

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

AMENDMENTS TO LB 70

(Amendments to AM1153)

1           1.     Strike amendment 1 and all amendments thereto and  
2 insert the following new amendment:

3           "1.     Strike the original sections and all amendments  
4 thereto and insert the following new sections:

5           'Section 1.   Section 39-2215, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           39-2215.   (1) There is hereby created in the state  
8 treasury a special fund to be known as the Highway Trust Fund.

9           (2) All funds credited to the Highway Trust Fund pursuant  
10 to sections 66-4,140, 66-4,147, and 66-6,108, and related penalties  
11 and interest, shall be allocated as provided in such sections.

12           (3) All other motor vehicle fuel taxes, diesel fuel  
13 taxes, compressed fuel taxes, and alternative fuel taxes related to  
14 highway use retained by the state, all motor vehicle registration  
15 fees retained by the state other than those fees credited to the  
16 State Recreation Road Fund pursuant to section 60-302, and other  
17 highway-user taxes imposed by state law and allocated to the  
18 Highway Trust Fund, except for the proceeds of the sales and use  
19 taxes derived from motor vehicles, trailers, and semitrailers  
20 credited to the fund pursuant to section 77-27,132, are hereby  
21 irrevocably pledged for the terms of the bonds issued prior to  
22 January 1, 1988, to the payment of the principal, interest, and  
23 redemption premium, if any, of such bonds as they mature and become

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1 due at maturity or prior redemption and for any reserves therefor  
2 and shall, as received by the State Treasurer, be deposited in the  
3 fund for such purpose.

4 (4) Of the money in the fund specified in subsection (3)  
5 of this section which is not required for the use specified in such  
6 subsection, (a) prior to October 1, 2005, an amount equal to three  
7 dollars times the number of motorcycles registered during the  
8 previous month shall be placed in the Motorcycle Safety Education  
9 Fund, on and after October 1, 2005, until January 1, 2007, an  
10 amount equal to eight dollars times the number of motorcycles  
11 registered during the previous month shall be placed in the  
12 Motorcycle Safety Education Fund, and on and after January 1, 2007,  
13 an amount equal to eight dollars times the number of motorcycles  
14 registered during the previous month shall be placed in the  
15 Motorcycle Safety and Training Fund, (b) an amount to be determined  
16 annually by the Legislature through the appropriations process may  
17 be transferred to the Motor Fuel Tax Enforcement and Collection  
18 Cash Fund for use as provided in section 66-738 on a monthly or  
19 other less frequent basis as determined by the appropriation  
20 language, (c) an amount to be determined annually by the  
21 Legislature through the appropriations process shall be transferred  
22 to the License Plate Cash Fund as needed to meet the current  
23 obligations associated with the manufacture of license plates and  
24 stickers or tabs provided for in sections 60-311, 60-311.02, and  
25 60-1804, as certified by the Director of Motor Vehicles, and (d)  
26 the remaining money may be used for the purchase for retirement of  
27 the bonds issued prior to January 1, 1988, in the open market.

1                   (5) The State Treasurer shall monthly transfer, from the  
2 proceeds of the sales and use taxes credited to the Highway Trust  
3 Fund and any money remaining in the fund after the requirements of  
4 subsections (2) through (4) of this section are satisfied, thirty  
5 thousand dollars to the Grade Crossing Protection Fund.

6                   (6) Except as provided in subsection (7) of this section,  
7 the balance of the Highway Trust Fund shall be allocated  
8 fifty-three and one-third percent, less the amount provided for in  
9 section 39-847.01, to the Department of Roads, twenty-three and  
10 one-third percent, less the amount provided for in section  
11 39-847.01, to the various counties for road purposes, and  
12 twenty-three and one-third percent to the various municipalities  
13 for street purposes. If bonds are issued pursuant to subsection  
14 (2) of section 39-2223, the portion allocated to the Department of  
15 Roads shall be credited monthly to the Highway Restoration and  
16 Improvement Bond Fund, and if no bonds are issued pursuant to such  
17 subsection, the portion allocated to the department shall be  
18 credited monthly to the Highway Cash Fund. The portions allocated  
19 to the counties and municipalities shall be credited monthly to the  
20 Highway Allocation Fund and distributed monthly as provided by law.  
21 Vehicles accorded prorated registration pursuant to section 60-356  
22 shall not be included in any formula involving motor vehicle  
23 registrations used to determine the allocation and distribution of  
24 state funds for highway purposes to political subdivisions.

25                   (7) If it is determined by December 20 of any year that a  
26 county will receive from its allocation of state-collected highway  
27 revenue and from any funds relinquished to it by municipalities

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1 within its boundaries an amount in such year which is less than  
2 such county received in state-collected highway revenue in calendar  
3 year 1969, based upon the 1976 tax rates for highway-user fuels and  
4 registration fees, the Department of Roads shall notify the State  
5 Treasurer that an amount equal to the sum necessary to provide such  
6 county with funds equal to such county's 1969 highway allocation  
7 for such year shall be transferred to such county from the Highway  
8 Trust Fund. Such makeup funds shall be matched by the county as  
9 provided in sections 39-2501 to 39-2510. The balance remaining in  
10 the fund after such transfer shall then be reallocated as provided  
11 in subsection (6) of this section.

12 (8) The State Treasurer shall disburse the money in the  
13 Highway Trust Fund as directed by resolution of the commission.  
14 All disbursements from the fund shall be made upon warrants drawn  
15 by the Director of Administrative Services. Any money in the fund  
16 available for investment shall be invested by the state investment  
17 officer pursuant to the Nebraska Capital Expansion Act and the  
18 Nebraska State Funds Investment Act and the earnings, if any,  
19 credited to the fund.

20 Sec. 2. Section 153, Legislative Bill 274, Ninety-ninth  
21 Legislature, First Session, 2005, is amended to read:

22 Sec. 153. For the registration of every motorcycle until  
23 October 1, 2005, the fee shall be six dollars. On and after  
24 October 1, 2005, for the registration of every motorcycle, the fee  
25 shall be eleven dollars.

26 Sec. 3. Section 60-4,115, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1                   60-4,115. (1) Fees for operator's licenses and state  
2 identification cards shall be collected and distributed according  
3 to the table in subsection (2) of this section. ~~until the~~  
4 ~~implementation date prescribed by the director in section~~  
5 ~~60-484.01, and beginning on such date, such fees shall be collected~~  
6 ~~and distributed according to the table in subsection (3) of this~~  
7 ~~section.~~ County officials shall remit the county portion of the  
8 fees collected to the county treasurer for placement in the county  
9 general fund. All other fees collected shall be remitted to the  
10 State Treasurer for credit to the appropriate fund. The Prior to  
11 January 1, 2007, the State Treasurer shall transfer an amount equal  
12 to three dollars and fifty cents times the number of original or  
13 renewal Class M licenses issued pursuant to section 60-4,127 during  
14 the previous year from the Department of Motor Vehicles Cash Fund  
15 to the Motorcycle Safety Education Fund. On and after January 1,  
16 2007, the State Treasurer shall transfer an amount equal to three  
17 dollars and fifty cents times the number of original or renewal  
18 Class M licenses issued pursuant to section 60-4,127 during the  
19 previous year from the Department of Motor Vehicles Cash Fund to  
20 the Motorcycle Safety and Training Fund.

21                   (2) ~~The fees provided in this subsection in the following~~  
22 ~~dollar amounts shall apply until the implementation date prescribed~~  
23 ~~by the director in section 60-484.01.~~

	Department			
		County	of Motor	State
Document	Total	General	Vehicles	General
	Fee	Fund	Cash Fund	Fund

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1	<del>State identification card:</del>				
2	Valid for 1 year or less	3.75	2.75	0	1.00
3	Valid for more than 1 year				
4	but not more than 2 years	7.50	2.75	1.50	3.25
5	Valid for more than 2 years				
6	but not more than 3 years	11.25	2.75	2.50	6.00
7	Valid for more than 3 years				
8	but not more than 4 years	15.00	2.75	4.00	8.25
9	Valid for more than 4 years				
10	for person under 21	18.75	2.75	4.00	12.00
11	Valid for 5 years	18.75	3.50	5.00	10.25
12	Duplicate or replacement	6.25	2.75	1.25	2.25
13	<del>Class O or M operator's license:</del>				
14	Valid for 1 year or less	3.75	2.75	0	1.00
15	Valid for more than 1 year				
16	but not more than 2 years	7.50	2.75	1.50	3.25
17	Valid for more than 2 years				
18	but not more than 3 years	11.25	2.75	2.50	6.00
19	Valid for more than 3 years				
20	but not more than 4 years	15.00	2.75	4.00	8.25
21	Valid for more than 4 years				
22	for person under 21	18.75	2.75	4.00	12.00
23	Valid for 5 years	18.75	3.50	5.00	10.25
24	<del>Bioptic or telescopic</del>				
25	lens restriction	3.75	2.75	0	1.00
26	Duplicate or replacement	6.25	2.75	1.25	2.25
27	<del>Provisional operator's permit:</del>				

AM1770  
 LB 70  
 NPN-06-01

AM1770  
 LB 70  
 NPN-06-01

1	Original	10.00	2.75	7.25	0
2	Duplicate or replacement	6.25	2.75	1.25	2.25
3	<del>LPD learner's permit:</del>				
4	Original	3.00	.25	0	2.75
5	Duplicate or replacement	6.25	2.75	1.25	2.25
6	<del>LPE learner's permit:</del>				
7	Original	3.00	.25	0	2.75
8	Duplicate or replacement	6.25	2.75	1.25	2.25
9	<del>School permit:</del>				
10	Original	3.00	.25	0	2.75
11	Duplicate	6.25	2.75	1.25	2.25
12	<del>Farm permit:</del>				
13	Original or renewal	5.00	.25	0	4.75
14	Duplicate	5.00	.25	0	4.75
15	Temporary	5.00	.25	0	4.75
16	<del>Driving permits:</del>				
17	Employment	40.00	0	0	40.00
18	Medical hardship	40.00	0	0	40.00
19	<del>Commercial driver's license:</del>				
20	Valid for 1 year or less	14.00	1.75	0	12.25
21	Valid for more than 1 year				
22	but not more than 2 years	22.00	1.75	0	20.25
23	Valid for more than 2 years				
24	but not more than 3 years	32.00	1.75	0	30.25
25	Valid for more than 3 years				
26	but not more than 4 years	40.00	1.75	0	38.25
27	Valid for more than 4 years				

AM1770  
 LB 70  
 NPN-06-01

AM1770  
 LB 70  
 NPN-06-01

1	for person under 21	50.00	1.75	0	48.25
2	Valid for 5 years	50.00	1.75	0	48.25
3	Duplicate or replacement	6.25	2.75	1.25	2.25
4	Change of class, endorsement,				
5	or restriction	5.00	1.75	0	3.25
6	<del>LPC learner's permit:</del>				
7	Original or renewal	5.00	.25	0	4.75
8	Duplicate or replacement	5.00	.25	0	4.75
9	Change of class, endorsement,				
10	or restriction	5.00	.25	0	4.75
11	<del>Seasonal permit:</del>				
12	Original or renewal	5.00	.25	0	4.75
13	Duplicate or replacement	5.00	.25	0	4.75
14	Change of class, endorsement,				
15	or restriction	5.00	.25	0	4.75

16           (3) The fees provided in this subsection in the following  
 17 dollar amounts shall apply, beginning on the implementation date  
 18 prescribed by the director in section 60-484.01.

		Department			
			County	of Motor	State
21	Document	Total	General	Vehicles	General
22		Fee	Fund	Cash Fund	Fund
23	State identification card:				
24	Valid for 1 year or less	4.75	2.75	1.00	1.00
25	Valid for more than 1 year				
26	but not more than 2 years	9.50	2.75	3.50	3.25
27	Valid for more than 2 years				

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1	but not more than 3 years	14.25	2.75	5.50	6.00
2	Valid for more than 3 years				
3	but not more than 4 years	19.00	2.75	8.00	8.25
4	Valid for more than 4 years				
5	for person under 21	23.75	2.75	10.00	11.00
6	Valid for 5 years	23.75	3.50	10.00	10.25
7	Duplicate or replacement	11.25	2.75	6.25	2.25
8	Class O or M operator's license:				
9	Valid for 1 year or less	4.75	2.75	1.00	1.00
10	Valid for more than 1 year				
11	but not more than 2 years	9.50	2.75	3.50	3.25
12	Valid for more than 2 years				
13	but not more than 3 years	14.25	2.75	5.50	6.00
14	Valid for more than 3 years				
15	but not more than 4 years	19.00	2.75	8.00	8.25
16	Valid for 5 years	23.75	3.50	10.00	10.25
17	Bioptic or telescopic				
18	lens restriction	4.75	0	4.75	0
19	Duplicate or replacement	11.25	2.75	6.25	2.25
20	Change of class or				
21	restriction	5.00	0	5.00	0
22	Provisional operator's permit:				
23	Original	15.00	2.75	12.25	0
24	Bioptic or telescopic				
25	lens restriction	4.75	0	4.75	0
26	Duplicate or replacement	11.25	2.75	6.25	2.25
27	LPD-learner's permit:				

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1	Original	8.00	.25	5.00	2.75
2	Duplicate or replacement	11.25	2.75	6.25	2.25
3	LPE-learner's permit:				
4	Original	8.00	.25	5.00	2.75
5	Duplicate or replacement	11.25	2.75	6.25	2.25
6	School permit:				
7	Original	8.00	.25	5.00	2.75
8	Duplicate	11.25	2.75	6.25	2.25
9	Farm permit:				
10	Original or renewal	5.00	.25	0	4.75
11	Duplicate	5.00	.25	0	4.75
12	Temporary	5.00	.25	0	4.75
13	Driving permits:				
14	Employment	45.00	0	5.00	40.00
15	Medical hardship	45.00	0	5.00	40.00
16	Commercial driver's license:				
17	Valid for 1 year or less	11.00	1.75	5.00	4.25
18	Valid for more than 1 year				
19	but not more than 2 years	22.00	1.75	5.00	15.25
20	Valid for more than 2 years				
21	but not more than 3 years	33.00	1.75	5.00	26.25
22	Valid for more than 3 years				
23	but not more than 4 years	44.00	1.75	5.00	37.25
24	Valid for 5 years	55.00	1.75	5.00	48.25
25	Bioptic or telescopic				
26	lens restriction	11.00	1.75	5.00	4.25
27	Duplicate or replacement	11.25	2.75	6.25	2.25

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1	Change of class, endorsement,				
2	or restriction	10.00	1.75	5.00	3.25
3	LPC-learner's permit:				
4	Original or renewal	10.00	.25	5.00	4.75
5	Duplicate or replacement	10.00	.25	5.00	4.75
6	Change of class, endorsement,				
7	or restriction	10.00	.25	5.00	4.75
8	Seasonal permit:				
9	Original or renewal	10.00	.25	5.00	4.75
10	Duplicate or replacement	10.00	.25	5.00	4.75
11	Change of class, endorsement,				
12	or restriction	10.00	.25	5.00	4.75

13           (3) If ~~(4)~~ Beginning on the implementation date  
14 ~~prescribed by the director in section 60-484.01,~~ if the Department  
15 of Motor Vehicles issues an operator's license or a state  
16 identification card, the department shall remit the county portion  
17 of the fees to the State Treasurer for credit to the Department of  
18 Motor Vehicles Cash Fund.

19           Sec. 4. Section 60-4,127, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           60-4,127. No person shall operate a motorcycle on the  
22 alleys or highways of the State of Nebraska until such person has  
23 obtained a Class M license. No such license shall be issued until  
24 the applicant has appeared before an examiner, ~~and~~ ~~(1)~~ satisfied  
25 the examiner that he or she meets the vision and physical  
26 requirements established under section 60-4,118 for operation of a  
27 motor vehicle, ~~and~~ ~~(2)~~ successfully completed an examination,

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1 including the actual operation of a motorcycle, prescribed by the  
2 director, except that an examiner shall waive the required  
3 examination, including the actual operation of a motorcycle, (1) if  
4 the applicant presents proof of successful completion, within the  
5 immediately preceding twelve months, of (a) a motorcycle safety  
6 course under the Motorcycle Safety Education Act completed prior to  
7 January 1, 2007, or (b) a motorcycle safety course under the  
8 Motorcycle Safety and Training Act completed on or after January 1,  
9 2007, within the immediately preceding forty-eight months or (2) if  
10 the driving record abstract of the applicant maintained in the  
11 computerized records of the Department of Motor Vehicles shows that  
12 the applicant has had no traffic violations as described in section  
13 60-4,182 from the date the applicant's Class M endorsement or Class  
14 M operator's license was last issued to the date of the abstract.

15 Any applicant who qualifies for a Class M license shall  
16 be issued a license for such operation by the county treasurer as  
17 provided for the issuance of an operator's license, or if he or she  
18 is the holder of an operator's license, the county treasurer shall,  
19 upon receipt of the examiner's certificate, endorse on the license  
20 the authorization to operate a motorcycle. Fees for Class M  
21 licenses shall be as provided by section 60-4,115.

22 Sec. 5. Section 60-4,128, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 60-4,128. Any person violating the provisions of section  
25 60-4,127 shall be guilty of a traffic infraction and shall upon  
26 conviction thereof be fined not less than ~~ten~~ seventy-five dollars  
27 nor more than one hundred dollars. In addition, a person operating

1 a motorcycle without a Class M license may be required to complete  
2 ~~the basic~~ (1) a motorcycle safety course ~~as provided in~~ under the  
3 Motorcycle Safety Education Act completed prior to January 1, 2007,  
4 or (2) a motorcycle safety course under the Motorcycle Safety and  
5 Training Act completed on or after January 1, 2007.

6 Sec. 6. Section 60-4,182, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 60-4,182. In order to prevent and eliminate successive  
9 traffic violations, there is hereby provided a point system dealing  
10 with traffic violations as disclosed by the files of the director.  
11 The following point system shall be adopted:

12 (1) Conviction of motor vehicle homicide -- 12 points;

13 (2) Third offense drunken driving in violation of any  
14 city or village ordinance or of section 60-6,196, as disclosed by  
15 the records of the director, regardless of whether the trial court  
16 found the same to be a third offense -- 12 points;

17 (3) Failure to stop and render aid as required under the  
18 laws of this state in the event of involvement in a motor vehicle  
19 accident resulting in the death or personal injury of another -- 6  
20 points;

21 (4) Failure to stop and render aid as required under the  
22 laws of this state or any city or village ordinance in the event of  
23 a motor vehicle accident resulting in property damage if such  
24 accident is reported by the owner or operator within twelve hours  
25 from the time of the accident -- 4 points, otherwise -- 8 points,  
26 and for purposes of this subdivision a telephone call or other  
27 notification to the appropriate peace officers shall be deemed to

1 be a report;

2 (5) Driving a motor vehicle while under the influence of  
3 alcoholic liquor or any drug or when such person has a  
4 concentration of eight-hundredths of one gram or more by weight of  
5 alcohol per one hundred milliliters of his or her blood or per two  
6 hundred ten liters of his or her breath in violation of any city or  
7 village ordinance or of section 60-6,196 -- 6 points;

8 (6) Willful reckless driving in violation of any city or  
9 village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

10 (7) Careless driving in violation of any city or village  
11 ordinance or of section 60-6,212 -- 4 points;

12 (8) Negligent driving in violation of any city or village  
13 ordinance -- 3 points;

14 (9) Reckless driving in violation of any city or village  
15 ordinance or of section 60-6,213 -- 5 points;

16 (10) Speeding in violation of any city or village  
17 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

18 (a) Not more than five miles per hour over the speed  
19 limit -- 1 point;

20 (b) More than five miles per hour but not more than ten  
21 miles per hour over the speed limit -- 2 points; and

22 (c) More than ten miles per hour over the speed limit --  
23 3 points, except that one point shall be assessed upon conviction  
24 of exceeding by not more than ten miles per hour, two points shall  
25 be assessed upon conviction of exceeding by more than ten miles per  
26 hour but not more than fifteen miles per hour, and three points  
27 shall be assessed upon conviction of exceeding by more than fifteen

1 miles per hour the speed limits provided for in subdivision (1) (e),  
2 (f), or (g) of section 60-6,186;

3 (11) Failure to yield to a pedestrian not resulting in  
4 bodily injury to a pedestrian -- 2 points;

5 (12) Failure to yield to a pedestrian resulting in bodily  
6 injury to a pedestrian -- 4 points; and

7 (13) All other traffic violations involving the operation  
8 of motor vehicles by the operator for which reports to the  
9 Department of Motor Vehicles are required under sections 60-497.01  
10 and 60-497.02, not including violations involving an occupant  
11 protection system pursuant to section 60-6,270, parking violations,  
12 violations for operating a motor vehicle without a valid operator's  
13 license in the operator's possession, muffler violations,  
14 overwidth, overheight, or overlength violations, motorcycle or  
15 moped protective helmet or eye protection violations, or  
16 overloading of trucks -- 1 point.

17 All such points shall be assessed against the driving  
18 record of the operator as of the date of the violation for which  
19 conviction was had. Points may be reduced by the department under  
20 section 60-4,188.

21 In all cases, the forfeiture of bail not vacated shall be  
22 regarded as equivalent to the conviction of the offense with which  
23 the operator was charged.

24 The point system shall not apply to persons convicted of  
25 traffic violations committed while operating a bicycle or an  
26 electric personal assistive mobility device as defined in section  
27 60-618.02.

1                   Sec. 7.       Section 60-6,279, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   60-6,279.       (1) Except as otherwise provided in  
4 subsections (2) and (3) of this section, a A person shall not  
5 operate or be a passenger on a motorcycle or moped on any highway  
6 in this state unless such person is wearing eye protection and a  
7 protective helmet of the type and design manufactured for use by  
8 operators of such vehicles and unless such helmet is secured  
9 properly on his or her head with a chin strap while the vehicle is  
10 in motion. All such protective helmets shall be designed to reduce  
11 injuries to the user resulting from head impacts and shall be  
12 designed to protect the user by remaining on the user's head,  
13 deflecting blows, resisting penetration, and spreading the force of  
14 impact. Each such helmet shall consist of lining, padding, and  
15 chin strap and shall meet or exceed the standards established in  
16 the United States Department of Transportation's Federal Motor  
17 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle  
18 helmets.

19                   (2) Except as otherwise provided in subsection (3) of  
20 this section, a person shall be exempt from subsection (1) of this  
21 section if he or she (a) is at least twenty-one years of age, (b)  
22 is equipped with eye protection, and (c) carries proof of  
23 successful completion of (i) a motorcycle safety course under the  
24 Motorcycle Safety Education Act completed prior to January 1, 2007,  
25 or (ii) a motorcycle safety course under the Motorcycle Safety and  
26 Training Act completed on or after January 1, 2007. Proof of  
27 completion of a motorcycle safety course provided by a nationally

1 recognized motorcycle safety foundation shall meet the requirements  
2 of a course for purposes of this subsection. Such proof of course  
3 completion shall be available for inspection upon demand of any law  
4 enforcement officer.

5 (3) A person shall be exempt from subsection (1) of this  
6 section if he or she (a) was born prior to January 1, 1986, (b) had  
7 a Class M license prior to January 1, 2005, and (c) is equipped  
8 with eye protection.

9 (4) Except for the eye protection requirements of this  
10 section, enforcement of this section by state or local law  
11 enforcement agencies shall be accomplished only as a secondary  
12 action when an operator or passenger has been cited or charged with  
13 a violation or some other offense.

14 (5) For purposes of this section, eye protection means  
15 glasses that cover the orbital region of the operator's face, a  
16 protective face shield attached to a protective helmet, goggles, or  
17 a windshield on the motorcycle that protects the operator's  
18 horizontal line of vision in all operating positions.

19 Sec. 8. Sections 8 to 21 of this act shall be known and  
20 may be cited as the Motorcycle Safety and Training Act.

21 Sec. 9. Section 60-2125, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 ~~60-2125.~~ (1) The ~~department~~ Department of Motor Vehicles  
24 shall establish minimum requirements for a ~~both basic and advanced~~  
25 motorcycle safety ~~courses which qualify for reimbursement under the~~  
26 Motorcycle Safety Education Act ~~course~~ course. The ~~courses~~ course shall  
27 be designed to develop, instill, and improve the knowledge,

1 attitudes, habits, and skills necessary for safe operation of a  
2 motorcycle.

3 ~~(2) Minimum requirements for a basic course shall~~  
4 ~~include, but not be limited to:~~

5 ~~(a) At least six hours of classroom instruction and~~  
6 ~~sufficient laboratory instruction time for the student to apply and~~  
7 ~~practice through observation and actual driving experience what has~~  
8 ~~been learned in the classroom;~~

9 ~~(b) At least eight hours of laboratory instruction time~~  
10 ~~which includes actual driving of a motorcycle by the student; and~~

11 ~~(c) Classroom and laboratory instruction shall be~~  
12 ~~scheduled in an integrated and correlated sequence with laboratory~~  
13 ~~driving experience following the relevant classroom instruction.~~

14 ~~(3) Minimum requirements for an advanced course shall~~  
15 ~~include, but not be limited to, at least six hours of coordinated~~  
16 ~~classroom and laboratory instruction and driving experience~~  
17 ~~specifically designed for the experienced motorcycle operator.~~

18 Sec. 10. Section 60-2126, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 ~~60-2126.~~ A school, business, or organization conducting  
21 a ~~basic or advanced~~ motorcycle safety course ~~for which~~  
22 ~~reimbursement will be requested~~ shall submit to the ~~director~~  
23 Director of Motor Vehicles a request for approval of such course  
24 along with the names of all certified instructors who will be  
25 teaching such course. The director shall approve such course if it  
26 meets the requirements of section ~~60-2125~~ 9 of this act and rules  
27 and regulations adopted and promulgated by the Department of Motor

1 Vehicles and will be taught by a certified instructor. Each  
2 request for approval of a motorcycle safety course shall be  
3 accompanied by a fee of fifty dollars. The fees collected under  
4 this section shall be remitted to the State Treasurer for credit to  
5 the Motorcycle Safety and Training Fund. The director may cancel,  
6 suspend, or revoke the approval of or refuse to approve a  
7 motorcycle safety course for failure to comply with section 9 of  
8 this act and rules and regulations adopted and promulgated by the  
9 department or for good cause shown. Any action taken by the  
10 director to cancel, suspend, or revoke the approval of or refuse to  
11 approve a motorcycle safety course shall comply with the  
12 Administrative Procedure Act.

13           Sec. 11.     Section 60-2129, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           ~~60-2129.~~ The ~~director~~ Director of Motor Vehicles shall  
16 establish minimum education requirements for ~~chief~~ instructors.  
17 The director shall issue permits in the manner and form prescribed  
18 by the director to ~~at least three chief instructor~~ applicants who  
19 meet the minimum education requirements. ~~Chief instructors shall~~  
20 teach the motorcycle safety instructor preparation course in any  
21 one of the three congressional districts as assigned by the  
22 director.

23           If the certification requirements are comparable to the  
24 requirements in this state, a person ~~currently~~ certified as a ~~chief~~  
25 an instructor by another state or recognized accrediting  
26 organization may be issued a ~~chief~~ an instructor's permit by the  
27 ~~department~~ Department of Motor Vehicles without having to receive

1 the training required by this section.

2           Sec. 12.     Section 60-2130, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           ~~60-2130.~~ All permits An instructor's permit issued under  
5 ~~sections 60-2127 and 60-2129~~ section 11 of this act shall be valid  
6 for three years and may be renewed upon application to the ~~director~~  
7 Director of Motor Vehicles as prescribed by the rules and  
8 regulations of the department Department of Motor Vehicles. If the  
9 applicant is an individual, the application for a permit shall  
10 include the applicant's social security number. Each application  
11 for a new or renewal ~~motorcycle safety~~ instructor's permit ~~or chief~~  
12 ~~instructor's permit~~ shall be accompanied by a fee of five dollars.  
13 The fees collected under this section shall be ~~placed in the state~~  
14 ~~treasury and by~~ remitted to the State Treasurer ~~credited~~ for credit  
15 to the ~~General~~ Motorcycle Safety and Training Fund. No fee shall  
16 be refunded in the event that the permit is rejected, suspended, or  
17 revoked.

18           Sec. 13.     Section 60-2131, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           ~~60-2131.~~ The ~~director~~ Director of Motor Vehicles may  
21 cancel, suspend, revoke, or refuse to issue or renew a ~~motorcycle~~  
22 ~~safety instructor's permit or chief~~ an instructor's permit issued  
23 under section 11 of this act in any case when the director finds  
24 the permittee or applicant has not complied with or has violated  
25 the Motorcycle Safety ~~Education~~ and Training Act or any rule or  
26 regulation adopted and promulgated by the ~~director~~ Department of  
27 Motor Vehicles. A suspended or revoked permit shall be returned to

1 the director by the permittee, and its holder shall not be eligible  
2 to apply for a permit under such section ~~60-2127~~ ~~or~~ ~~60-2129~~ until  
3 twelve months have elapsed since the date of such suspension or  
4 revocation. Any action taken by the director to cancel, suspend,  
5 revoke, or refuse to issue or renew a permit shall comply with the  
6 Administrative Procedure Act.

7 Sec. 14. Section 60-2132, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 ~~60-2132.~~ There is hereby created a Motorcycle Safety  
10 Education Fund in the state treasury which shall consist of money  
11 transferred pursuant to sections 39-2215 and 60-4,115 and such  
12 money as may be appropriated by the Legislature. The Motorcycle  
13 Safety Education Fund shall terminate on January 1, 2007. The  
14 State Treasurer shall transfer any money remaining in the fund to  
15 the Motorcycle Safety and Training Fund.

16 The Motorcycle Safety and Training Fund is created and  
17 shall consist of money transferred pursuant to section 39-2215 and  
18 such money as may be appropriated by the Legislature. The fund  
19 shall be administered under the highway safety program of the  
20 department Department of Motor Vehicles. The fund shall be used  
21 for the administration of the Motorcycle Safety ~~Education~~ and  
22 Training Act, to reimburse approved schools, businesses, or  
23 organizations for conducting approved basic motorcycle safety  
24 courses, to provide educational assistance, to prepare sites for  
25 offering the basic motorcycle safety course, to reimburse approved  
26 schools, businesses, or organizations for conducting approved  
27 advanced motorcycle safety courses, and to promote motorcycle

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1 safety. Any money in the fund available for investment shall be  
2 invested by the state investment officer pursuant to the Nebraska  
3 Capital Expansion Act and the Nebraska State Funds Investment Act.

4 Sec. 15. Section 60-2133, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 ~~60-2133.~~ On November 1 of each year, the balance of the  
7 ~~fund~~ Motorcycle Safety and Training Fund after the administration  
8 expenses have been deducted shall be apportioned for use as  
9 provided in sections ~~60-2134 to 60-2138~~ 16 to 19 of this act  
10 according to the following priorities: (1) To the school,  
11 business, or organization conducting an approved basic motorcycle  
12 safety course on the basis of the lesser of the actual cost of the  
13 course or seventy-five dollars for each student having completed  
14 the course in the immediately preceding twelve-month period as  
15 certified by the ~~director~~ Director of Motor Vehicles; (2) ~~for~~  
16 ~~educational assistance for chief instructors;~~ (3) for educational  
17 assistance for motorcycle safety instructors; ~~(4)~~ (3) to prepare  
18 sites for offering the basic motorcycle safety course; ~~(5)~~ (4) to  
19 the school, business, or organization conducting an approved  
20 advanced motorcycle safety course on the basis of the lesser of the  
21 actual cost of the course or up to thirty-five dollars, at the  
22 discretion of the director, for each student having completed the  
23 course in the immediately preceding twelve-month period as  
24 certified by the director; and ~~(6)~~ (5) to the ~~department~~ Department  
25 of Motor Vehicles for promotional materials. If the fund is  
26 insufficient to be apportioned among such priorities, the director  
27 shall allocate funds to one priority before allocating to the next

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1 priority. If the fund is insufficient to be apportioned within a  
2 priority, the director shall prorate the funds within the priority  
3 on the basis of equity.

4 Sec. 16. Section 60-2135, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 ~~60-2135.~~ The ~~department~~ Department of Motor Vehicles may  
7 expend amounts in the ~~fund~~ Motorcycle Safety and Training Fund  
8 pursuant to the priorities provided in section ~~60-2133~~ 15 of this  
9 act for reimbursement to persons who successfully complete a  
10 motorcycle safety instructor preparation course. Such  
11 reimbursement shall be made to not more than twelve persons per  
12 year and shall not exceed two hundred fifty dollars per person.  
13 The reimbursement may include reimbursement for meals, housing,  
14 tuition, and similar costs. The department may adopt and  
15 promulgate rules and regulations to carry out this section.

16 Sec. 17. Section 60-2136, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 ~~60-2136.~~ Until there are ~~ten~~ twenty sites in actual  
19 operation in this state created under this section which offer an  
20 approved basic motorcycle safety course, the ~~department~~ Department  
21 of Motor Vehicles shall, pursuant to the priorities provided in  
22 section ~~60-2133~~ 15 of this act, award a grant not to exceed fifteen  
23 hundred dollars to each school, business, or organization which  
24 prepares, maintains, and makes available a site for conducting an  
25 approved basic motorcycle safety course. The application for the  
26 grant shall contain: (1) A complete description of the physical  
27 facilities, equipment, and services available at the site; (2) the

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1 cost charged for the use of the site to anyone wishing to conduct  
2 either motorcycle safety course at the site; (3) any rules and  
3 regulations governing the use of the site; (4) an agreement that  
4 the site will be maintained and available for conducting either or  
5 both of the motorcycle safety courses for a period of three years  
6 from the date the grant is received by the applicant; and (5) any  
7 additional information which the ~~director~~ Director of Motor  
8 Vehicles may require. The director shall ensure that the sites are  
9 geographically diverse throughout the state and that the applicant  
10 has the competence to prepare a site and the authority to offer the  
11 site for conducting the basic motorcycle safety course.

12 Sec. 18. Section 60-2137, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 ~~60-2137.~~ A school, business, or organization conducting  
15 a basic or advanced motorcycle safety course shall be eligible for  
16 reimbursement for the cost of conducting such course for any  
17 student if (1) the teacher is an approved motorcycle safety  
18 instructor, (2) the course is approved by the ~~department~~ Department  
19 of Motor Vehicles, (3) the student taking the course had a  
20 learner's permit or a motor vehicle operator's license while  
21 enrolled in the class, and (4) each student for whom reimbursement  
22 is claimed completed the course. The amount of reimbursement shall  
23 be determined under section ~~60-2133~~ 15 of this act and pursuant to  
24 the priorities provided in such section.

25 Sec. 19. Section 60-2138, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 ~~60-2138.~~ The ~~department~~ Department of Motor Vehicles may

1 expend any amount remaining in the ~~fund~~ Motorcycle Safety and  
2 Training Fund, after apportionment is made in accordance with  
3 subdivisions (1) ~~to (5)~~ through (4) of section ~~60-2133~~ 15 of this  
4 act, for development, acquisition, printing, and distribution of  
5 materials which promote motorcycle safety and motorcycle awareness,  
6 including the motorcycle safety courses, except that the amount  
7 expended to promote motorcycle safety and motorcycle awareness  
8 shall not exceed fifteen percent of the total amount placed in the  
9 fund each fiscal year. The promotional materials may include  
10 brochures, posters, and booklets, ~~but shall not include~~ billboards,  
11 ~~or~~ and radio or television promotion.

12 Sec. 20. Section 60-2139, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 ~~60-2139.~~ The ~~director~~ Department of Motor Vehicles shall  
15 adopt and promulgate such rules and regulations for the  
16 administration and enforcement of the Motorcycle Safety ~~Education~~  
17 and Training Act as are necessary. In adopting such rules and  
18 regulations, the ~~director~~ department shall comply with the  
19 Administrative Procedure Act.

20 Sec. 21. Any person, firm, or corporation violating any  
21 provision of the Motorcycle Safety and Training Act shall be guilty  
22 of a Class III misdemeanor.

23 Sec. 22. Sections 6 to 21, 23, and 25 of this act become  
24 operative on January 1, 2007. The other sections of this act  
25 become operative on their effective date.

26 Sec. 23. Original sections 60-4,182, 60-6,279, 60-2125,  
27 60-2126, 60-2129, 60-2130, 60-2131, 60-2132, 60-2133, and 60-2135

AM1770  
LB 70  
NPN-06-01

AM1770  
LB 70  
NPN-06-01

1 to 60-2139, Reissue Revised Statutes of Nebraska, are repealed.

2           Sec. 24. Original sections 39-2215, 60-4,115, 60-4,127,  
3 and 60-4,128, Reissue Revised Statutes of Nebraska, and section  
4 153, Legislative Bill 274, Ninety-ninth Legislature, First Session,  
5 2005, are repealed.

6           Sec. 25. The following sections are outright repealed:  
7 Sections 60-2120, 60-2121, 60-2127, 60-2128, and 60-2134, Reissue  
8 Revised Statutes of Nebraska.'.'.