

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1655

97TH GENERAL ASSEMBLY

5478H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to motor vehicles, 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Section A. Section 302.020, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 301.3083 and 302.020, to read as follows:

301.3083. 1. Notwithstanding any other provision of law to the contrary, any person, after an annual payment of an emblem-use fee to the Breast Cancer Foundation of the Ozarks, may receive special license plates for any vehicle the person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight. The Breast Cancer Foundation of the Ozarks hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. Any contribution to the Breast Cancer Foundation of the Ozarks derived from this section, except reasonable administrative costs, shall be used solely for the purposes of the Breast Cancer Foundation of the Ozarks. Any member of the Breast Cancer Foundation of the Ozarks may annually apply for the use of the emblem.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Breast Cancer Foundation of the Ozarks, the Breast Cancer Foundation of the Ozarks shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the vehicle owner to the director of revenue at the time of registration. Upon presentation of the annual statement and payment of a twenty-five dollar fee in addition to the regular registration fees, and

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.

18 presentation of any documents which may be required by law, the director of revenue shall
19 issue to the vehicle owner a special license plate which shall bear the emblem of the Breast
20 Cancer Foundation of the Ozarks. Such license plates shall be made with fully reflective
21 material with a common color scheme and design, shall be clearly visible at night, and shall
22 be aesthetically attractive, as prescribed by section 301.130. In addition, upon such set of
23 license plates shall be inscribed, in lieu of the words "SHOW-ME STATE", the words
24 "BCFO.ORG". Notwithstanding the provisions of section 301.144, no additional fee shall
25 be charged for the personalization of license plates issued pursuant to this section.

26 3. A vehicle owner who was previously issued a plate with the Breast Cancer
27 Foundation of the Ozarks emblem authorized by this section, but who does not provide an
28 emblem-use authorization statement at a subsequent time of registration, shall be issued
29 a new plate which does not bear the Breast Cancer Foundation of the Ozarks emblem, as
30 otherwise provided by law. The director of revenue shall make necessary rules and
31 regulations for the enforcement of this section, and shall design all necessary forms
32 required by this section.

33 4. Prior to the issuance of a Breast Cancer Foundation of the Ozarks specialty plate
34 authorized under this section the department of revenue must be in receipt of an
35 application, as prescribed by the director, which shall be accompanied by a list of at least
36 two hundred potential applicants who plan to purchase the specialty plate, the proposed
37 art design for the specialty license plate, and an application fee, not to exceed five thousand
38 dollars, to defray the department's cost for issuing, developing, and programming the
39 implementation of the specialty plate. Once the plate design is approved, the director of
40 revenue shall not authorize the manufacture of the material to produce such specialized
41 license plates with the individual seal, logo, or emblem until such time as the director has
42 received two hundred applications, the twenty-five dollar specialty plate fee per
43 application, and emblem-use statements, if applicable, and other required documents or
44 fees for such plates.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such
6 person has a valid license that shows the person has successfully passed an examination for the
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the

9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required
10 by section 302.173, is conducted on such vehicle;

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, upon any highway
19 of this state shall wear protective headgear at all times the vehicle is in motion. The protective
20 headgear shall meet reasonable standards and specifications established by the director.

21 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
22 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation
23 of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed
24 three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section
25 shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or
26 a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of
27 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony.
28 Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of
29 subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to
30 exceed three hundred dollars, a second or subsequent violation of this section punishable as a
31 class C misdemeanor, and the penalty for failure to wear protective headgear as required by
32 subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars
33 may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no
34 court costs shall be imposed upon any person due to such violation. No points shall be assessed
35 pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty
36 and prior findings of guilty shall be pleaded and proven in the same manner as required by
37 section 558.021.

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