

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 576

99TH GENERAL ASSEMBLY

1189H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 302.020 and 304.005, RSMo, and to enact in lieu thereof three 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Section A. Sections 302.020 and 304.005, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 302.020, 302.026, and 304.005, to read as
3 follows:

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.

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. **Every person**
20 **twenty-one years of age or older operating any motorcycle or motortricycle who has been**
21 **issued an instruction permit shall wear protective headgear at all times the vehicle is in**
22 **motion. Every person twenty-one years of age or older operating any motorcycle or**
23 **motortricycle who has neither possessed his or her motorcycle license or motorcycle**
24 **endorsement for a minimum period of two years nor completed a motorcycle safety**
25 **education course approved pursuant to sections 302.133 to 302.137 shall wear protective**
26 **headgear at all times the vehicle is in motion.** The protective headgear shall meet reasonable
27 standards and specifications established by the director. **No person shall be stopped, inspected,**
28 **or detained solely to determine compliance with this subsection.**

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

10 2. Proof of coverage required by subsection 1 of this section shall be provided to
11 law enforcement, upon request, by showing documentation indicating the qualified

12 operator has the insurance coverage required by this section. The term "health benefit
13 plan" as used in this section shall have the same meaning assigned to it in section 376.1350.

304.005. 1. As used in this section, the term "autocycle" means a three-wheeled motor
2 vehicle ~~[on]~~ which the drivers and passengers ride in a **partially or** completely enclosed[;
3 ~~tandem]~~ **non-straddle** seating area ~~[that is equipped with air bag protection, a roll cage, safety~~
4 ~~belts for each occupant, and antilock brakes and]~~, that is designed to be controlled with a steering
5 wheel and pedals, **and that has met applicable Department of Transportation National**
6 **Highway Traffic Safety Administration requirements or Federal Motorcycle Safety**
7 **Standards.**

8 2. Notwithstanding subsection 2 of section 302.020, a person operating or riding in an
9 autocycle shall not be required to wear protective headgear if the vehicle is equipped with a roof
10 that meets or exceeds the standards established for protective headgear.

11 3. No person shall operate an autocycle on any highway or street in this state unless the
12 person has a valid driver's license. The operator of an autocycle, however, shall not be required
13 to obtain a motorcycle or motortricycle license or endorsement pursuant to sections 302.010 to
14 302.340.

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