

SECOND REGULAR SESSION

# HOUSE BILL NO. 2035

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SWEARINGEN.

6274L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, 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Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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 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 under twenty-one years of age** operating or riding as a  
18 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. The protective  
20 headgear shall meet reasonable standards and specifications established by the director.

21           3. Notwithstanding the provisions of section 302.340 any person convicted of violating  
22 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation  
23 of subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed  
24 three hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section  
25 shall be punishable by imprisonment in the county jail for a term not to exceed one year and/or  
26 a fine not to exceed one thousand dollars. 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 D 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 by a fine not to  
30 exceed three hundred dollars, a second or subsequent violation of this section punishable as a  
31 class C misdemeanor, and the penalty for failure to wear protective headgear as required by  
32 subsection 2 of this section is an infraction for which a fine not to exceed twenty-five dollars  
33 may be imposed. Notwithstanding all other provisions of law and court rules to the contrary, no  
34 court 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.

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