

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI, BY AMENDING TITLE III, "TRAFFIC CODE," CHAPTER 380, "VEHICLE EQUIPMENT," ARTICLE II, "OTHER EQUIPMENT," BY REPEALING SECTION 380.190, "HEADGEAR REQUIRED - MOTORCYCLES OR MOTORTRICYCLES"

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the Missouri Legislature passed, and the Governor signed into law House Bill 1963 during the 2020 Regular Session; and

WHEREAS, House Bill 1963 made certain amendments to Section 302.020, RSMo., one of which prohibited political subdivisions from imposing any protective headgear requirements on the operator or passenger of a motorcycle or motortricycle; and

WHEREAS, due to the language contained in House Bill 1963, as it applied to Section 302.020.2, RSMo., the City's current Municipal Code Section 380.190, has been preempted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC AS FOLLOWS:

Section 1. Title III, "Traffic Code," Chapter 380, "Vehicle Equipment," Article II, "Other Equipment," is hereby amended by repealing Section 380.190, "Headgear Required - Motorcycles or Motortricycles," to read as follows:

Section 380.190 Headgear Required – Motorcycles or Motortricycles.

- ~~A. Every person operating or riding as a passenger on any motorcycle or motortricycle, as defined in this Title, upon any highway of this City 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 of Revenue.~~
- ~~B. The penalty for failure to wear protective headgear as required by Subsection (A) of this Section shall be deemed an infraction for which a fine not to exceed twenty five dollars (\$25.00) 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, RSMo., for a failure to wear such protective headgear.—~~

EXPLANATION – Matter in **bold-face** type in the above is added language. Matter in ~~strikethrough~~ in the above is deleted.

Section 2. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 3. The whereas clauses are hereby specifically incorporated herein by reference.

Section 4. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.


Section 5. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____ 2020.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:  Digitally signed by Scott Ison
Date: 2020.08.10 15:01:17
-05'00' _____, Scott Ison, City Attorney

Final Passage and Vote: _____