

SECOND REGULAR SESSION

HOUSE BILL NO. 1655

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BURLISON (Sponsor), FITZWATER, FRAKER, MARSHALL,
SWEARINGEN, LYNCH, MOON, FITZPATRICK, WILSON, JOHNSON, BRATTIN, ANDERSON,
KELLEY (127), ROWDEN, FUNDERBURK, WIELAND, JONES (50), HICKS,
CORNEJO AND KOENIG (Co-sponsors).

5478L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.020 and 302.132, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles or motortricycles, with penalty provisions.

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

Section A. Sections 302.020 and 302.132, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 302.020 and 302.132, to read as follows: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;

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.

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.

302.132. 1. Any person at least fifteen and one-half years of age who, except for age or
2 lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a
3 motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to 302.340 may
4 apply, with the written consent of the parent or guardian of such person, for a temporary
5 motorcycle instruction permit to operate a motorcycle or motortricycle.

6 2. The director shall issue a temporary motorcycle instruction permit under this section
7 if the applicant has completed a motorcycle rider training course approved under sections
8 302.133 to 302.138 and is otherwise eligible for the temporary permit. **An applicant issued a**
9 **temporary motorcycle instruction permit under this section may renew such permit two**
10 **additional times, for a total maximum permit period of eighteen months.**

11 3. A person receiving a temporary motorcycle permit and having it in his **or her**
12 immediate possession shall be entitled to operate a motorcycle or motortricycle for a period of

13 six months upon the highways of the state, and persons under the age of sixteen shall be subject
14 to the following restrictions:

15 (1) The motorcycle or motortricycle may not have an engine with a displacement of
16 greater than two hundred fifty cubic centimeters;

17 (2) The operator shall not travel at any time from a half-hour after sunset to a half-hour
18 before sunrise;

19 (3) The operator shall not carry any passengers; and

20 (4) The operator shall not travel over fifty miles from the operator's home address.

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