

SECOND REGULAR SESSION

HOUSE BILL NO. 1371

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MILLER.

4406H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.020 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.020 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, and to enact in lieu thereof one new section relating to the operation of motorcycles or motortricycles, with penalty provisions.

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

Section A. Section 302.020 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 302.020 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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

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.

13 not indicate that the person has passed the examination for the operation of a motorcycle or
14 motortricycle or has been issued an instruction permit therefor;

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

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. **The wearing of a helmet not in compliance with**
21 **such standards and specifications shall be considered a secondary offense and a driver**
22 **shall only be cited for a helmet's noncompliance if he or she was stopped by law**
23 **enforcement for a separate primary offense.**

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

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

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

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such
6 person has a valid license that shows the person has successfully passed an examination for the
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the

9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required
10 by section 302.173, is conducted on such vehicle;

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

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

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. **The wearing of a helmet not in compliance with**
21 **such standards and specifications shall be considered a secondary offense and a driver**
22 **shall only be cited for a helmet's noncompliance if he or she was stopped by law**
23 **enforcement for a separate primary offense.**

24 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
25 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation
26 of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed
27 three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section
28 shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or
29 a fine not to exceed one thousand dollars. Any person convicted a third or subsequent time of
30 violating subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony.
31 Notwithstanding the provisions of section 302.340, violation of subdivisions (3) and (4) of
32 subsection 1 of this section is a misdemeanor, the first violation punishable by a fine not to
33 exceed three hundred dollars, a second or subsequent violation of this section punishable as a
34 class C misdemeanor, and the penalty for failure to wear protective headgear as required by
35 subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may
36 be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court
37 costs shall be imposed upon any person due to such violation. No points shall be assessed
38 pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty
39 and prior findings of guilty shall be pleaded and proven in the same manner as required by
40 section 558.021.

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