

FIRST REGULAR SESSION

HOUSE BILL NO. 576

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCCAHERTY.

1189H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof two new sections 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Section A. Section 302.020, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 302.020 and 302.026, to read as follows: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 **who is younger than twenty-one years of age** operating or riding as
18 a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway
19 of this state shall wear protective headgear at all times the vehicle is in motion; **except that, any**
20 **person twenty-one years of age or older operating any motorcycle or motortricycle who has**
21 **not completed a motorcycle safety education course approved pursuant to sections 302.133**
22 **to 302.137, or possessed his or her motorcycle license or motorcycle endorsement for a**
23 **minimum period of two years, or has been issued an instruction permit shall wear**
24 **protective headgear at all times the vehicle is in motion.** The protective headgear shall meet
25 reasonable standards and specifications established by the director. **No person twenty-one**
26 **years of age or older shall be stopped, inspected, or detained solely to determine**
27 **compliance with this subsection.**

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

302.026. 1. Any qualified motorcycle operator who is twenty-one years of age or
2 **older may operate a motorcycle or motortricycle upon any highway of this state without**
3 **wearing protective headgear if he or she has first-party insurance coverage and has**
4 **completed a motorcycle safety education course approved pursuant to sections 302.133 to**
5 **302.137 or possessed his or her motorcycle license or motorcycle endorsement for a**
6 **minimum period of two years. In addition to maintaining proof of financial responsibility**
7 **in accordance with chapter 303, any such qualified motorcycle operator who desires to**
8 **operate a motorcycle or motortricycle upon any highway of this state without wearing**
9 **protective headgear shall be covered by a health insurance policy, health benefit plan, a**

10 **personal injury protections insurance policy or rider, or other form of insurance providing**
11 **first-party medical benefits in the minimum amount of one hundred thousand dollars for**
12 **injuries incurred as a result of an accident while operating a motorcycle or motortricycle.**

13 **2. Proof of coverage required by subsection 1 of this section shall be provided, upon**
14 **request, by showing documentation indicating the qualified operator has the insurance**
15 **coverage required by this section. The term "health benefit plan" as used in this section**
16 **shall have the same meaning assigned to it in section 376.1350.**

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