

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 3068 & 3049, Page 7, Section 43.530,
2 Line 23, by inserting after said 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
7 license;

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

14 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person
15 or under such person's control to be driven upon any highway by any person whose license does
16 not 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
19 person.

20 2. Every person under twenty-six years of age who is operating or riding as a passenger
21 on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this
22 state shall wear protective headgear at all times the vehicle is in motion; except that, any person
23 twenty-six years of age or older operating any motorcycle or motortricycle who has been issued
24 an instruction permit shall wear protective headgear at all times the vehicle is in motion. The
25 protective headgear shall meet reasonable standards and specifications established by the
26 director. No political subdivision of this state shall impose a protective headgear requirement on
27 the operator or passenger of a motorcycle or motortricycle. No person shall be stopped,
28 inspected, or detained solely to determine compliance with this subsection, except that a person
29 may be stopped, inspected, or detained when there is a reasonable basis to suspect that a
30 violation of this subsection involves a child passenger under ten years of age.

Action Taken _____ Date _____

1 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
 2 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation
 3 of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D
 4 misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this section shall
 5 be punishable as a class A misdemeanor. Any person convicted a third or subsequent time of
 6 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class E felony.
 7 Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of
 8 subsection 1 of this section is a misdemeanor, the first violation punishable as a class D
 9 misdemeanor, a second or subsequent violation of this section punishable as a class C
 10 misdemeanor, and the penalty for failure to wear protective headgear as required by subsection 2
 11 of this section is an infraction for which a fine not to exceed twenty-five dollars may be imposed
 12 unless the violation involves a child passenger under ten years of age, in which case the violation
 13 shall be punishable as an infraction for which a fine not to exceed five hundred dollars may be
 14 imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court
 15 costs shall be imposed upon any person due to such violation. No points shall be assessed
 16 pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty
 17 and prior findings of guilty shall be pleaded and proven in the same manner as required by
 18 section 558.021.

19 302.023. 1. The provisions of this section shall be known and may be referred to as
 20 "Calvin's Law".

21 2. It shall be unlawful for the operator of a motorcycle or motortricycle to allow any
 22 person under ten years of age to ride as a passenger on a motorcycle or motortricycle operated on
 23 any highway in this state unless the motorcycle or motortricycle is equipped with a proper
 24 passenger seat, the seat has a seat back capable of providing reasonable support, the child
 25 occupies that seat and the child is able to place both feet on the passenger foot pegs, except when
 26 a licensed physician certifies a medical exemption.

27 3. Notwithstanding any other provision of law to the contrary, a person may be stopped,
 28 inspected, or detained solely to determine compliance with this section.

29 4. Notwithstanding the provisions of section 302.340, violation of subsection 2 of this
 30 section shall be punishable as an infraction for which a fine not to exceed fifty dollars may be
 31 imposed."; and
 32

33 Further amend said bill, Page 40, Section 589.402, Line 42, by inserting after all of said section
 34 and line the following:

35
 36 "Section B. The enactment of section 302.023 and the repeal and reenactment of section
 37 302.020 of section A of this act shall become effective on January 1, 2027."; and
 38

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.