

FIRST REGULAR SESSION

HOUSE BILL NO. 125

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MEINERS.

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

STEPHEN S. DAVIS, Chief Clerk

0079L.011

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to eye protection for motorcycle operators, with penalty provisions.

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Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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. **Every person operating any motorcycle or motortricycle, as defined in section**
22 **301.010, RSMo, upon any highway of this state shall wear an eye protective device, unless**
23 **the motorcycle or motortricycle is equipped with a windscreen of sufficient height and**
24 **design so as to provide adequate eye protection to the operator when seated in the normal**
25 **operating position. However, no person may operate a motorcycle or motortricycle during**
26 **the time period when headlights must be lighted while wearing an eye protective device**
27 **that is tinted or shaded to reduce the light transmittance of the device to a level below**
28 **thirty-five percent.**

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