

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 909, Page 1, in the Title, Lines 2-3, by  
2 deleting the phrase "the designation of highways" and inserting in lieu thereof the word  
3 "transportation"; and  
4

5 Further amend said bill, Page 2, Section 227.446, Line 4, by inserting immediately after all of said  
6 line the following:  
7

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

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

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

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

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

32 3. Notwithstanding the provisions of section 302.340 any person convicted of violating  
33 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of  
34 subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D misdemeanor.  
35 A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a  
36 class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1)

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Select Action Taken \_\_\_\_\_ Date \_\_\_\_\_

or (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.

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;

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

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

3. Notwithstanding the provisions of section 302.340 any person convicted of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to exceed three hundred dollars, a second or subsequent violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to

1 wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded  
2 and proven in the same manner as required by section 558.021.

3 302.026. 1. Any qualified motorcycle operator who is twenty-one years of age or older may  
4 operate a motorcycle or motortricycle upon any highway of this state without wearing protective  
5 headgear if he or she has first-party insurance coverage and has completed a motorcycle safety  
6 education course approved pursuant to sections 302.133 to 302.137 or possessed his or her  
7 motorcycle license or motorcycle endorsement for a minimum period of two years. In addition to  
8 maintaining proof of financial responsibility in accordance with chapter 303, any such qualified  
9 motorcycle operator who desires to operate a motorcycle or motortricycle upon any highway of this  
10 state without wearing protective headgear shall be covered by a health insurance policy, health  
11 benefit plan, a personal injury protections insurance policy or rider, or other form of insurance  
12 providing first-party medical benefits in the minimum amount of fifty thousand dollars for injuries  
13 incurred as a result of an accident while operating a motorcycle or motortricycle.

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

18  
19 Further amend said bill by amending the title, enacting clause, and intersectional references  
20 accordingly.