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Section A. Sections 302.020 and 304.005, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 302.020, 302.026, and 304.005, to read as follows: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.
2. Every person who is younger than twenty-one years of age operating or riding as a passenger on any motorcycle or motortricycle, as defined in section 301.010, upon any highway of this state shall wear protective headgear at all times the vehicle is in motion. Every person twenty-one years of age or older operating any motorcycle or motortricycle who has been issued an instruction permit shall wear protective headgear at all times the vehicle is in motion. Every person twenty-one years of age or older operating any motorcycle or motortricycle who has neither possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two years nor completed a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 shall wear protective headgear at all times the vehicle is in motion. The protective headgear shall meet reasonable standards and specifications established by the director.

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

302.026. 1. Any qualified motorcycle operator who is twenty-one years of age or older may operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear if he or she has first-party insurance coverage and has completed a motorcycle safety education course approved pursuant to sections 302.133 to 302.137 or possessed his or her motorcycle license or motorcycle endorsement for a minimum period of two years. In addition to maintaining proof of financial responsibility in accordance with chapter 303, any such qualified motorcycle operator who desires to operate a motorcycle or motortricycle upon any highway of this state without wearing protective headgear shall be covered by a health insurance policy.

2. Proof of coverage required by subsection 1 of this section shall be provided to law enforcement, upon request, by showing documentation indicating the qualified
operator has the insurance coverage required by this section. The term "health benefit 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 vehicle [en] which the drivers and passengers ride in a partially or completely enclosed,[; tandem] non-straddle seating area [that is equipped with air bag protection, a roll cage, safety belts for each occupant, and antilock brakes and], that is designed to be controlled with a steering wheel and pedals, and that has met applicable Department of Transportation National Highway Traffic Safety Administration requirements or Federal Motorcycle Safety Standards.

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

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