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P. Hrngs. _____
Pgs. 3
Filed: 08-04-20

Sponsored by: Hosmer

First Reading: _____

Second Reading: _____

COUNCIL BILL 2020- 189

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 106, 'Traffic and Vehicles,' Article I,
2 'In General,' by repealing Section 106-24, 'Protective Headgear for
3 Persons Riding Motorcycles and Motortricycles,' due to preemption by
4 state law.
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6

7 WHEREAS, the Missouri Legislature passed and the Governor signed House Bill
8 1963 ("H.B. 1963"), a bill containing provisions relating to transportation, as a part of
9 legislation enacted in its 2020 Regular Session; and
10

11 WHEREAS, said H.B.1963 in part amends the existing Revised Missouri Statute,
12 Section 302.020.2, by adding a provision expressly prohibiting any political subdivision
13 of the state from imposing a protective headgear requirement on the operator or
14 passenger of a motorcycle or motortricycle; and
15

16 WHEREAS, this legislation preempts the existing Springfield City Code Section
17 106-24, 'Protective Headgear for Persons Riding Motorcycles and Motortricycles,' which
18 requires such operators and passengers to wear protective headgear at all times when
19 the motorcycle or motortricycle is in motion.
20

21 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
22 SPRINGFIELD, MISSOURI, as follows:
23

24 (Note - Language to be added is underlined. Language to be deleted is ~~stricken~~.)
25

26 Section 1 - That Chapter 106 of the Springfield City Code, 'Traffic and Vehicles,'
27 is hereby amended by repealing of Section 106-24, 'Protective Headgear for Persons
28 Riding Motorcycles and Motortricycles', in its entirety, as set out below:
29

30 Sec. 106-24. - Protective Headgear for Persons Riding Motorcycles and Motortricycles.
31 ~~Every person operating or riding on any motorcycle or motortricycle upon the streets of~~
32 ~~the city shall wear protective headgear at all times the vehicle is in motion. The~~
33 ~~protective headgear shall meet the standards and specifications established by the~~

34 ~~state director of revenue.~~ Repealed.

35

36 Section 2 -This Ordinance shall be in full force and effect from and after
37 passage.

38

39 Passed at meeting: _____

40

41

42 _____
43 Mayor

43

44 Attest: _____, City Clerk

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46 Filed as Ordinance: _____

47

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49 Approved as to form: Carl S. Yender, Assistant City Attorney

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52 Approved for Council action: Jason P. Page, City Manager

EXPLANATION TO COUNCIL BILL 2020-189

FILED: 08-04-20

ORIGINATING DEPARTMENT: Law

PURPOSE: Amending the Springfield City Code, Chapter 106, 'Traffic and Vehicles,' Article I, 'In General,' by repealing Section 106-24, 'Protective Headgear for Persons Riding Motorcycles and Motortricycles,' due to preemption by state law; and declaring an emergency.

BACKGROUND INFORMATION: The Missouri legislature passed and the Governor signed in the 2020 regular legislative session House Bill 1963, a large bill containing a number of items relating to transportation. Among these items is an amendment to Section 302.020.2, RSMo, adding language prohibiting any political subdivision from imposing a protective headgear requirement on operators or passengers of motorcycles and motortricycles. This amendment by its terms preempts the existing City Code Section 106-24, 'Protective Headgear for Persons Riding Motorcycles and Motortricycles.'

REMARKS: The state preemption legislation applies only to motorcycles and motortricycles and does not appear to affect the enforceability of City Code Section 106-514(c), which requires the wearing of protective headgear by persons operating or riding motorized bicycles.

Submitted by:

Approved by:



Carl Yendes, Assistant City Attorney



Jason Gage, City Manager