

AN ORDINANCE PROHIBITING THE OPERATION OF MOTOR VEHICLES WITHOUT PROPER LICENSE - MOTORCYCLES SPECIAL LICENSE - PROTECTIVE HEADGEAR, PROHIBITING THE OPERATION OF A MOTOR VEHICLE WHILE LICENSE HAS BEEN SUSPENDED OR REVOKED, AND PROHIBITING UNLICENSED PERSONS TO OPERATE A MOTOR VEHICLE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. MARY, MISSOURI, AS FOLLOWS:

SECTION ONE: DEFINITIONS

(a) **Chauffeur** shall mean an operator who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such services in wages, salary, commission or fare; or who as owner or employee operates a motor vehicle carrying passengers or property for hire; or who regularly operates a commercial motor vehicle of another person in the course of or as an incident to his employment, but whose principal occupation is not the operating of such motor vehicle, except that a school bus operator as exempted 302.051 shall not be considered a chauffeur.

(b) **Commercial Motor Vehicle** shall mean a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers.

(c) **Conviction** shall mean any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed is appealed, the term "conviction" means the original judgment of conviction for the purpose of determining the assessment of points, and the date of final judgment affirming the conviction shall be the date determining the beginning of any license suspension or revocation under section 302.304.

(d) **Director** shall mean the director of revenue acting directly or through his authorized officers and agents.

(e) **Farm Tractor** shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(f) **Highway** shall mean any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways, or alleys in any municipality.

(g) **Motor Vehicle** shall mean any self-propelled vehicle not operated exclusively upon tracks except motorized bicycles.

(h) **Nonresident** shall mean every person who is not a resident of this state.

(i) **Operator** shall mean a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

(j) **Owner** shall mean a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

(k) The term "School bus", means any motor vehicle, either publicly or privately owned, used to transport students to and from school, or to transport students to and from school, or to transport pupils properly chaperoned to and from any place within the state for educational purposes. The term "school bus" shall not include a bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interstate transportation of passengers when such bus is not traveling a specific school bus route but is:

(1) On a regularly scheduled route for the transportation of fare paying passengers; or

(2) Furnishing charter service for the transportation of persons enrolled as students on field trips or other special trips or in connection with other special events.

(1) **School bus operator** shall mean an operator who operates a school bus as defined in subdivision (k) of this section in the transportation of any school children and who receives compensation for such service, which operator shall include any person who transports school children for any official school purpose related or incidental to his employment with the school.

SECTION TWO: It shall be unlawful for any person, except those expressly exempted by section 302.80, to:

(a) Operate, as a chauffeur, any vehicle upon any highway in this state unless he has a valid license as a chauffeur.

(b) Operate, other than as a chauffeur, any motor vehicle, except farm tractor, upon any highway of this state unless he has a valid license as an operator. Any person holding a valid chauffeur's license shall not be required to procure an operator's license.

(c) Operate a motorcycle or other self-propelled two- or three-wheeled vehicle upon any highway of this state unless such

person has a valid operator's or chauffeur's license which shows that he has successfully passed an examination for the operation of a motorcycle as prescribed by the director. the director may indicate such upon a valid operator's or chauffeur's license issued to such person, or shall issue an operator's license restricting the applicant to the operation of a motorcycle or other self-propelled two- or three-wheeled vehicle if the actual demonstration is conducted on such vehicle.

(d) Authorize or knowingly permit a motorcycle or other two- or three-wheeled self-propelled vehicle owned by him or under his control to be driven upon any highway by any person whose operator's or chauffeur's license does not indicate that the person has passed the examination for the operation of a motorcycle or has been issued an instruction permit therefor.

(e) Operate a motor vehicle with an instruction permit, or chauffeur's or operator's license issued to another person.

SECTION THREE: The provisions of this section requiring the operator of a motorcycle to have successfully passed an examination prior to his operation of such vehicle shall become effective on January 1, 1968.

SECTION FOUR: Every person operation or riding as a passenger on any motorcycle upon any highway of this state 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.

SECTION FIVE: Any resident or nonresident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked shall not operate a motor vehicle in this state under a license, permit or registration certificated issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted. Violation of nay provision of this section is a misdemeanor and on conviction therefor a person shall be punished.

SECTION SIX: No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its passage.

SECTION EIGHT: All Ordinances and parts thereof in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION NINE: The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

READ THREE TIMES AND PASSED THIS 16th DAY OF August, 1988.

Robert L. Grass  
MAYOR

ATTEST:

JoAnn E. Donze  
CITY CLERK

<u>ALDERMAN</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Francis Bader	X			
Henry Coffman			X	
Robert Schultz	X			
Stephen Schwent	X			

I, JoAnn E. Donze, Clerk of the City of St. Mary, Missouri, do hereby certify that the foregoing ordinance was duly passed and adopted by the Board of Aldermen of the City of St. Mary, Missouri at a regular meeting thereof assembled this the 16th day of August, 1988.

JoAnn E. Donze  
CITY CLERK