

AN ORDINANCE OF THE CITY OF LAMAR TO REPEAL SPECIFIC PROVISIONS OF SECTION 46.13 OF THE CODE OF ORDINANCES WHICH PERTAIN TO PROTECTIVE HEADGEAR REQUIREMENTS IN LIGHT OF A RECENT AMENDMENT TO SECTION 302.020, RSMo.

WHEREAS, Section 302.020, RSMo, was recently amended, effective as of August 28, 2020, and, in pertinent part, provides that:

No political subdivision of this state shall impose a protective headgear requirement on the operator or passenger of a motorcycle or motortricycle.

AND WHEREAS, subsection (b) of Section 46-13 of the Code of Ordinances, enacted in 2017, imposes such requirements and, therefore, that subsection should be repealed.

NOW, THEREFORE, **BE IT ORDAINED** by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. Section 46.13 of the Code of Ordinances is hereby amended and shall hereafter provide as follows:

1. Unless otherwise provided for by law, it shall be unlawful for any person, except those expressly exempted by §302.080, RSMo, to:

(1) Operate any vehicle upon any road or highway in this city unless the person has a valid license;

(2) Operate a motorcycle or motortricycle upon any road or highway of this city 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;

(3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person or under such person's control to be driven upon any road or highway in this city 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.

2. Definitions. As used in this section, the following terms mean:

"Director", the Missouri Director of Revenue acting directly or through the director's authorized officers and agents;

"License", a license issued by a state to a person which authorizes a person to operate a motor vehicle;

"Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles, as defined in §307.180, RSMo;

"Motorcycle", a motor vehicle operated on two wheels; however, this definition shall not include motorized bicycles as defined in §301.010, RSMo;

"Motortricycle", a motor vehicle operated on three wheels, including a motor- cycle operated with any conveyance, temporary or otherwise, requiring the use of a third wheel;

"Vehicle", any mechanical device on wheels, designed primarily for use, or used on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motor- ized wheelchairs operated by handicapped persons.

3. Penalties.

(1) Unless another penalty is expressly provided by law or ordinance, every person convicted of a violation of any provision of this section shall be punished as provided in section 1-9.

(2) Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall be imposed upon any person due to violation of any provision of this section.

State Law reference—similar provisions, §302.020, RSMo.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval.

Section 3. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

PASSED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Lamar, Missouri, this 19th day of October, 2020.

By

Kent M. Harris
KENT M. HARRIS, Mayor

ATTEST:

By Bev Baker
BEV BAKER, City Clerk

