

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 994

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), WILSON (119), SANDER, FISHER, BROWN (30), BIVINS AND MCGHEE (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

Read 1st time January 4, 2006.

Read 2nd time January 5, 2006 and referred to the Committee on Transportation January 12, 2006.

Reported from the Committee on Transportation February 22, 2006 with recommendation that the bill Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

Reported from the Committee on Rules February 28, 2006 with recommendation that the bill Do Pass.

Taken up for Perfection April 4, 2006. Bill ordered Perfected and printed, as amended.

STEPHEN S. DAVIS, Chief Clerk

3239L.01P

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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Section A. Section 302.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 302.020, to read as follows: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

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.

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 **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, RSMo, upon any  
19 highway of this state shall wear protective headgear at all times the vehicle is in motion. The  
20 protective headgear shall meet reasonable standards and specifications established by the  
21 director.

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 class A misdemeanor. Any  
24 person convicted a third or subsequent time of violating subdivision (1) or (2) of subsection 1  
25 of this section is guilty of a class D felony. Notwithstanding the provisions of section 302.340,  
26 violation of subdivisions (3) and (4) of subsection 1 of this section is a class C misdemeanor and  
27 the penalty for failure to wear protective headgear as required by subsection 2 of this section is  
28 an infraction for which a fine not to exceed twenty-five dollars may be imposed.  
29 Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall  
30 be imposed upon any person due to such violation. No points shall be assessed pursuant to  
31 section 302.302 for a failure to wear such protective headgear.

32 **4. The department of health and senior services shall initiate a Crash Outcome**  
33 **Data Evaluation Study to determine the effect, if any, that requiring only persons under**  
34 **the age of twenty-one to wear protective headgear, as specified in subsection 2 of this**  
35 **section, may have for one, two, and three years following the effective date of this act. A**  
36 **Crash Outcome Data Evaluation Study will be funded by the department of**  
37 **transportation.**

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