

November 13, 1968

OPINION NO. 258
Answered by letter-Nansur

Honorable Thomas A. David, Director
Department of Revenue
Jefferson Building
Jefferson City, Missouri 65101

Dear Mr. David:

In your letter of April 9, 1968, you inquire whether points are to be assessed against the chauffeurs' or operators' license of a person convicted of riding as a passenger on a motorcycle without protective headgear as required by Section 302.020, RSMo.

Section 302.020, subsection 3, provides that every person operating or riding as a passenger on any motorcycle upon the highways of this state shall wear protective headgear at all times the vehicle is in motion.

On January 9, 1968, we issued an opinion to the effect that points are to be assessed against the license of a person convicted of operating a motorcycle without wearing protective headgear approved by the Director of Revenue. A copy of that opinion is attached hereto.

We believe that under the statutes and provisions of law a person riding as a passenger on a motorcycle without wearing a protective headgear as required by Section 302.020, supra, is guilty of a misdemeanor and upon conviction points are to be assessed against his license in the same manner as it is against the license of the operator.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

NM:msw

Enclosure: Op. No. 119
David, 1-9-68