

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 861,
2 Page 1, in the Title, Line 3, by deleting the word "facilities"; and

3
4 Further amend said bill, Page 11, Section 227.600, Line 57, by inserting immediately after all of
5 said line the following:

6
7 "302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
8 except those expressly exempted by section 302.080, to:

9 (1) Operate any vehicle upon any highway in this state unless the person has a valid license;

10 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person
11 has a valid license that shows the person has successfully passed an examination for the operation of
12 a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a
13 valid license issued to such person, or shall issue a license restricting the applicant to the operation
14 of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is
15 conducted on such vehicle;

16 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or
17 under such person's control to be driven upon any highway by any person whose license does not
18 indicate that the person has passed the examination for the operation of a motorcycle or
19 motortricycle or has been issued an instruction permit therefor;

20 (4) Operate a motor vehicle with an instruction permit or license issued to another person.

21 2. Every person who is younger than twenty-one years of age operating or riding as a
22 passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of
23 this state shall wear protective headgear at all times the vehicle is in motion, except that any person
24 twenty-one years of age or older operating any motorcycle or motortricycle who has not completed
25 a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 or possessed
26 his or her motorcycle license or motorcycle endorsement for a minimum period of two years or has
27 been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion.
28 The protective headgear shall meet reasonable standards and specifications established by the
29 director. No person twenty-one years of age or older shall be stopped, inspected, or detained solely
30 to determine compliance with this subsection.

31 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
32 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of
33 subdivision (1) or (2) of subsection 1 of this section shall be punishable as a class D misdemeanor.
34 A second violation of subdivision (1) or (2) of subsection 1 of this section shall be punishable as a
35 class A misdemeanor. Any person convicted a third or subsequent time of violating subdivision (1)
36 or (2) of subsection 1 of this section is guilty of a class E felony. Notwithstanding the provisions of

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a
2 misdemeanor, the first violation punishable as a class D misdemeanor, a second or subsequent
3 violation of this section punishable as a class C misdemeanor, and the penalty for failure to wear
4 protective headgear as required by subsection 2 of this section is an infraction for which a fine not
5 to exceed twenty-five dollars may be imposed. Notwithstanding all other provisions of law and
6 court rules to the contrary, no court costs shall be imposed upon any person due to such violation.
7 No points shall be assessed pursuant to section 302.302 for a failure to wear such protective
8 headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same
9 manner as required by section 558.021.

10 302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
11 except those expressly exempted by section 302.080, to:

12 (1) Operate any vehicle upon any highway in this state unless the person has a valid license;

13 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such person
14 has a valid license that shows the person has successfully passed an examination for the operation of
15 a motorcycle or motortricycle as prescribed by the director. The director may indicate such upon a
16 valid license issued to such person, or shall issue a license restricting the applicant to the operation
17 of a motorcycle or motortricycle if the actual demonstration, required by section 302.173, is
18 conducted on such vehicle;

19 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or
20 under such person's control to be driven upon any highway by any person whose license does not
21 indicate that the person has passed the examination for the operation of a motorcycle or
22 motortricycle or has been issued an instruction permit therefor;

23 (4) Operate a motor vehicle with an instruction permit or license issued to another person.

24 2. Every person who is younger than twenty-one years of age operating or riding as a
25 passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of
26 this state shall wear protective headgear at all times the vehicle is in motion, except that any person
27 twenty-one years of age or older operating any motorcycle or motortricycle who has not completed
28 a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 or possessed
29 his or her motorcycle license or motorcycle endorsement for a minimum period of two years or has
30 been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion.
31 The protective headgear shall meet reasonable standards and specifications established by the
32 director. No person twenty-one years of age or older shall be stopped, inspected, or detained solely
33 to determine compliance with this subsection.

34 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
35 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation of
36 subdivision (1) or (2) of subsection 1 of this section shall be punishable by a fine not to exceed three
37 hundred dollars. A second violation of subdivision (1) or (2) of subsection 1 of this section shall be
38 punishable by imprisonment in the county jail for a term not to exceed one year and/or a fine not to
39 exceed one thousand dollars. Any person convicted a third or subsequent time of violating
40 subdivision (1) or (2) of subsection 1 of this section is guilty of a class D felony. Notwithstanding
41 the provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this
42 section is a misdemeanor, the first violation punishable by a fine not to exceed three hundred
43 dollars, a second or subsequent violation of this section punishable as a class C misdemeanor, and
44 the penalty for failure to wear protective headgear as required by subsection 2 of this section is an
45 infraction for which a fine not to exceed twenty-five dollars may be imposed. Notwithstanding all
46 other provisions of law and court rules to the contrary, no court costs shall be imposed upon any
47 person due to such violation. No points shall be assessed pursuant to section 302.302 for a failure to
48 wear such protective headgear. Prior pleas of guilty and prior findings of guilty shall be pleaded

1 and proven in the same manner as required by section 558.021.

2 302.026. 1. Any qualified motorcycle operator who is twenty-one years of age or older may
3 operate a motorcycle or motortricycle upon any highway of this state without wearing protective
4 headgear if he or she has first-party insurance coverage and has completed a motorcycle safety
5 education course approved pursuant to sections 302.133 to 302.137 or possessed his or her
6 motorcycle license or motorcycle endorsement for a minimum period of two years. In addition to
7 maintaining proof of financial responsibility in accordance with chapter 303, any such qualified
8 motorcycle operator who desires to operate a motorcycle or motortricycle upon any highway of this
9 state without wearing protective headgear shall be covered by a health insurance policy, health
10 benefit plan, a personal injury protections insurance policy or rider, or other form of insurance
11 providing first-party medical benefits in the minimum amount of fifty thousand dollars for injuries
12 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 coverage
15 required by this section. The term "health benefit plan" as used in this section shall have the same
16 meaning assigned to it in section 376.1350."; and

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18 Further amend said bill by amending the title, enacting clause, and intersectional references
19 accordingly.