

FIRST REGULAR SESSION

# HOUSE BILL NO. 998

## 99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE CHIPMAN.

1759H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to driving with an expired license, with penalty provisions.

---

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

Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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;

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

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.

17           2. Every person operating or riding as a passenger on any motorcycle or motortricycle,  
18 as defined in section 301.010, upon any highway of this state shall wear protective headgear at  
19 all times the vehicle is in motion. The protective headgear shall meet reasonable standards and  
20 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, **except as**  
23 **provided in subsection 4 of this section.** A first violation of subdivision (1) or (2) of  
24 subsection 1 of this section shall be punishable as a class D misdemeanor. A second violation  
25 of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class A  
26 misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1) or  
27 (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions  
28 of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a  
29 misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent  
30 violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear  
31 protective headgear as required by subsection 2 of this section is an infraction for which a fine  
32 not to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law  
33 and court rules to the contrary, no court costs shall be imposed upon any person due to such  
34 violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such  
35 protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven  
36 in the same manner as required by section 558.021.

37           4. **Notwithstanding the provisions of subsection 3 of this section and section**  
38 **302.340, any person violating subdivision (1) or (2) of subsection 1 of this section who was**  
39 **previously licensed to drive in the state of Missouri, but who failed to renew his or her**  
40 **license within the time allowed under Missouri law, shall be guilty of an infraction,**  
41 **punishable by a fine of twenty-five dollars. Such fine shall be waived if such person renews**  
42 **his or her license within thirty days of receiving a citation. The provisions of this**  
43 **subsection shall not apply to any person who has had his or her license cancelled, revoked,**  
44 **or suspended.**

✓