

FIRST REGULAR SESSION

# HOUSE BILL NO. 591

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY.

1379H.021

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 302.020 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and 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 a motorcycle, with penalty provisions.

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*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, and section 302.020 as enacted by house bill no. 111, ninety-sixth general assembly, first regular session, are repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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. **No person shall be stopped, inspected, or detained**  
21 **solely to enforce the provisions of this subsection.**

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

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

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