

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend Senate Bill No. 1477, Page 1, Section TITLE, Line 3,

2 by striking "auxiliary lighting" and inserting in lieu  
3 thereof the following: "safety equipment"; and

4 Further amend said bill and page, section A, line 3, by  
5 inserting after all of said line the following:

6 "302.020. 1. Unless otherwise provided for by law, it  
7 shall be unlawful for any person, except those expressly  
8 exempted by section 302.080, to:

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

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

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

25 motortricycle or has been issued an instruction permit  
26 therefor;

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

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

44 3. Notwithstanding the provisions of section 302.340  
45 any person convicted of violating subdivision (1) or (2) of  
46 subsection 1 of this section is guilty of a misdemeanor. A  
47 first violation of subdivision (1) or (2) of subsection 1 of  
48 this section shall be punishable as a class D misdemeanor.  
49 A second violation of subdivision (1) or (2) of subsection 1  
50 of this section shall be punishable as a class A  
51 misdemeanor. Any person convicted a third or subsequent  
52 time of violating subdivision (1) or (2) of subsection 1 of  
53 this section is guilty of a class E felony. Notwithstanding  
54 the provisions of section 302.340, violation of subdivisions  
55 (3) and (4) of subsection 1 of this section is a  
56 misdemeanor, the first violation punishable as a class D  
57 misdemeanor, a second or subsequent violation of this

58 section punishable as a class C misdemeanor, and the penalty  
59 for failure to wear protective headgear as required by  
60 subsection 2 of this section is an infraction for which a  
61 fine not to exceed twenty-five dollars may be imposed.  
62 Notwithstanding all other provisions of law and court rules  
63 to the contrary, no court costs shall be imposed upon any  
64 person due to such violation. No points shall be assessed  
65 pursuant to section 302.302 for a failure to wear such  
66 protective headgear. Prior pleas of guilty and prior  
67 findings of guilty shall be pleaded and proven in the same  
68 manner as required by section 558.021."; and

69 Further amend said bill, page 3, section 307.128, line  
70 59, by inserting after all of said line the following:

71 "[302.026. 1. Any qualified motorcycle  
72 operator who is twenty-six years of age or older  
73 may operate a motorcycle or motortricycle upon  
74 any highway of this state without wearing  
75 protective headgear if he or she in addition to  
76 maintaining proof of financial responsibility in  
77 accordance with chapter 303, is covered by a  
78 health insurance policy or other form of  
79 insurance which will provide the person with  
80 medical benefits for injuries incurred as a  
81 result of an accident while operating or riding  
82 on a motorcycle or motortricycle.

83 2. Proof of coverage required by  
84 subsection 1 of this section shall be provided,  
85 upon request by authorized law enforcement, by  
86 showing a copy of the qualified operator's  
87 insurance card.

88 3. No person shall be stopped, inspected,  
89 or detained solely to determine compliance with  
90 this section.]"; and

91 Further amend the title and enacting clause accordingly.