



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: September 8, 2020

Re: Amending Chapter 14 of the City Code to Eliminate the Safety Helmet or Headgear Requirement for Motorcycle Operators or Passengers as Required by State Law

## Executive Summary

An ordinance has been prepared to eliminate the safety helmet or headgear requirement for motorcycle operators or passengers due to preemption under state law.

## Discussion

The Missouri Legislature has recently amended Sec. 302.020.2 RSMo., commonly referred to as the "helmet law," so that only operators and passengers of motorcycles and motortricycles who are under the age of twenty-six (26) or those over the age of twenty-six (26) and have been issued an instruction permit, be required to wear protective headgear. Previously, all persons operating these vehicles were required to wear protective headgear. As a part of the legislature's amendment, political subdivisions are prohibited from imposing a protective headgear requirement on *any* operator or passenger of a motorcycle or motortricycle.

Section 14-528 of the City Code requires the use of protective headgear by all persons, regardless of age, when operating or riding as a passenger on any motorcycle, motor scooter, or motor bike. Due to the legislative preemption, the regulation of helmets for operators of motorcycles would be deleted from the City Code by this bill.

The police may still enforce a helmet requirement for persons under the age of twenty-six (26) riding a motorcycle; however, such violations will need to be prosecuted under state law by the Boone County Prosecuting Attorney. Violations of the remaining helmet requirements contained in Section 14-528 for motor scooters and motor bikes will remain as a part of the City Code and violations of such requirement may be prosecuted in Municipal Court.

## Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A



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## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
	None.

## Suggested Council Action

Passage of the ordinance to avoid conflict with state law.