

SECOND REGULAR SESSION

# HOUSE BILL NO. 3085

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RUSH.

6865H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof two new sections relating to child passengers on motorcycles and motortricycles, with penalty provisions and a delayed effective date.

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

Section A. Section 302.020, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.020 and 302.023, to read as follows: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 under twenty-six years of age who is operating or riding as a  
18 passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any  
19 highway of this state shall wear protective headgear at all times the vehicle is in motion;  
20 except that, any person twenty-six years of age or older operating any motorcycle or  
21 motortricycle who has been issued an instruction permit shall wear protective headgear at all  
22 times the vehicle is in motion. The protective headgear shall meet reasonable standards and  
23 specifications established by the director. No political subdivision of this state shall impose a  
24 protective headgear requirement on the operator or passenger of a motorcycle or  
25 motortricycle. No person shall be stopped, inspected, or detained solely to determine  
26 compliance with this subsection, **except that a person may be stopped, inspected, or**  
27 **detained when there is a reasonable basis to suspect that a violation of this subsection**  
28 **involves a child passenger under ten years of age.**

29           3. Notwithstanding the provisions of section 302.340 any person convicted of  
30 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A  
31 first violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a  
32 class D misdemeanor. A second violation of subdivision (1) or (2) of subsection 1 of this  
33 section shall be punishable as a class A misdemeanor. Any person convicted a third or  
34 subsequent time of violating subdivision (1) or (2) of subsection 1 of this section is guilty of a  
35 class E felony. Notwithstanding the provisions of section 302.340, violation of subdivisions  
36 (3) and (4) of subsection 1 of this section is a misdemeanor, the first violation punishable as a  
37 class D misdemeanor, a second or subsequent violation of this section punishable as a class C  
38 misdemeanor, and the penalty for failure to wear protective headgear as required by  
39 subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars  
40 may be imposed **unless the violation involves a child passenger under ten years of age, in**  
41 **which case the violation shall be punishable as an infraction for which a fine not to**  
42 **exceed one hundred dollars may be imposed.** Notwithstanding all other provisions of law  
43 and court rules to the contrary, no court costs shall be imposed upon any person due to such  
44 violation. No points shall be assessed pursuant to section 302.302 for a failure to wear such  
45 protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and  
46 proven in the same manner as required by section 558.021.

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

3           **2. It shall be unlawful for the operator of a motorcycle or motortricycle to allow**  
4 **any person under ten years of age to ride as a passenger on a motorcycle or**  
5 **motortricycle operated on any highway in this state unless the motorcycle or**  
6 **motortricycle is equipped with a proper passenger seat and the child is able to place**

7 **both feet on the passenger foot pegs, except when a licensed physician certifies a medical**  
8 **exemption.**

9 **3. Any passenger under ten years of age shall wear protective headgear meeting**  
10 **the requirements of section 302.020.**

11 **4. Notwithstanding any other provision of law to the contrary, a person may be**  
12 **stopped, inspected, or detained solely to determine compliance with this section.**

13 **5. Notwithstanding the provisions of section 302.340, violation of subsection 2 or**  
14 **3 of this section shall be punishable as an infraction for which a fine not to exceed one**  
15 **hundred dollars may be imposed.**

Section B. The enactment of section 302.023 and the repeal and reenactment of  
2 section 302.020 of section A of this act shall become effective on January 1, 2027.

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