

FIRST REGULAR SESSION

# HOUSE BILL NO. 124

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MEINERS.

Pre-filed December 20, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0081L.011

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### AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to children on motorcycles, with penalty provisions.

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

Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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 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.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           2. Every person operating or riding as a passenger on any motorcycle or motortricycle,  
18 as defined in section 301.010, RSMo, upon any highway of this state shall wear protective  
19 headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable  
20 standards and specifications established by the director.

21           3. **In order for a child to ride as a passenger on any motorcycle or motortricycle,**  
22 **such child shall be at least eight years of age, four feet six inches in height, and sixty-five**  
23 **pounds in weight. Any person convicted of transporting a child not meeting the minimum**  
24 **requirements of this subsection on a motorcycle or motortricycle shall be guilty of a class**  
25 **C misdemeanor.**

26           4. Notwithstanding the provisions of section 302.340 any person convicted of violating  
27 subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor. Any  
28 person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1  
29 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340,  
30 violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and  
31 the penalty for failure to wear protective headgear as required by subsection 2 of this section is  
32 an infraction for which a fine not to exceed twenty-five dollars may be imposed.  
33 Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall  
34 be imposed upon any person due to such violation. No points shall be assessed pursuant to  
35 section 302.302 for a failure to wear such protective headgear.