanding the provisions of section 302.340  
43 any person convicted of violating subdivision (1) or (2) of  
44 subsection 1 of this section is guilty of a misdemeanor. A  
45 first violation of subdivision (1) or (2) of subsection 1 of  
46 this section shall be punishable as a class D misdemeanor.  
47 A second violation of subdivision (1) or (2) of subsection 1  
48 of this section shall be punishable as a class A

49 misdemeanor. Any person convicted a third or subsequent  
50 time of violating subdivision (1) or (2) of subsection 1 of  
51 this section is guilty of a class E felony. Notwithstanding  
52 the provisions of section 302.340, violation of subdivisions  
53 (3) and (4) of subsection 1 of this section is a  
54 misdemeanor, the first violation punishable as a class D  
55 misdemeanor, a second or subsequent violation of this  
56 section punishable as a class C misdemeanor, and the penalty  
57 for failure to wear protective headgear as required by  
58 subsection 2 of this section is an infraction for which a  
59 fine not to exceed twenty-five dollars may be imposed **unless**  
60 **the violation involves a child passenger under ten years of**  
61 **age, in which case the violation shall be punishable as an**  
62 **infraction for which a fine not to exceed one hundred**  
63 **dollars may be imposed.** Notwithstanding all other  
64 provisions of law and court rules to the contrary, no court  
65 costs shall be imposed upon any person due to such  
66 violation. No points shall be assessed pursuant to section  
67 302.302 for a failure to wear such protective headgear.  
68 Prior pleas of guilty and prior findings of guilty shall be  
69 pleaded and proven in the same manner as required by section  
70 558.021.

302.023. 1. The provisions of this section shall be  
2 known and may be referred to as "Calvin's Law".

3 2. It shall be unlawful for the operator of a  
4 motorcycle or motortricycle to allow any person under ten  
5 years of age to ride as a passenger on a motorcycle or  
6 motortricycle operated on any highway in this state unless  
7 the motorcycle or motortricycle is equipped with a proper  
8 passenger seat and the child is able to place both feet on  
9 the passenger foot pegs, except when a licensed physician  
10 certifies a medical exemption.

11           3. Any passenger under ten years of age shall wear  
12 protective headgear meeting the requirements of section  
13 302.020.

14           4. Notwithstanding any other provision of law to the  
15 contrary, a person may be stopped, inspected, or detained  
16 solely to determine compliance with this section.

17           5. Notwithstanding the provisions of section 302.340  
18 to the contrary, violation of subsection 2 or 3 of this  
19 section shall be punishable as an infraction for which a  
20 fine not to exceed one hundred dollars may be imposed.

          Section B. The enactment of section 302.023 and the  
2 repeal and reenactment of section 302.020 of this act shall  
3 become effective on January 1, 2027.

✓