



Staff Report

Subject: Helmet Ordinance Updates

Department/Program: Police Department

Explanation:

Over the last several years the state helmet laws have changed. However our local ordinances have not kept up with the changes. Ordinance 15-131 does not reflect a person twenty-six years of age or older may operate a motorcycle without wearing a protective helmet if he or she maintains proof of financial responsibility and is covered by a health insurance policy which will provide medical benefits for injuries incurred as a result of an accident. Proof of health insurance coverage shall be provided upon request by a law enforcement officer.

Recommendation:

Attached you will find a copy of the Ballwin ordinance along with suggested changes (highlighted in yellow) The Police Department requests approval for the City Attorney to begin the process of updating our ordinances in this area.

Submitted By: Col. Douglas W. Schaeffler, Chief of Police

Date: September 13, 2021

Sec. 15-131. Riding on motorcycles; additional passenger; requirements.

- (a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.
- (b) The operator of a motorized bicycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit more than one person to ride thereon at the same time, unless the motorized bicycle is designed to carry more than one person. Any motorized bicycle designed to carry more than one person must be equipped with a passenger seat and footrests for the use of a passenger.
- (c) Every person under twenty-six years of age who is operating or riding as a passenger on any motorcycle or motortricycle, as defined in RSMo [301.010](#), upon any highway of this state shall wear protective headgear at all times the vehicle is in motion; except that, any person twenty-six 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. The protective headgear shall meet reasonable standards and specifications established by the director.
- (d) Any qualified motorcycle operator who is twenty-six 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 in addition to maintaining proof of financial responsibility in accordance with RSMo [chapter 303](#), is covered by a health insurance policy or other form of insurance which will provide the person with medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle or motortricycle.
1. Proof of coverage required by subsection (d) of this section shall be provided, upon request by authorized law enforcement, by showing a copy of the qualified operator's insurance card.
2. No person shall be stopped, inspected, or detained solely to determine compliance with this section.
- (e) No person shall operate or ride as a passenger on any motorcycle unless such motorcycle is equipped with a windshield, intact and firmly attached, or unless such operator or passenger is wearing shatterproof goggles or glasses that are shielding the eyes from wind and foreign objects.

(Code 1973, § 14-119)

State law reference(s)—Similar provisions, RSMo 300.345, RSMo 302.020, RSMo 302.026