

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 294

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STAPLES.

Read 1st time January 18, 1999, and 1,000 copies ordered printed.

Read 2nd time January 25, 1999, and referred to the Committee on Transportation.

Reported from the Committee February 4, 1999, with recommendation that the bill do pass.

Taken up for Perfection February 18, 1999. Bill declared Perfected and Ordered Printed, as amended.

S1277.01P

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 302.020 and 302.321, RSMo Supp. 1998, relating to motor vehicles, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

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

Section A. Sections 302.020 and 302.321, RSMo Supp. 1998, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.020 and 302.321, to read as follows: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

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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 examination for the operation of a motorcycle or motortricycle or has been issued an instruction permit therefor;

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

2. Every person **who is under twenty-one years of age** operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, RSMo, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

3. Each person must furnish proof of financial responsibility to the director of revenue that he or she has in effect a motor vehicle liability policy subject to the minimum limits outlined in section 303.190, RSMo.

[3.] 4. Notwithstanding the provisions of section 302.340, violation of subsection 1 of this section shall be deemed a class C misdemeanor and the penalty for failure to wear protective headgear as required by subsection 2 of this section shall be deemed an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear.

302.321. 1. A person commits the crime of driving while revoked if he operates a motor vehicle on a highway when his license or driving privilege has been canceled, suspended or revoked under the laws of this state and acts with criminal negligence with respect to knowledge of the fact that his driving privilege has been canceled, suspended or revoked.

2. Driving while revoked is a class A misdemeanor **on the first conviction**. No court shall suspend the imposition of sentence as to such a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or probation until he has served a minimum of forty-eight consecutive hours of imprisonment, unless as a condition of such parole or probation, such person performs at least ten days involving at least forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. **Driving while revoked is a class D felony on the second or subsequent conviction.**

Section B. Because immediate action is necessary to protect the citizens of this state from repeat traffic offenders, this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.

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