

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1393
94TH GENERAL ASSEMBLY

Reported from the Special Committee on Homeland Security February 13, 2008 with recommendation that House Committee Substitute for House Bill No. 1393 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3189L.02C

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, 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Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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

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.

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 operating or riding as a passenger on any motorcycle or**
18 **motortricycle, as defined in section 301.010, RSMo, upon any federal interstate highway**
19 **shall wear protective headgear at all times the vehicle is in motion, regardless of such**
20 **person's age. The provisions of this subsection shall expire August 28, 2013.**

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

26 **[3.] 4.** Notwithstanding the provisions of section 302.340 any person convicted of
27 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class A misdemeanor.
28 Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection
29 1 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.

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