

SECOND REGULAR SESSION

HOUSE BILL NO. 1255

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAY (Sponsor), BEHNEN, ERVIN, WRIGHT (159), FISHER, WHORTON, WILSON (119), PHILLIPS, SATER, YOUNG, DOUGHERTY, WALLACE, DETHROW, WOOD, SCHLOTTACH, CHINN, NANCE, BEARDEN, HUNTER, JOHNSON (90), PRATT, BROWN (30), WASSON, TILLEY, JETTON, JOHNSON (47), SMITH (150), RICHARD, WRIGHT (137) AND QUINN (Co-sponsors).

Read 1st time January 5, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3962L.01I

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to wearing protective headgear while operating a motorcycle or motortricycle, 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Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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;

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.

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person
12 or under such person's control to be driven upon any highway by any person whose license does
13 not indicate that the person has passed the examination for the operation of a motorcycle or
14 motortricycle or has been issued an instruction permit therefor;

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

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

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

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