

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 824, Page 1, Section A, Line 2, by inserting immediately after all of said
2 section and 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. Every person twenty-
21 one years of age or older operating any motorcycle or motortricycle who has been issued an
22 instruction permit shall wear protective headgear at all times the vehicle is in motion. Every person
23 twenty-one years of age or older operating any motorcycle or motortricycle who has neither
24 possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two
25 years nor completed a motorcycle safety education course approved pursuant to sections 302.133 to
26 302.137 shall wear protective headgear at all times the vehicle is in motion. The protective
27 headgear shall meet reasonable standards and specifications established by the director. No person
28 twenty-one years of age or older shall be stopped, inspected, or detained solely to determine
29 compliance with this subsection.

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

Action Taken _____ Date _____

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

9 302.026. 1. Any qualified motorcycle operator who is twenty-one years of age or older may
10 operate a motorcycle or motortricycle upon any highway of this state without wearing protective
11 headgear if he or she has first-party insurance coverage and has completed a motorcycle safety
12 education course approved pursuant to sections 302.133 to 302.137 or possessed his or her
13 motorcycle license or motorcycle endorsement for a minimum period of two years. In addition to
14 maintaining proof of financial responsibility in accordance with chapter 303, any such qualified
15 motorcycle operator who desires to operate a motorcycle or motortricycle upon any highway of this
16 state without wearing protective headgear shall be covered by a health insurance policy.

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

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.