

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 399,
2 Page 42, Section 301.560, Line 204, by inserting immediately after all of said section and line the
3 following:
4

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

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

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

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

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

19 2. Every person who is younger than twenty-one years of age operating or riding as a
20 passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of
21 this state shall wear protective headgear at all times the vehicle is in motion. Every person twenty-
22 one years of age or older operating any motorcycle or motortricycle who has been issued an
23 instruction permit shall wear protective headgear at all times the vehicle is in motion. Every person
24 twenty-one years of age or older operating any motorcycle or motortricycle who has neither
25 possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two
26 years nor completed a motorcycle safety education course approved pursuant to sections 302.133 to
27 302.137 shall wear protective headgear at all times the vehicle is in motion. The protective
28 headgear shall meet reasonable standards and specifications established by the director. No person
29 shall be stopped, inspected, or detained solely to determine 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

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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.

21 304.005. 1. As used in this section, the term "autocycle" means a three-wheeled motor
 22 vehicle [on] which the drivers and passengers ride in a partially or completely enclosed[, tandem]
 23 non-straddle seating area [that is equipped with air bag protection, a roll cage, safety belts for each
 24 occupant, and antilock brakes and], that is designed to be controlled with a steering wheel and
 25 pedals, and that has met applicable Department of Transportation National Highway Traffic Safety
 26 Administration requirements or Federal Motorcycle Safety Standards.

27 2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an
 28 autocycle shall not be required to wear protective headgear if the vehicle is equipped with a roof
 29 that meets or exceeds the standards established for protective headgear.

30 3. No person shall operate an autocycle on any highway or street in this state unless the
 31 person has a valid driver's license. The operator of an autocycle, however, shall not be required to
 32 obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to
 33 302.340."; and

34
 35 Further amend said bill, Page 50, Section 407.816, Line 7, by inserting immediately after all of said
 36 section and line the following:

37
 38 "476.385. 1. The judges of the supreme court may appoint a committee consisting of at
 39 least seven associate circuit judges, who shall meet en banc and establish and maintain a schedule of
 40 finest to be paid for violations of sections 210.104, 577.070, and 577.073, and chapters 252, 301,
 41 302, 304, 306, 307 and 390, with such fines increasing in proportion to the severity of the violation.
 42 The associate circuit judges of each county may meet en banc and adopt the schedule of fines and
 43 participation in the centralized bureau pursuant to this section. Notice of such adoption and
 44 participation shall be given in the manner provided by supreme court rule. Upon order of the
 45 supreme court, the associate circuit judges of each county may meet en banc and establish and
 46 maintain a schedule of fines to be paid for violations of municipal ordinances for cities, towns and
 47 villages electing to have violations of its municipal ordinances heard by associate circuit judges,
 48 pursuant to section 479.040; and for traffic court divisions established pursuant to section 479.500.

1 The schedule of fines adopted for violations of municipal ordinances may be modified from time to
2 time as the associate circuit judges of each county en banc deem advisable. No fine established
3 pursuant to this subsection may exceed the maximum amount specified by statute or ordinance for
4 such violation. Individual political subdivisions, including counties and municipalities, shall be
5 prohibited from imposing a fine for any violation in excess of the fine specified for the violation on
6 the schedule of fines established and maintained by the supreme court under this subsection.

7 2. In no event shall any schedule of fines adopted pursuant to this section include offenses
8 involving the following:

9 (1) Any violation resulting in personal injury or property damage to another person;

10 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
11 drugs;

12 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;

13 (4) Fleeing or attempting to elude an officer.

14 3. There shall be a centralized bureau to be established by supreme court rule in order to
15 accept pleas of not guilty or guilty and payments of fines and court costs for violations of the laws
16 and ordinances described in subsection 1 of this section, made pursuant to a schedule of fines
17 established pursuant to this section. The centralized bureau shall collect, with any plea of guilty and
18 payment of a fine, all court costs which would have been collected by the court of the jurisdiction
19 from which the violation originated.

20 4. If a person elects not to contest the alleged violation, the person shall send payment in the
21 amount of the fine and any court costs established for the violation to the centralized bureau. Such
22 payment shall be payable to the central violations bureau, shall be made by mail or in any other
23 manner established by the centralized bureau, and shall constitute a plea of guilty, waiver of trial
24 and a conviction for purposes of section 302.302, and for purposes of imposing any collateral
25 consequence of a criminal conviction provided by law. By paying the fine and costs, the person also
26 consents to attendance either online or in person at any driver-improvement program or motorcycle-
27 rider training course ordered by the court and consents to verification of such attendance as directed
28 by the bureau. Notwithstanding any provision of law to the contrary, the prosecutor shall not be
29 required to sign any information, ticket or indictment if disposition is made pursuant to this
30 subsection. In the event that any payment is made pursuant to this section by credit card or similar
31 method, the centralized bureau may charge an additional fee in order to reflect any transaction cost,
32 surcharge or fee imposed on the recipient of the credit card payment by the credit card company.

33 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to the
34 centralized bureau. The bureau shall send such plea and request for trial to the prosecutor having
35 original jurisdiction over the offense. Any trial shall be conducted at the location designated by the
36 court. The clerk of the court in which the case is to be heard shall notify in writing such person of
37 the date certain for the disposition of such charges. The prosecutor shall not be required to sign any
38 information, ticket or indictment until the commencement of any proceeding by the prosecutor with
39 respect to the notice of violation.

40 6. In courts adopting a schedule of fines pursuant to this section, any person receiving a
41 notice of violation pursuant to this section shall also receive written notification of the following:

42 (1) The fine and court costs established pursuant to this section for the violation or
43 information regarding how the person may obtain the amount of the fine and court costs for the
44 violation;

45 (2) That the person must respond to the notice of violation by paying the prescribed fine and
46 court costs, or pleading not guilty and appearing at trial, and that other legal penalties prescribed by
47 law may attach for failure to appear and dispose of the violation. The supreme court may modify
48 the suggested forms for uniform complaint and summons for use in courts adopting the procedures

1 provided by this section, in order to accommodate such required written notifications.

2 7. Any moneys received in payment of fines and court costs pursuant to this section shall
3 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit of
4 those persons or entities entitled to receive such funds pursuant to this subsection. All amounts paid
5 to the centralized bureau shall be maintained by the centralized bureau, invested in the manner
6 required of the state treasurer for state funds by sections 30.240, 30.250, 30.260 and 30.270, and
7 disbursed as provided by the constitution and laws of this state. Any interest earned on such fund
8 shall be payable to the director of the department of revenue for deposit into a revolving fund to be
9 established pursuant to this subsection. The state treasurer shall be the custodian of the revolving
10 fund, and shall make disbursements, as allowed by lawful appropriations, only to the judicial branch
11 of state government for goods and services related to the administration of the judicial system.

12 8. Any person who receives a notice of violation subject to this section who fails to dispose
13 of such violation as provided by this section shall be guilty of failure to appear provided by section
14 544.665; and may be subject to suspension of driving privileges in the manner provided by section
15 302.341. The centralized bureau shall notify the appropriate prosecutor of any person who fails to
16 either pay the prescribed fine and court costs, or plead not guilty and request a trial within the time
17 allotted by this section, for purposes of application of section 544.665. The centralized bureau shall
18 also notify the department of revenue of any failure to appear subject to section 302.341, and the
19 department shall thereupon suspend the license of the driver in the manner provided by section
20 302.341, as if notified by the court.

21 9. In addition to the remedies provided by subsection 8 of this section, the centralized
22 bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the
23 collection of court costs payable to courts, in order to collect fines and court costs for violations
24 subject to this section."; and
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26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.