

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 804,
2 Page 5, Section 221.111, Line 42, by inserting immediately after all of said line the following:

3
4 "302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
5 except those expressly exempted by section 302.080, to:

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

7 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person
8 has a valid license that shows the person has successfully passed an examination for the operation of
9 a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a
10 valid license issued to such person, or shall issue a license restricting the applicant to the operation
11 of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is
12 conducted on such vehicle;

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

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

18 2. Every person who is younger than twenty-one years of age operating or riding as a
19 passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of
20 this state shall wear protective headgear at all times the vehicle is in motion, except that any person
21 twenty-one years of age or older operating any motorcycle or motortricycle who has not completed
22 a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 or possessed
23 his or her motorcycle license or motorcycle endorsement for a minimum period of two years or has
24 been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion.
25 The protective headgear shall meet reasonable standards and specifications established by the
26 director. No person twenty-one years of age or older shall be stopped, inspected, or detained solely
27 to determine compliance with this subsection.

28 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
29 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of
30 subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D misdemeanor.
31 A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a
32 class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1)
33 or (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions of
34 section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a
35 misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent
36 violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear

Standing Action Taken _____ Date _____

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1 protective headgear as required by subsection 2 of this section is an infraction for which a fine not
 2 to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and
 3 court rules to the contrary, no court costs shall be imposed upon any person due to such violation.
 4 No points shall be assessed pursuant to section 302.302 for a failure to wear such protective
 5 headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same
 6 manner as required by section 558.021.

7 302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
 8 except those expressly exempted by section 302.080, to:

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

10 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person
 11 has a valid license that shows the person has successfully passed an examination for the operation of
 12 a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a
 13 valid license issued to such person, or shall issue a license restricting the applicant to the operation
 14 of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is
 15 conducted on such vehicle;

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

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

21 2. Every person who is younger than twenty-one years of age operating or riding as a
 22 passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of
 23 this state shall wear protective headgear at all times the vehicle is in motion, except that any person
 24 twenty-one years of age or older operating any motorcycle or motortricycle who has not completed
 25 a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 or possessed
 26 his or her motorcycle license or motorcycle endorsement for a minimum period of two years or has
 27 been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion.
 28 The protective headgear shall meet reasonable standards and specifications established by the
 29 director. No person twenty-one years of age or older shall be stopped, inspected, or detained solely
 30 to determine compliance with this subsection.

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

47 302.026. 1. Any qualified motorcycle operator who is twenty-one years of age or older may
 48 operate a motorcycle or motortricycle upon any highway of this state without wearing protective

1 headgear if he or she has first-party insurance coverage and has completed a motorcycle safety
2 education course approved pursuant to sections 302.133 to 302.137 or possessed his or her
3 motorcycle license or motorcycle endorsement for a minimum period of two years. In addition to
4 maintaining proof of financial responsibility in accordance with chapter 303, any such qualified
5 motorcycle operator who desires to operate a motorcycle or motortricycle upon any highway of this
6 state without wearing protective headgear shall be covered by a health insurance policy, health
7 benefit plan, a personal injury protections insurance policy or rider, or other form of insurance
8 providing first-party medical benefits in the minimum amount of fifty thousand dollars for injuries
9 incurred as a result of an accident while operating a motorcycle or motortricycle.

10 2. Proof of coverage required by subsection 1 of this section shall be provided, upon
11 request, by showing documentation indicating the qualified operator has the insurance coverage
12 required by this section. The term "health benefit plan" as used in this section shall have the same
13 meaning assigned to it in section 376.1350."; and
14

15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.