

FIRST REGULAR SESSION

HOUSE BILL NO. 486

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR.

Read 1st time February 17, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1418L.021

AN ACT

To repeal sections 302.010 and 307.195, RSMo, and to enact in lieu thereof two new sections relating to motorized bicycles, with penalty provisions.

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

Section A. Sections 302.010 and 307.195, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 302.010 and 302.131, to read as follows:

302.010. Except where otherwise provided, when used in this chapter, the following
2 words and phrases mean:

3 (1) "Circuit court", each circuit court in the state;

4 (2) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
5 freight and merchandise, or more than fifteen passengers;

6 (3) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to
7 secure a defendant's appearance in court, which forfeiture has not been vacated, shall be
8 equivalent to a conviction, except that when any conviction as a result of which points are
9 assessed pursuant to section 302.302 is appealed, the term "conviction" means the original
10 judgment of conviction for the purpose of determining the assessment of points, and the date of
11 final judgment affirming the conviction shall be the date determining the beginning of any
12 license suspension or revocation pursuant to section 302.304;

13 (4) "Director", the director of revenue acting directly or through the director's authorized
14 officers and agents;

15 (5) "Farm tractor", every motor vehicle designed and used primarily as a farm implement
16 for drawing plows, mowing machines and other implements of husbandry;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.

17 (6) "Highway", any public thoroughfare for vehicles, including state roads, county roads
18 and public streets, avenues, boulevards, parkways, or alleys in any municipality;

19 (7) "Incompetent to drive a motor vehicle", a person who has become physically
20 incapable of meeting the prescribed requirements of an examination for an operator's license, or
21 who has been adjudged by a probate division of the circuit court in a capacity hearing of being
22 incapacitated;

23 (8) "License", a license issued by a state to a person which authorizes a person to operate
24 a motor vehicle;

25 (9) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks
26 except motorized bicycles, as defined in section 307.180, RSMo;

27 (10) "Motorcycle", a motor vehicle operated on two wheels; however, this definition
28 shall not include motorized bicycles as defined in section 301.010, RSMo;

29 (11) **"Motorized bicycle", as defined in section 301.010, RSMo;**

30 (12) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
31 operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

32 [(12)] (13) "Moving violation", that character of traffic violation where at the time of
33 violation the motor vehicle involved is in motion, except that the term does not include the
34 driving of a motor vehicle without a valid motor vehicle registration license, or violations of
35 sections 304.170 to 304.240, RSMo, inclusive, relating to sizes and weights of vehicles;

36 [(13)] (14) "Municipal court", every division of the circuit court having original
37 jurisdiction to try persons for violations of city ordinances;

38 [(14)] (15) "Nonresident", every person who is not a resident of this state;

39 [(15)] (16) "Operator", every person who is in actual physical control of a motor vehicle
40 upon a highway;

41 [(16)] (17) "Owner", a person who holds the legal title of a vehicle or in the event a
42 vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of
43 purchase upon performance of the conditions stated in the agreement and with an immediate
44 right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a
45 vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be
46 deemed the owner for the purpose of sections 302.010 to 302.540;

47 [(17)] (18) "Record" includes, but is not limited to, papers, documents, facsimile
48 information, microphotographic process, electronically generated or electronically recorded
49 information, digitized images, deposited or filed with the department of revenue;

50 [(18)] (19) "Restricted driving privilege", a driving privilege issued by the director of
51 revenue following a suspension of driving privileges for the limited purpose of driving in
52 connection with the driver's business, occupation, employment, formal program of secondary,

53 postsecondary or higher education, or for an alcohol education or treatment program;

54 [(19)] (20) "School bus", when used in sections 302.010 to 302.540, means any motor
55 vehicle, either publicly or privately owned, used to transport students to and from school, or to
56 transport pupils properly chaperoned to and from any place within the state for educational
57 purposes. The term "school bus" shall not include a bus operated by a public utility, municipal
58 corporation or common carrier authorized to conduct local or interstate transportation of
59 passengers when such bus is not traveling a specific school bus route but is:

60 (a) On a regularly scheduled route for the transportation of fare-paying passengers; or

61 (b) Furnishing charter service for the transportation of persons enrolled as students on
62 field trips or other special trips or in connection with other special events;

63 [(20)] (21) "School bus operator", an operator who operates a school bus as defined in
64 subdivision (19) of this section in the transportation of any schoolchildren and who receives
65 compensation for such service. The term "school bus operator" shall not include any person who
66 transports schoolchildren as an incident to employment with a school or school district, such as
67 a teacher, coach, administrator, secretary, school nurse, or janitor unless such person is under
68 contract with or employed by a school or school district as a school bus operator;

69 [(21)] (22) "Signature", any method determined by the director of revenue for the
70 signing, subscribing or verifying of a record, report, application, driver's license, or other related
71 document that shall have the same validity and consequences as the actual signing by the person
72 providing the record, report, application, driver's license or related document;

73 [(22)] (23) "Substance abuse traffic offender program", a program certified by the
74 division of alcohol and drug abuse of the department of mental health to provide education or
75 rehabilitation services pursuant to a professional assessment screening to identify the individual
76 needs of the person who has been referred to the program as the result of an alcohol- or
77 drug-related traffic offense. Successful completion of such a program includes participation in
78 any education or rehabilitation program required to meet the needs identified in the assessment
79 screening. The assignment recommendations based upon such assessment shall be subject to
80 judicial review as provided in subsection 13 of section 302.304 and subsections 1 and 5 of
81 section 302.540;

82 [(23)] (24) "Vehicle", any mechanical device on wheels, designed primarily for use, or
83 used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human
84 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized
85 wheelchairs operated by handicapped persons.

**302.131. 1. The director may issue a driver's license valid only for operation of a
2 motorized bicycle to an applicant fifteen years of age or older who has passed a vision
3 examination pursuant to section 302.175, and who passes a written examination pursuant**

4 to section 302.173 regarding the applicant's ability to understand highway signs regulating,
5 warning, or directing traffic and the applicant's practical knowledge of the traffic laws of
6 this state. An applicant under the age of sixteen years applying for a driver's license valid
7 only for operation of a motorized bicycle shall also be required to successfully complete a
8 motorized bicycle education course approved and established by the department of
9 revenue, or a course presented by a private or commercial driver education school
10 approved by the department of revenue. A driver's license valid only for operation of a
11 motorized bicycle entitles the licensee, subject to the licensee's immediate possession of the
12 license, to operate a motorized bicycle upon roadways of this state having a posted speed
13 limit of not greater than thirty-five miles per hour. The license shall be subject to
14 expiration and renewal as set forth in section 302.177, and shall be subject to suspension
15 or revocation as with other licenses issued pursuant to this chapter.

16 2. No motorized bicycle shall be operated on any public thoroughfare located
17 within this state which has been designated as part of the federal interstate highway
18 system.

19 3. The holder of any classification of driver's license may operate a motorized
20 bicycle as otherwise authorized by this section.

21 4. No person shall operate a motorized bicycle on any highway or street in this state
22 unless the person has either:

23 (1) Applied for and received a license pursuant to this section valid only for
24 operation of a motorized bicycle; or

25 (2) Applied for and received any other classification of driver's license issued
26 pursuant to chapter 302.

27 5. Violation of this section shall be deemed a class C misdemeanor.

2 [307.195. 1. No person shall operate a motorized bicycle on any highway or
street in this state unless the person has a valid license to operate a motor vehicle.

3 2. No motorized bicycle may be operated on any public thoroughfare located
4 within this state which has been designated as part of the federal interstate highway
5 system.

6 3. Violation of this section shall be deemed a class C misdemeanor.]