

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 253

Introduced by Rogert, 16; Aguilar, 35; Erdman, 47; Langemeier, 23; Mines, 18; Nantkes, 46;

Read first time January 10, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-4,127,
2 60-4,128, 60-6,279, 60-2125, 60-2126, 60-2129, 60-2130,
3 60-2131, 60-2132, 60-2133, 60-2135, 60-2136, 60-2137,
4 60-2138, and 60-2139, Reissue Revised Statutes of
5 Nebraska, and sections 39-2215, 60-3,153, 60-4,115, and
6 60-4,182, Revised Statutes Cumulative Supplement, 2006;
7 to adopt the Motorcycle Safety and Training Act; to
8 change and eliminate provisions relating to motorcycle
9 safety and helmets; to create a fund and terminate a
10 fund; to provide a penalty; to harmonize provisions; to
11 provide operative dates; to repeal the original sections;
12 and to outright repeal sections 60-6,281, 60-2120,
13 60-2121, 60-2127, 60-2128, and 60-2134, Reissue Revised
14 Statutes of Nebraska.

LB 253

LB 253

1 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-2215, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 39-2215 (1) There is hereby created in the state treasury
4 a special fund to be known as the Highway Trust Fund.

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

8 (3) All other motor vehicle fuel taxes, diesel fuel
9 taxes, compressed fuel taxes, and alternative fuel taxes related to
10 highway use retained by the state, all motor vehicle registration
11 fees retained by the state other than those fees credited to
12 the State Recreation Road Fund pursuant to subdivision (3) of
13 section 60-3,156, and other highway-user taxes imposed by state
14 law and allocated to the Highway Trust Fund, except for the
15 proceeds of the sales and use taxes derived from motor vehicles,
16 trailers, and semitrailers credited to the fund pursuant to section
17 77-27,132, are hereby irrevocably pledged for the terms of the
18 bonds issued prior to January 1, 1988, to the payment of the
19 principal, interest, and redemption premium, if any, of such bonds
20 as they mature and become due at maturity or prior redemption
21 and for any reserves therefor and shall, as received by the State
22 Treasurer, be deposited in the fund for such purpose.

23 (4) Of the money in the fund specified in subsection
24 (3) of this section which is not required for the use specified
25 in such subsection, (a) prior to October 1, 2007, an amount

1 equal to three dollars times the number of motorcycles registered
2 during the previous month shall be placed in the Motorcycle
3 Safety Education Fund, on and after October 1, 2007, until January
4 1, 2008, an amount equal to eight dollars times the number of
5 motorcycles registered during the previous month shall be placed
6 in the Motorcycle Safety Education Fund, and on and after January
7 1, 2008, an amount equal to eight dollars times the number of
8 motorcycles registered during the previous month shall be placed
9 in the Motorcycle Safety and Training Fund, (b) an amount to be
10 determined annually by the Legislature through the appropriations
11 process may be transferred to the Motor Fuel Tax Enforcement
12 and Collection Cash Fund for use as provided in section 66-738
13 on a monthly or other less frequent basis as determined by the
14 appropriation language, (c) an amount to be determined annually
15 by the Legislature through the appropriations process shall be
16 transferred to the License Plate Cash Fund as certified by the
17 Director of Motor Vehicles, and (d) the remaining money may be
18 used for the purchase for retirement of the bonds issued prior to
19 January 1, 1988, in the open market.

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

25 (6) Except as provided in subsection (7) of this

1 section, the balance of the Highway Trust Fund shall be allocated
2 fifty-three and one-third percent, less the amount provided for
3 in section 39-847.01, to the Department of Roads, twenty-three
4 and one-third percent, less the amount provided for in section
5 39-847.01, to the various counties for road purposes, and
6 twenty-three and one-third percent to the various municipalities
7 for street purposes. If bonds are issued pursuant to subsection
8 (2) of section 39-2223, the portion allocated to the Department
9 of Roads shall be credited monthly to the Highway Restoration
10 and Improvement Bond Fund, and if no bonds are issued pursuant
11 to such subsection, the portion allocated to the department
12 shall be credited monthly to the Highway Cash Fund. The portions
13 allocated to the counties and municipalities shall be credited
14 monthly to the Highway Allocation Fund and distributed monthly as
15 provided by law. Vehicles accorded prorated registration pursuant
16 to section 60-3,198 shall not be included in any formula involving
17 motor vehicle registrations used to determine the allocation and
18 distribution of state funds for highway purposes to political
19 subdivisions.

20 (7) If it is determined by December 20 of any year that a
21 county will receive from its allocation of state-collected highway
22 revenue and from any funds relinquished to it by municipalities
23 within its boundaries an amount in such year which is less than
24 such county received in state-collected highway revenue in calendar
25 year 1969, based upon the 1976 tax rates for highway-user fuels and

1 registration fees, the Department of Roads shall notify the State
2 Treasurer that an amount equal to the sum necessary to provide such
3 county with funds equal to such county's 1969 highway allocation
4 for such year shall be transferred to such county from the Highway
5 Trust Fund. Such makeup funds shall be matched by the county as
6 provided in sections 39-2501 to 39-2510. The balance remaining in
7 the fund after such transfer shall then be reallocated as provided
8 in subsection (6) of this section.

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

17 Sec. 2. Section 60-3,153, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 60-3,153 For the registration of every motorcycle until
20 October 1, 2007, the fee shall be six dollars. On and after October
21 1, 2007, for the registration of every motorcycle, the fee shall be
22 eleven dollars.

23 Sec. 3. Section 60-4,115, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 60-4,115 (1) Fees for operators' licenses and state

1 identification cards shall be collected and distributed according
 2 to the table in subsection (2) of this section. County officials
 3 shall remit the county portion of the fees collected to the county
 4 treasurer for placement in the county general fund. All other fees
 5 collected shall be remitted to the State Treasurer for credit to
 6 the appropriate fund. The Prior to January 1, 2008, the State
 7 Treasurer shall transfer an amount equal to three dollars and fifty
 8 cents times the number of original or renewal Class M licenses
 9 issued pursuant to section 60-4,127 during the previous year from
 10 the Department of Motor Vehicles Cash Fund to the Motorcycle Safety
 11 Education Fund. On and after January 1, 2008, the State Treasurer
 12 shall transfer an amount equal to three dollars and fifty cents
 13 times the number of original or renewal Class M licenses issued
 14 pursuant to section 60-4,127 during the previous year from the
 15 Department of Motor Vehicles Cash Fund to the Motorcycle Safety and
 16 Training Fund.

17 (2) The fees provided in this subsection in the
 18 following dollar amounts apply for operators' licenses and state
 19 identification cards.

	Department			
	County	of Motor	State	
Document	Total	General	Vehicles	General
	Fee	Fund	Cash Fund	Fund
24 State identification card:				

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

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1	Change of class or restriction	5.00	0	5.00	0
2	Provisional operator's permit:				
3	Original	15.00	2.75	12.25	0
4	Bioptic or telescopic lens restriction:				
5	Valid for 1 year or less	4.75	0	4.75	0
6	Valid for more than 1 year				
7	but not more than 2 years	15.00	2.75	12.25	0
8	Duplicate or replacement	11.25	2.75	6.25	2.25
9	LPD-learner's permit:				
10	Original	8.00	.25	5.00	2.75
11	Duplicate or replacement	11.25	2.75	6.25	2.25
12	LPE-learner's permit:				
13	Original	8.00	.25	5.00	2.75
14	Duplicate or replacement	11.25	2.75	6.25	2.25
15	School permit:				
16	Original	8.00	.25	5.00	2.75
17	Duplicate	11.25	2.75	6.25	2.25
18	Farm permit:				
19	Original or renewal	5.00	.25	0	4.75
20	Duplicate	5.00	.25	0	4.75
21	Temporary	5.00	.25	0	4.75
22	Driving permits:				
23	Employment	45.00	0	5.00	40.00
24	Medical hardship	45.00	0	5.00	40.00
25	Commercial driver's license:				

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1	Valid for 1 year or less	11.00	1.75	5.00	4.25
2	Valid for more than 1 year				
3	but not more than 2 years	22.00	1.75	5.00	15.25
4	Valid for more than 2 years				
5	but not more than 3 years	33.00	1.75	5.00	26.25
6	Valid for more than 3 years				
7	but not more than 4 years	44.00	1.75	5.00	37.25
8	Valid for 5 years	55.00	1.75	5.00	48.25
9	Bioptic or telescopic lens restriction:				
10	Valid for one year or less	11.00	1.75	5.00	4.25
11	Valid for more than 1 year				
12	but not more than 2 years	22.00	1.75	5.00	15.25
13	Duplicate or replacement	11.25	2.75	6.25	2.25
14	Change of class, endorsement,				
15	or restriction	10.00	1.75	5.00	3.25
16	LPC-learner's permit:				
17	Original or renewal	10.00	.25	5.00	4.75
18	Duplicate or replacement	10.00	.25	5.00	4.75
19	Change of class, endorsement,				
20	or restriction	10.00	.25	5.00	4.75
21	Seasonal permit:				
22	Original or renewal	10.00	.25	5.00	4.75
23	Duplicate or replacement	10.00	.25	5.00	4.75
24	Change of class, endorsement,				
25	or restriction	10.00	.25	5.00	4.75

1 (3) If the Department of Motor Vehicles issues an
2 operator's license or a state identification card, the department
3 shall remit the county portion of the fees to the State Treasurer
4 for credit to the Department of Motor Vehicles Cash Fund.

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

7 60-4,127 No person shall operate a motorcycle on the
8 alleys or highways of the State of Nebraska until such person has
9 obtained a Class M operator's license. No such license shall be
10 issued until the applicant has appeared before an examiner, ~~and~~ ~~(1)~~
11 satisfied the examiner that he or she meets the vision and physical
12 requirements established under section 60-4,118 for operation of
13 a motor vehicle, ~~and~~ ~~(2)~~ successfully completed an examination,
14 including the actual operation of a motorcycle, prescribed by
15 the director, except that an examiner shall waive the required
16 examination, including the actual operation of a motorcycle, (1)
17 if the applicant presents proof of successful completion, within
18 the immediately preceding twelve months, of (a) a motorcycle safety
19 course under the Motorcycle Safety Education Act completed prior
20 to January 1, 2008, or (b) a motorcycle safety course under the
21 Motorcycle Safety and Training Act completed on or after January
22 1, 2008, within the immediately preceding forty-eight months or (2)
23 if the driving record abstract of the applicant maintained in the
24 computerized records of the Department of Motor Vehicles shows that
25 the applicant has had no traffic violations as described in section

1 60-4,182 from the date the applicant's Class M endorsement or Class
2 M operator's license was last issued to the date of the abstract.

3 Any applicant who qualifies for a Class M license shall
4 be issued a license for such operation by the county treasurer as
5 provided for the issuance of an operator's license, or if he or
6 she is the holder of an operator's license, the county treasurer
7 shall, upon receipt of the examiner's certificate, endorse on the
8 license the authorization to operate a motorcycle. Fees for Class M
9 licenses shall be as provided by section 60-4,115.

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

12 60-4,128 Any person violating the provisions of section
13 60-4,127 shall be guilty of a traffic infraction and shall upon
14 conviction thereof be fined not less than ~~ten~~ seventy-five dollars
15 nor more than one hundred dollars. In addition, a person operating
16 a motorcycle without a Class M license may be required to complete
17 ~~the basic~~ (1) a motorcycle safety course as provided in under the
18 Motorcycle Safety Education Act prior to January 1, 2008, or (2) a
19 motorcycle safety course under the Motorcycle Safety and Training
20 Act on or after January 1, 2008.

21 Sec. 6. Section 60-4,182, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 60-4,182 In order to prevent and eliminate successive
24 traffic violations, there is hereby provided a point system dealing
25 with traffic violations as disclosed by the files of the director.

1 The following point system shall be adopted:

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

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

7 (3) Failure to stop and render aid as required under
8 section 60-697 in the event of involvement in a motor vehicle
9 accident resulting in the death or personal injury of another - 6
10 points;

11 (4) Failure to stop and report as required under section
12 60-696 or any city or village ordinance in the event of a motor
13 vehicle accident resulting in property damage - 6 points;

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

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

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

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

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

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

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

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

9 (c) More than ten miles per hour over the speed limit -
10 3 points, except that one point shall be assessed upon conviction
11 of exceeding by not more than ten miles per hour, two points shall
12 be assessed upon conviction of exceeding by more than ten miles per
13 hour but not more than fifteen miles per hour, and three points
14 shall be assessed upon conviction of exceeding by more than fifteen
15 miles per hour the speed limits provided for in subdivision (1) (e),
16 (f), or (g) of section 60-6,186;

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

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

21 (13) All other traffic violations involving the
22 operation of motor vehicles by the operator for which reports
23 to the Department of Motor Vehicles are required under sections
24 60-497.01 and 60-497.02, not including violations involving an
25 occupant protection system pursuant to section 60-6,270, parking

1 violations, violations for operating a motor vehicle without a
2 valid operator's license in the operator's possession, muffler
3 violations, overwidth, overheight, or overlength violations,
4 motorcycle or moped protective helmet or eye protection violations,
5 or overloading of trucks - 1 point.

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

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

13 The point system shall not apply to persons convicted
14 of traffic violations committed while operating a bicycle or an
15 electric personal assistive mobility device as defined in section
16 60-618.02.

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

19 60-6,279 A (1) Except as otherwise provided in
20 subsections (2) and (3) of this section, a person shall not operate
21 or be a passenger on a motorcycle or moped on any highway in this
22 state unless such person is wearing eye protection and a protective
23 helmet of the type and design manufactured for use by operators of
24 such vehicles and unless such helmet is secured properly on his or
25 her head with a chin strap while the vehicle is in motion. All such

1 protective helmets shall be designed to reduce injuries to the user
2 resulting from head impacts and shall be designed to protect the
3 user by remaining on the user's head, deflecting blows, resisting
4 penetration, and spreading the force of impact. Each such helmet
5 shall consist of lining, padding, and chin strap and shall meet or
6 exceed the standards established in the United States Department of
7 Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
8 C.F.R. 571.218, for motorcycle helmets.

9 (2) Except as otherwise provided in subsection (3) of
10 this section, a person shall be exempt from subsection (1) of
11 this section if he or she (a) is at least twenty-one years of
12 age, (b) is equipped with eye protection, and (c) carries proof of
13 successful completion of (i) a motorcycle safety course under the
14 Motorcycle Safety Education Act completed prior to January 1, 2008,
15 or (ii) a motorcycle safety course under the Motorcycle Safety
16 and Training Act completed on or after January 1, 2008. Proof of
17 completion of a motorcycle safety course provided by a nationally
18 recognized motorcycle safety foundation shall meet the requirements
19 of a course for purposes of this subsection. Such proof of course
20 completion shall be available for inspection upon demand of any law
21 enforcement officer.

22 (3) A person shall be exempt from subsection (1) of this
23 section if he or she (a) was born prior to January 1, 1987, (b)
24 had a Class M license prior to January 1, 2008, and (c) is equipped
25 with eye protection.

1 (4) Except for the eye protection requirements of this
2 section, enforcement of this section by state or local law
3 enforcement agencies shall be accomplished only as a secondary
4 action when an operator or passenger has been cited or charged with
5 another violation of the Nebraska Rules of the Road.

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

11 (6) A person exempt from subsection (1) of this section
12 shall have the words "helmet not required" printed on his or her
13 Class M operator's license or on his or her operator's license
14 underneath the Class M endorsement.

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

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

19 60-2125 (1) The department The Department of Motor
20 Vehicles shall establish minimum requirements for both basic and
21 advanced motorcycle safety courses which qualify for reimbursement
22 under the Motorcycle Safety Education Act. a motorcycle safety
23 course. The courses course shall be designed to develop, instill,
24 and improve the knowledge, attitudes, habits, and skills necessary
25 for safe operation of a motorcycle.

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

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

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

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

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

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

18 ~~60-2126~~ A school, business, or organization conducting a
19 ~~basic or advanced motorcycle safety course for which reimbursement~~
20 ~~will be requested shall submit to the director Director of Motor~~
21 ~~Vehicles~~ a request for approval of such course along with the names
22 of all ~~certified~~ instructors who will be teaching such course. The
23 director shall approve such course if it meets the requirements of
24 section ~~60-2125~~ 9 of this act and rules and regulations adopted and
25 promulgated by the Department of Motor Vehicles and will be taught

1 by a ~~certified~~ an instructor who has a permit under section 11 of
2 this act. Each request for approval of a motorcycle safety course
3 shall be accompanied by a fee of fifty dollars. The fees collected
4 under this section shall be remitted to the State Treasurer for
5 credit to the Motorcycle Safety and Training Fund. The director may
6 cancel, suspend, or revoke the approval of or refuse to approve
7 a motorcycle safety course for failure to comply with section
8 9 of this act and rules and regulations adopted and promulgated
9 by the department or for good cause shown. Any action taken by
10 the director to cancel, suspend, or revoke the approval of or
11 refuse to 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. The
17 director shall issue permits in the manner and form prescribed by
18 the director to ~~at least three chief instructor~~ applicants who meet
19 the minimum education requirements. ~~Chief instructors shall teach~~
20 ~~the motorcycle safety instructor preparation course in any one of~~
21 ~~the three congressional districts as assigned by the director.~~

22 If the certification requirements are comparable to the
23 requirements in this state, a person ~~currently~~ certified as a
24 ~~chief~~ an instructor by another state or recognized accrediting
25 organization may be issued a ~~chief~~ an instructor's permit by the

1 ~~department~~ Department of Motor Vehicles without having to receive
2 the training required by this section.

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

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

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

21 ~~60-2131~~ The ~~director~~ Director of Motor Vehicles may
22 cancel, suspend, revoke, or refuse to issue or renew a ~~motorcycle~~
23 ~~safety instructor's permit or chief~~ an instructor's permit issued
24 under section 11 of this act in any case when the director finds
25 the permittee or applicant has not complied with or has violated

1 the Motorcycle Safety ~~Education~~ and Training Act or any rule or
2 regulation adopted and promulgated by the ~~director~~, Department of
3 Motor Vehicles. A suspended or revoked permit shall be returned to
4 the director by the permittee, and its holder shall not be eligible
5 to apply for a permit under such section 60-2127 ~~or 60-2129~~ until
6 twelve months have elapsed since the date of such suspension or
7 revocation. Any action taken by the director to cancel, suspend,
8 revoke, or refuse to issue or renew a permit shall comply with the
9 Administrative Procedure Act.

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

12 ~~60-2132~~ There is hereby created a Motorcycle Safety
13 Education Fund in the state treasury which shall consist of money
14 transferred pursuant to sections 39-2215 and 60-4,115 and such
15 money as may be appropriated by the Legislature. The Motorcycle
16 Safety Education Fund shall terminate on January 1, 2008. The State
17 Treasurer shall transfer any money remaining in the fund to the
18 Motorcycle Safety and Training Fund.

19 The Motorcycle Safety and Training Fund is created and
20 shall consist of money transferred pursuant to sections 39-2215 and
21 60-4,115 and such money as may be appropriated by the Legislature.
22 The fund shall be administered under the highway safety program
23 of the ~~department~~, Department of Motor Vehicles. The fund shall
24 be used for the administration of the Motorcycle Safety ~~Education~~
25 and Training Act, to reimburse approved schools, businesses, or

1 organizations for conducting approved ~~basie~~ motorcycle safety
 2 courses, to provide educational assistance, to prepare sites for
 3 offering the ~~basie~~ motorcycle safety course, to reimburse approved
 4 schools, businesses, or organizations for conducting approved
 5 ~~advanced~~ motorcycle safety courses, and to promote motorcycle
 6 safety. Any money in the fund available for investment shall be
 7 invested by the state investment officer pursuant to the Nebraska
 8 Capital Expansion Act and the Nebraska State Funds Investment Act.

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

11 ~~60-2133~~ On November 1 of each year, the balance of the
 12 ~~fund~~ Motorcycle Safety and Training Fund after the administration
 13 expenses have been deducted shall be apportioned for use as
 14 provided in sections ~~60-2134 to 60-2138~~ 16 to 19 of this act
 15 according to the following priorities: (1) To the school, business,
 16 or organization conducting an approved ~~basie~~ motorcycle safety
 17 course on the basis of the lesser of the actual cost of the
 18 course or seventy-five dollars for each student having completed
 19 the course in the immediately preceding twelve-month period as
 20 certified by the ~~director;~~ Director of Motor Vehicles; (2) ~~for~~
 21 ~~educational assistance for chief instructors;~~ ~~(3)~~ for educational
 22 assistance for motorcycle safety instructors; ~~(4)~~ (3) to prepare
 23 sites for offering the ~~basie~~ motorcycle safety course; ~~(5)~~ (4)
 24 to the school, business, or organization conducting an approved
 25 ~~advanced~~ motorcycle safety course on the basis of the lesser of

1 the actual cost of the course or up to thirty-five dollars, at
2 the discretion of the director, for each student having completed
3 the course in the immediately preceding twelve-month period as
4 certified by the director; and ~~(6)~~ (5) to the ~~department~~ Department
5 of Motor Vehicles for promotional materials. If the fund is
6 insufficient to be apportioned among such priorities, the director
7 shall allocate funds to one priority before allocating to the next
8 priority. If the fund is insufficient to be apportioned within a
9 priority, the director shall prorate the funds within the priority
10 on the basis of equity.

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

13 ~~60-2135~~ The ~~department~~ Department of Motor Vehicles may
14 expend amounts in the ~~fund~~ Motorcycle Safety and Training Fund
15 pursuant to the priorities provided in section ~~60-2133~~ 15 of
16 this act for reimbursement to persons who successfully complete
17 a ~~motorcycle safety instructor preparation course.~~ the minimum
18 education requirements for instructors. Such reimbursement shall be
19 made to not more than twelve persons per year and shall not exceed
20 two hundred fifty dollars per person. The reimbursement may include
21 reimbursement for meals, housing, tuition, and similar costs. The
22 department may adopt and promulgate rules and regulations to carry
23 out this section.

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

1 ~~60-2136~~ Until there are ~~ten~~ twenty sites in actual
2 operation in this state created under this section which offer an
3 approved ~~basic~~ motorcycle safety course, the ~~department~~ Department
4 of Motor Vehicles shall, pursuant to the priorities provided
5 in section ~~60-2133~~, 15 of this act, award a grant not to
6 exceed fifteen hundred dollars to each school, business, or
7 organization which prepares, maintains, and makes available a
8 site for conducting an approved ~~basic~~ motorcycle safety course. The
9 application for the grant shall contain: (1) A complete description
10 of the physical facilities, equipment, and services available at
11 the site; (2) the cost charged for the use of the site to anyone
12 wishing to conduct a ~~either~~ motorcycle safety course at the site;
13 (3) any rules and regulations governing the use of the site; (4)
14 an agreement that the site will be maintained and available for
15 conducting ~~either or both of the~~ a motorcycle safety courses course
16 for a period of three years from the date the grant is received
17 by the applicant; and (5) any additional information which the
18 ~~director~~ Director of Motor Vehicles may require. The director shall
19 ensure that the sites are geographically diverse throughout the
20 state and that the applicant has the competence to prepare a site
21 and the authority to offer the site for conducting ~~the basic~~ a
22 motorcycle safety course.

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

25 ~~60-2137~~ A school, business, or organization conducting

1 a ~~basic or advanced~~ motorcycle safety course shall be eligible
 2 for reimbursement for the cost of conducting such course for
 3 any student if (1) the teacher ~~is an approved motorcycle safety~~
 4 ~~instructor,~~ has a permit under section 11 of this act, (2) the
 5 course is approved by the ~~department,~~ Director of Motor Vehicles,
 6 (3) the student taking the course had a learner's permit or a
 7 motor vehicle operator's license while enrolled in the class,
 8 and (4) each student for whom reimbursement is claimed completed
 9 the course. The amount of reimbursement shall be determined under
 10 section ~~60-2133~~ 15 of this act and pursuant to the priorities
 11 provided in such section.

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

14 ~~60-2138~~ The ~~department~~ Director of Motor Vehicles may
 15 expend any amount remaining in the ~~fund,~~ Motorcycle Safety and
 16 Training Fund, after apportionment is made in accordance with
 17 subdivisions (1) ~~to (5)~~ through (4) of section ~~60-2133,~~ 15 of this
 18 act, for development, acquisition, printing, and distribution of
 19 materials which promote motorcycle safety and motorcycle awareness,
 20 including the motorcycle safety courses, except that the amount
 21 expended to promote motorcycle safety and motorcycle awareness
 22 shall not exceed fifteen percent of the total amount placed in
 23 the fund each fiscal year. The promotional materials may include
 24 brochures, posters, and booklets, ~~but shall not include billboards,~~
 25 and ~~or~~ radio or television promotion.

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

3 ~~60-2139~~ The ~~director~~ Department of Motor Vehicles
4 shall adopt and promulgate such rules and regulations for the
5 administration and enforcement of the Motorcycle Safety ~~Education~~
6 and Training Act as are necessary. In adopting such rules
7 and regulations, the ~~director~~ department shall comply with the
8 Administrative Procedure Act.

9 Sec. 21. Any person violating any provision of the
10 Motorcycle Safety and Training Act shall be guilty of a Class III
11 misdemeanor.

12 Sec. 22. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
13 16, 17, 18, 19, 20, 21, 23, and 25 of this act become operative on
14 January 1, 2008. The other sections of this act become operative on
15 their effective date.

16 Sec. 23. Original sections 60-6,279, 60-2125, 60-2126,
17 60-2129, 60-2130, 60-2131, 60-2132, 60-2133, 60-2135, 60-2136,
18 60-2137, 60-2138, and 60-2139, Reissue Revised Statutes of
19 Nebraska, and section 60-4,182, Revised Statutes Cumulative
20 Supplement, 2006, are repealed.

21 Sec. 24. Original sections 60-4,127 and 60-4,128, Reissue
22 Revised Statutes of Nebraska, and sections 39-2215, 60-3,153,
23 and 60-4,115, Revised Statutes Cumulative Supplement, 2006, are
24 repealed.

25 Sec. 25. The following sections are outright repealed:

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- 1 Sections 60-6,281, 60-2120, 60-2121, 60-2127, 60-2128, and 60-2134,
- 2 Reissue Revised Statutes of Nebraska.