LEGISLATIVE BILL 1092

Introduced by Smith, 14.
Read first time January 18, 2018
Committee: Transportation and Telecommunications

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-1204.04, 60-191, 60-378, 60-4,128, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01, 60-124, 60-309.01, 60-340, 60-3,100, 60-3,143, 60-3,187, 60-3,190, 60-463.02, 60-480, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and 60-1401.42, Revised Statutes Cumulative Supplement, 2016, and sections 60-363 and 60-6,267, Revised Statutes Supplement, 2017; to redefine autocycle and motorcycle for purposes of the Motor Vehicle Certificate of Title Act, Motor Vehicle Industry Regulation Act, Motor Vehicle Operator's License Act, Motor Vehicle Registration Act, and Nebraska Rules of the Road; to change provisions relating to the registration fee and motor vehicle fee for autocycles; to require operators or passengers of certain autocycles to wear protective helmets as prescribed; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 28-1204.04, Reissue Revised Statutes of Nebraska, is amended to read:

28-1204.04 (1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event is guilty of the offense of unlawful possession of a firearm at a school. Unlawful possession of a firearm at a school is a Class IV felony. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (b) the possession of firearms by peace officers or other duly authorized law enforcement officers when contracted by a school to provide school security or school event control services, (c) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, (d) firearms which may lawfully be possessed by a member of a college or university rifle team, within the scope of such person's duties as a member of the team, (e) firearms which may lawfully be possessed by a person employed by a college or university in this state as part of an agriculture or a natural resources program of such college or university, within the scope of such person's employment, (f) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle, (g) firearms which may lawfully be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard, or (h) a handgun carried as a concealed handgun by a valid holder of a permit issued under the Concealed Handgun Permit Act in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by a school.
if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law. For purposes of this subsection, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence, it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the
confiscation of the firearm and prior to court disposition, the owner of
the firearm seized may petition the district court of the county in which
the confiscation was made for possession of the firearm. The court shall
release the firearm to such owner only if the claim of ownership can
reasonably be shown to be true and either (a) the owner of the firearm
can show that the firearm was taken from his or her property or place of
business unlawfully or without the knowledge and consent of the owner and
that such property or place of business is different from that of the
person from whom the firearm was confiscated or (b) the owner of the
firearm is acquitted of the charge of unlawful possession of a handgun in
violation of section 28-1204, unlawful transfer of a firearm to a
juvenile, or unlawful possession of a firearm at a school. No firearm
having significant antique value or historical significance as determined
by the Nebraska State Historical Society shall be destroyed. If a firearm
has significant antique value or historical significance, it shall be
sold at auction and the proceeds shall be remitted to the State Treasurer
for distribution in accordance with Article VII, section 5, of the
Constitution of Nebraska.

Sec. 2. Section 60-104.01, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-104.01 Autocycle means any motor vehicle (1) having a seat that
does not require the operator to straddle or sit astride it, (2) designed
to travel on three wheels in contact with the ground, (3) in which the
operator and passenger ride either side by side or in tandem in a seating
area that is completely enclosed with a removable or fixed top and is
equipped with manufacturer-installed air bags, a manufacturer-installed
roll cage, and for each occupant a manufacturer-installed three-point
safety belt system, (4) having antilock brakes, (4) and (5) designed to
be controlled with a steering wheel and pedals, and (5) in which the
operator and passenger ride either side by side or in tandem in a seating
area that is equipped with a manufacturer-installed three-point safety
belt system for each occupant and that has a seating area that either (a) is completely enclosed with a removable or fixed top and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed with a removable or fixed top but is equipped with a manufacturer-installed rollover protection system.

Sec. 3. Section 60-124, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-124 Motorcycle means any motor vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground. Motorcycle includes does not include an autocycle.

Sec. 4. Section 60-191, Reissue Revised Statutes of Nebraska, is amended to read:

60-191 If any odometer is repaired or replaced, the reading of the repaired or replaced odometer shall be set at the reading of the odometer repaired or replaced immediately prior to repair or replacement and the adjustment shall not be deemed a violation of section 60-190, except that when the repaired or replaced odometer is incapable of registering the same mileage as before such repair or replacement, the repaired or replaced odometer shall be adjusted to read zero and a notice in writing on a form prescribed by the department shall be attached to the left door frame of the motor vehicle, or in the case of a motorcycle, other than an autocycle, to the frame of the motorcycle, by the owner or his or her agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced and any removal or alteration of such notice so affixed shall be deemed a violation of section 60-190.

Sec. 5. Section 60-309.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-309.01 Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed
to travel on three wheels in contact with the ground, (3) in which the
operator and passenger ride either side by side or in tandem in a seating
area that is completely enclosed with a removable or fixed top and is
equipped with manufacturer-installed air bags, a manufacturer-installed
roll cage, and for each occupant a manufacturer-installed three-point
safety belt system, (4) having antilock brakes, (4) and (5) designed to
be controlled with a steering wheel and pedals, and (5) in which the
operator and passenger ride either side by side or in tandem in a seating
area that is equipped with a manufacturer-installed three-point safety
belt system for each occupant and that has a seating area that either (a)
is completely enclosed with a removable or fixed top and is equipped with
manufacturer-installed airbags and a manufacturer-installed roll cage or
(b) is not completely enclosed with a removable or fixed top but is
equipped with a manufacturer-installed rollover protection system.

Sec. 6. Section 60-340, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-340 Motorcycle means any motor vehicle having a seat or saddle
for use of the operator and designed to travel on not more than three
wheels in contact with the ground. Motorcycle includes does not include
an autocycle.

Sec. 7. Section 60-363, Revised Statutes Supplement, 2017, is
amended to read:

60-363 (1) No person shall operate or park a motor vehicle on the
highways unless such motor vehicle at all times carries in or upon it,
subject to inspection by any peace officer, the registration certificate
issued for it.

(2) No person shall tow or park a trailer on the highways unless the
registration certificate issued for the trailer or a copy thereof is
carried in or upon the trailer or in or upon the motor vehicle that is
towing or parking the trailer, subject to inspection by any peace
officer, except as provided in subsection (4) of this section and except
fertilizer trailers as defined in section 60-326. The registration certificate for a fertilizer trailer shall be kept at the principal place of business of the owner of the fertilizer trailer.

(3) In the case of a motorcycle, other than an autocycle, the registration certificate shall be carried either in plain sight, affixed to the motorcycle, or in the tool bag or some convenient receptacle attached to the motorcycle.

(4) In the case of a motor vehicle or trailer operated by a public power district registered pursuant to section 60-3,228, the registration certificate shall be kept at the principal place of business of the public power district.

Sec. 8. Section 60-378, Reissue Revised Statutes of Nebraska, is amended to read:

60-378 (1) Any transporter doing business in this state may, in lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, apply to the department for a transporter's certificate and one transporter license plate. Additional pairs of transporter certificates and transporter license plates may be procured for a fee of ten dollars each. Transporter license plates shall be displayed (a) upon the motor vehicle or trailer being transported or (b) upon a properly registered truck or truck-tractor which is a work or service vehicle in the process of towing a trailer which is itself being delivered by the transporter, and such registered truck or truck-tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep for six years a record of each motor vehicle or trailer transported by him or her under this section, and such record shall be available to the department for inspection. Each applicant shall file with the department proof of his or her status as a bona fide transporter.

(2) Transporter license plates may be the same size as license plates issued for motorcycles other than autocycles, shall bear thereon a
mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such license plates may only be displayed upon the front of a driven motor vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being towed.

Sec. 9. Section 60-3,100, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,100 (1) The department shall issue to every person whose motor vehicle or trailer is registered one or two fully reflectorized license plates upon which shall be displayed (a) the registration number consisting of letters and numerals assigned to such motor vehicle or trailer in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The license plates shall be of a color designated by the director. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed, the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-162. Autocycle, motorcycle, minitruck, low-speed vehicle, and trailer license plate letters and numerals may be one-half the size of those required in this section.

(2)(a) Except as otherwise provided in this subsection, two license plates shall be issued for every motor vehicle.

(b) One license plate shall be issued for (i) apportionable vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles other than autocycles, (vi) special interest motor vehicles that use the special interest motor vehicle license plate authorized by and issued under section 60-3,135.01, (vii) trailers, and (viii) truck-tractors.

(c)(i) Beginning January 1, 2017, one license plate shall be issued, upon request and compliance with this subdivision, for any passenger car which is not manufactured to be equipped with a bracket on the front of the vehicle to display a license plate. A license decal shall be issued
with the license plate as provided in subdivision (ii) of this
subdivision and shall be displayed on the driver's side of the
windshield. In order to request a single license plate and license decal,
there shall be an additional annual nonrefundable registration fee of one
hundred dollars plus the cost of the decal paid to the county treasurer
at the time of registration. All fees collected under this subdivision
shall be remitted to the State Treasurer for credit to the Highway Trust
Fund.

(ii) The department shall design, procure, and furnish to the county
treasurers a license decal which shall be displayed as evidence that a
license plate has been obtained under this subdivision. Each county
treasurer shall furnish a license decal to the person obtaining the
plate.

(d) When two license plates are issued, one shall be prominently
displayed at all times on the front and one on the rear of the registered
motor vehicle or trailer. When only one plate is issued, it shall be
prominently displayed on the rear of the registered motor vehicle or
trailer. When only one plate is issued for motor vehicles registered
pursuant to section 60-3,198 and truck-tractors, it shall be prominently
displayed on the front of the apportionable vehicle.

Sec. 10. Section 60-3,143, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-3,143 (1) For autocycles, the registration fee shall be as
provided in section 60-3,153 fifteen dollars.

(2) For every motor vehicle of ten-passenger capacity or less and
not used for hire, the registration fee shall be fifteen dollars.

(3) For each motor vehicle having a seating capacity of ten persons
or less and used for hire, the registration fee shall be six dollars plus
an additional four dollars for every person such motor vehicle is
equipped to carry in addition to the driver.

(4) For motor vehicles leased for hire when no driver or chauffeur
is furnished by the lessor as part of the consideration paid for by the
lessee, incident to the operation of the leased motor vehicle, the fee
shall be fifteen dollars.

Sec. 11. Section 60-3,187, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-3,187 (1) The motor vehicle tax schedules are set out in this
section.

(2) The motor vehicle tax shall be calculated by multiplying the
base tax times the fraction which corresponds to the age category of the
vehicle as shown in the following table:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>FRACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>1.00</td>
</tr>
<tr>
<td>Second</td>
<td>0.90</td>
</tr>
<tr>
<td>Third</td>
<td>0.80</td>
</tr>
<tr>
<td>Fourth</td>
<td>0.70</td>
</tr>
<tr>
<td>Fifth</td>
<td>0.60</td>
</tr>
<tr>
<td>Sixth</td>
<td>0.51</td>
</tr>
<tr>
<td>Seventh</td>
<td>0.42</td>
</tr>
<tr>
<td>Eighth</td>
<td>0.33</td>
</tr>
<tr>
<td>Ninth</td>
<td>0.24</td>
</tr>
<tr>
<td>Tenth and Eleventh</td>
<td>0.15</td>
</tr>
<tr>
<td>Twelfth and Thirteenth</td>
<td>0.07</td>
</tr>
<tr>
<td>Fourteenth and older</td>
<td>0.00</td>
</tr>
</tbody>
</table>

(3) The base tax shall be:

(a) Automobiles, autocycles, and motorcycles - An amount determined
using the following table:

<table>
<thead>
<tr>
<th>Value when new</th>
<th>Base tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $3,999</td>
<td>$ 25</td>
</tr>
<tr>
<td>$4,000 to $5,999</td>
<td>35</td>
</tr>
<tr>
<td>$6,000 to $7,999</td>
<td>45</td>
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<tr>
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</tr>
<tr>
<td>1</td>
<td>$8,000 to $9,999</td>
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<tr>
<td>2</td>
<td>$10,000 to $11,999</td>
</tr>
<tr>
<td>3</td>
<td>$12,000 to $13,999</td>
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<td>4</td>
<td>$14,000 to $15,999</td>
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<tr>
<td>5</td>
<td>$16,000 to $17,999</td>
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<tr>
<td>6</td>
<td>$18,000 to $19,999</td>
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<td>7</td>
<td>$20,000 to $21,999</td>
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<tr>
<td>8</td>
<td>$22,000 to $23,999</td>
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<td>9</td>
<td>$24,000 to $25,999</td>
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<td>10</td>
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<td>$28,000 to $29,999</td>
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<td>12</td>
<td>$30,000 to $31,999</td>
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<td>$32,000 to $33,999</td>
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<td>$34,000 to $35,999</td>
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<td>15</td>
<td>$36,000 to $37,999</td>
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<td>$38,000 to $39,999</td>
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<td>$40,000 to $41,999</td>
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<td>$42,000 to $43,999</td>
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<td>19</td>
<td>$44,000 to $45,999</td>
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<td>$46,000 to $47,999</td>
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<td>21</td>
<td>$48,000 to $49,999</td>
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<td>22</td>
<td>$50,000 to $51,999</td>
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<td>23</td>
<td>$52,000 to $53,999</td>
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<td>$54,000 to $55,999</td>
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<td>$56,000 to $57,999</td>
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<td>$58,000 to $59,999</td>
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<td>27</td>
<td>$60,000 to $61,999</td>
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<tr>
<td>28</td>
<td>$62,000 to $63,999</td>
</tr>
<tr>
<td>29</td>
<td>$64,000 to $65,999</td>
</tr>
<tr>
<td>30</td>
<td>$66,000 to $67,999</td>
</tr>
</tbody>
</table>
1 $68,000 to $69,999 1,260
2 $70,000 to $71,999 1,300
3 $72,000 to $73,999 1,340
4 $74,000 to $75,999 1,380
5 $76,000 to $77,999 1,420
6 $78,000 to $79,999 1,460
7 $80,000 to $81,999 1,500
8 $82,000 to $83,999 1,540
9 $84,000 to $85,999 1,580
10 $86,000 to $87,999 1,620
11 $88,000 to $89,999 1,660
12 $90,000 to $91,999 1,700
13 $92,000 to $93,999 1,740
14 $94,000 to $95,999 1,780
15 $96,000 to $97,999 1,820
16 $98,000 to $99,999 1,860
17 $100,000 and over 1,900

(b) Assembled automobiles – $60
(c) Assembled motorcycles other than an autocycle – $25
(d) Cabin trailers, up to one thousand pounds – $10
(e) Cabin trailers, one thousand pounds and over and less than two thousand pounds – $25
(f) Cabin trailers, two thousand pounds and over – $40
(g) Recreational vehicles, less than eight thousand pounds – $160
(h) Recreational vehicles, eight thousand pounds and over and less than twelve thousand pounds – $410
(i) Recreational vehicles, twelve thousand pounds and over – $860
(j) Assembled recreational vehicles and buses shall follow the schedules for body type and registered weight
(k) Trucks - Over seven tons and less than ten tons – $360
(l) Trucks - Ten tons and over and less than thirteen tons – $560
(m) Trucks - Thirteen tons and over and less than sixteen tons — $760
(n) Trucks - Sixteen tons and over and less than twenty-five tons — $960
(o) Trucks - Twenty-five tons and over — $1,160
(p) Buses — $360
(q) Trailers other than semitrailers — $10
(r) Semitrailers — $110
(s) Minitrucks — $50
(t) Low-speed vehicles — $50

(4) For purposes of subsection (3) of this section, truck means all trucks and combinations of trucks except those trucks, trailers, or combinations thereof registered under section 60-3,198, and the tax is based on the gross vehicle weight rating as reported by the manufacturer.

(5) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.

(6) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle tax in the first registration period and ninety-five percent of the initial motor vehicle tax in the second registration period.

(7) Assembled cabin trailers, assembled recreational vehicles, and assembled buses shall be designated as sixth-year motor vehicles in their first year of registration for purposes of the schedules.

(8) When a motor vehicle is registered which is required to have a title branded as previous salvage pursuant to section 60-175, the motor vehicle tax shall be reduced by twenty-five percent.

Sec. 12. Section 60-3,190, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles registered for operation in this state. An owner of a motor vehicle which
is exempt from the imposition of a motor vehicle tax pursuant to section 60-3,185 shall also be exempt from the imposition of the motor vehicle fee imposed pursuant to this section.

(2) The department shall annually determine the motor vehicle fee on each motor vehicle registered pursuant to this section and shall cause a notice of the amount to be delivered to the registrant. The notice shall be combined with the notice of the motor vehicle tax required by section 60-3,186.

(3) The motor vehicle fee schedules are set out in this subsection and subsection (4) of this section. Except for automobiles with a value when new of less than $20,000, and for assembled automobiles, the fee shall be calculated by multiplying the base fee times the fraction which corresponds to the age category of the automobile as shown in the following table:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>FRACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>First through fifth</td>
<td>1.00</td>
</tr>
<tr>
<td>Sixth through tenth</td>
<td>.70</td>
</tr>
<tr>
<td>Eleventh and over</td>
<td>.35</td>
</tr>
</tbody>
</table>

(4) The base fee shall be:

(a) Automobiles, with a value when new of less than $20,000, and assembled automobiles — $5

(b) Automobiles, with a value when new of $20,000 through $39,999 — $20

(c) Automobiles, with a value when new of $40,000 or more — $30

(d) Motorcycles and autocycles — $10

(e) Recreational vehicles and cabin trailers — $10

(f) Trucks over seven tons and buses — $30

(g) Trailers other than semitrailers — $10

(h) Semitrailers — $30

(i) Minitrucks — $10

(j) Low-speed vehicles — $10
(k) Autocycles — $10.

(5) The motor vehicle tax, motor vehicle fee, and registration fee shall be paid to the county treasurer prior to the registration of the motor vehicle for the following registration period. After retaining one percent of the motor vehicle fee collected for costs, the remaining proceeds shall be remitted to the State Treasurer for credit to the Motor Vehicle Fee Fund. The State Treasurer shall return funds from the Motor Vehicle Fee Fund remitted by a county treasurer which are needed for refunds or credits authorized by law.

(6)(a) The Motor Vehicle Fee Fund is created. On or before the last day of each calendar quarter, the State Treasurer shall distribute all funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the county treasurer of each county, amounts in the same proportion as the most recent allocation received by each county from the Highway Allocation Fund; and (ii) fifty percent to the treasurer of each municipality, amounts in the same proportion as the most recent allocation received by each municipality from the Highway Allocation Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(b) Funds from the Motor Vehicle Fee Fund shall be considered local revenue available for matching state sources.

(c) All receipts by counties and municipalities from the Motor Vehicle Fee Fund shall be used for road, bridge, and street purposes.

(7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this section, automobiles or trucks includes all trucks and combinations of trucks or truck-tractors, except those trucks, trailers, or semitrailers registered under section 60-3,198, and the fee is based on the gross vehicle weight rating as reported by the manufacturer.

(8) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.
(9) When a motor vehicle is registered which is newer than the
current model year by the manufacturer's designation, the motor vehicle
is subject to the initial motor vehicle fee for six registration periods.

(10) Assembled vehicles other than assembled automobiles shall
follow the schedules for the motor vehicle body type.

Sec. 13. Section 60-463.02, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-463.02 Autocycle means any motor vehicle (1) having a seat that
does not require the operator to straddle or sit astride it, (2) designed
to travel on three wheels in contact with the ground, (3) in which the
operator and passenger ride either side by side or in tandem in a seating
area that is completely enclosed with a removable or fixed top and is
equipped with manufacturer-installed air bags, a manufacturer-installed
roll cage, and for each occupant a manufacturer-installed three-point
safety belt system, (4) having antilock brakes, (4) and (5) designed to
be controlled with a steering wheel and pedals, and (5) in which the
operator and passenger ride either side by side or in tandem in a seating
area that is equipped with a manufacturer-installed three-point safety
belt system for each occupant and that has a seating area that either (a)
is completely enclosed with a removable or fixed top and is equipped with
manufacturer-installed airbags and a manufacturer-installed roll cage or
(b) is not completely enclosed with a removable or fixed top but is
equipped with a manufacturer-installed rollover protection system.

Sec. 14. Section 60-480, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-480 (1) Operators' licenses issued by the department pursuant to
the Motor Vehicle Operator's License Act shall be classified as follows:

(a) (1) Class O license. The operator's license which authorizes the
person to whom it is issued to operate on highways any motor vehicle
except a commercial motor vehicle or motorcycle;

(b) (2) Class M license. The operator's license or endorsement on a
Class O license, provisional operator's permit, learner's permit, school permit, or commercial driver's license which authorizes the person to whom it is issued to operate a motorcycle on highways;

(c) (2) CDL-commercial driver's license. The operator's license which authorizes the person to whom it is issued to operate a class of commercial motor vehicle or any motor vehicle, except a motorcycle, on highways;

(d) (4) CLP-commercial learner's permit. A permit which when carried with a Class O license authorizes an individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a CLP-commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid;

(e) (6) RCDL-restricted commercial driver's license. The class of commercial driver's license which, when held with an annual seasonal permit, authorizes a seasonal commercial motor vehicle operator as defined in section 60-4,146.01 to operate any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of a farm-related or ranch-related service industry as defined in such section within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served as provided in such section or any other motor vehicle, except a motorcycle, on highways;

(f) (6) POP-provisional operator's permit. A motor vehicle operating permit with restrictions issued pursuant to section 60-4,120.01 to a person who is at least sixteen years of age but less than eighteen years of age which authorizes the person to operate any motor vehicle except a commercial motor vehicle or motorcycle;

(g) (7) SCP-school permit. A permit issued to a student between fourteen years and two months of age and sixteen years of age for the
purpose of driving in accordance with the requirements of section 60-4,124;

(h) (9) FMP-farm permit. A permit issued to a person for purposes of operating farm tractors and other motorized implements of farm husbandry on highways in accordance with the requirements of section 60-4,126;

(i) (10) LPD-learner's permit. A permit issued in accordance with the requirements of section 60-4,123 to a person at least fifteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, for learning purposes when accompanied by a licensed operator who is at least twenty-one years of age and who possesses a valid operator's license issued by this state or another state;

(j) (11) LPE-learner's permit. A permit issued to a person at least fourteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, while learning to drive in preparation for application for a school permit;

(k) (12) EDP-employment driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,129 and 60-4,130;

(l) (13) IIP-ignition interlock permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, which is equipped with an ignition interlock device;

(m) (14) SEP-seasonal permit. A permit issued to a person who holds a restricted commercial driver's license authorizing the person to operate a commercial motor vehicle, as prescribed by section 60-4,146.01, for no more than one hundred eighty consecutive days in any twelve-month period. The seasonal permit shall be valid and run from the date of original issuance of the permit for one hundred eighty days and from the date of annual revalidation of the permit; and
MHP-medical hardship driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,130.01 and 60-4,130.02.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 15. Section 60-4,123, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,123 (1) Any person who is at least fifteen years of age may apply for an LPD-learner's permit from the department. In order to obtain an LPD-learner's permit, the applicant shall successfully complete a written examination. A person may take the written examination beginning sixty days prior to his or her fifteenth birthday but shall not be issued a permit until he or she is fifteen years of age. The written examination may be waived for any person who has been issued an LPE-learner's permit, LPD-learner's permit, or SCP-school permit that has been expired for no more than one year.

(2) Upon successful completion of the written examination and the payment of a fee and surcharge as prescribed in section 60-4,115, the applicant shall be issued an LPD-learner's permit as provided in section 60-4,113. The permit shall be valid for twelve months.

(3)(a) The holder of an LPD-learner's permit shall only operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least twenty-one years of age and who has been licensed by this state or another state and if (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, he or she is actually occupying the seat beside the licensed operator, (ii) in the case of an autocycle, he or she is actually occupying the seat beside or in front of the licensed operator, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, he or she is within visual contact of and under the supervision of, in the case of a
motorcycle, a licensed motorcycle operator or, in the case of a moped, a
licensed motor vehicle operator.

(b) The holder of an LPD-learner's permit shall not use any type of
interactive wireless communication device while operating a motor vehicle
on the highways of this state. Enforcement of this subdivision shall be
accomplished only as a secondary action when the holder of the LPD-
learner's permit has been cited or charged with a violation of some other
law.

(4) Department personnel or the county treasurer shall collect the
fee and surcharge prescribed in section 60-4,115 for the issuance of each
LPD-learner's permit.

Sec. 16. Section 60-4,123.01, Revised Statutes Cumulative
Supplement, 2016, is amended to read:

60-4,123.01 For purposes of driver training, any person who has
attained or will attain the age of fourteen years on or before October 15
of the current year may operate a motor vehicle, other than an autocycle,
upon the highways of this state if he or she is accompanied or, in the
case of a motorcycle, other than an autocycle, or a moped, supervised at
all times by a licensed operator who is a driver training instructor
certified by the Commissioner of Education.

Sec. 17. Section 60-4,124, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-4,124 (1) A person who is younger than sixteen years and three
months of age but is older than fourteen years and two months of age may
be issued a school permit if such person either resides outside a city of
the metropolitan, primary, or first class or attends a school which is
outside a city of the metropolitan, primary, or first class and if such
person has held an LPE-learner's permit for two months. A school permit
shall not be issued until such person has demonstrated that he or she is
capable of successfully operating a motor vehicle, moped, or motorcycle
and has in his or her possession an issuance certificate authorizing the
county treasurer to issue a school permit. In order to obtain an issuance certificate, the applicant shall present (a) proof of successful completion of a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (i) the effects of the consumption of alcohol on a person operating a motor vehicle, (ii) occupant protection systems, (iii) risk assessment, and (iv) railroad crossing safety and (b)(i) proof of successful completion of a written examination and driving test administered by a driver safety course instructor or (ii) a certificate in a form prescribed by the department, signed by a parent, guardian, or licensed driver at least twenty-one years of age, verifying that the applicant has completed fifty hours of lawful motor vehicle operation, under conditions that reflect department-approved driver safety course curriculum, with a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state. The department may waive the written examination if the applicant has been issued an LPE-learner's permit or LPD-learner's permit and if such permit is valid or has expired no more than one year prior to application. The written examination shall not be waived if the permit being applied for contains a class or endorsement which is different from the class or endorsement of the LPE-learner's permit.

(2) A person holding a school permit may operate a motor vehicle, moped, or motorcycle or an autocycle:

(a) To and from where he or she attends school and between schools of enrollment over the most direct and accessible route by the nearest highway from his or her place of residence to transport such person or any family member who resides with such person to attend duly scheduled courses of instruction and extracurricular or school-related activities at the school he or she attends; or

(b) Under the personal supervision of a licensed operator. Such licensed operator shall be at least twenty-one years of age and licensed
by this state or another state and shall (i) for all motor vehicles other
than autocycles, motorcycles, or mopeds, actually occupy the seat beside
the permitholder, (ii) in the case of an autocycle, actually occupy the
seat beside or behind the permitholder, or (iii) in the case of a
motorcycle, other than an autocycle, or a moped, if the permitholder is
within visual contact of and under the supervision of, in the case of a
motorcycle, a licensed motorcycle operator or, in the case of a moped, a
licensed motor vehicle operator.

(3) The holder of a school permit shall not use any type of
interactive wireless communication device while operating a motor vehicle
on the highways of this state. Enforcement of this subsection shall be
accomplished only as a secondary action when the holder of the school
permit has been cited or charged with a violation of some other law.

(4) A person who is younger than sixteen years of age but is over
fourteen years of age may be issued an LPE-learner's permit, which permit
shall be valid for a period of three months. An LPE-learner's permit
shall not be issued until such person successfully completes a written
examination prescribed by the department and demonstrates that he or she
has sufficient powers of eyesight to safely operate a motor vehicle, moped, or motorcycle or an autocycle.

(5)(a) While holding the LPE-learner's permit, the person may
operate a motor vehicle on the highways of this state if (i) for all
motor vehicles other than autocycles, motorcycles, or mopeds, he or she
has seated next to him or her a person who is a licensed operator, (ii)
in the case of an autocycle, he or she has seated next to or behind him
or her a person who is a licensed operator, or (iii) in the case of a
motorcycle, other than an autocycle, or a moped, he or she is within
visual contact of and is under the supervision of a person who, in the
case of a motorcycle, is a licensed motorcycle operator or, in the case
of a moped, is a licensed motor vehicle operator. Such licensed motor
vehicle or motorcycle operator shall be at least twenty-one years of age
and licensed by this state or another state.

(b) The holder of an LPE-learner's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subdivision shall be accomplished only as a secondary action when the holder of the LPE-learner's permit has been cited or charged with a violation of some other law.

(6) Department personnel or the county treasurer shall collect the fee and surcharge prescribed in section 60-4,115 from each successful applicant for a school or LPE-learner's permit. All school permits shall be subject to impoundment or revocation under the terms of section 60-496. Any person who violates the terms of a school permit shall be guilty of an infraction and shall not be eligible for another school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

(7) Any person who holds a permit issued under this section and has violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b) or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or 60-6,197.06 shall not be eligible for an ignition interlock permit.

Sec. 18. Section 60-4,127, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,127 (1) No person shall operate a motorcycle on the alleys or highways of the State of Nebraska until such person has obtained a Class M license. No such license shall be issued until the applicant has (a) met the vision and physical requirements established under section 60-4,118 for operation of a motor vehicle and (b) successfully completed an examination, including the actual operation of a motorcycle, prescribed by the director, except that the required examination may be waived, including the actual operation of a motorcycle, if the applicant presents proof of successful completion of a motorcycle safety course under the Motorcycle Safety Education Act within the immediately
preceding twenty-four months.

(2) Department personnel shall conduct the examination of the applicants and deliver to each successful applicant an issuance certificate or a receipt. If department personnel issue a receipt, department personnel shall collect the fee and surcharge as provided in section 60-4,115 and issue a receipt with driving privileges which is valid for up to thirty days. In counties where the county treasurer collects fees and issues receipts, the certificate may be presented to the county treasurer within ninety days after issuance. Upon presentation of an issuance certificate, the county treasurer shall collect the fee and surcharge for a Class M license as prescribed by section 60-4,115 and issue a receipt with driving privileges which is valid for up to thirty days. If department personnel refuse to issue an issuance certificate or receipt, the department personnel shall state such cause in writing and deliver such written cause to the applicant. The license shall be delivered as provided in section 60-4,113. If the applicant is the holder of an operator's license, the county treasurer or department personnel shall have endorsed on the license the authorization to operate a motorcycle. Fees for Class M licenses shall be as provided by section 60-4,115.

(3) For purposes of this section, motorcycle does not include an autocycle.

Sec. 19. Section 60-4,128, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,128 (1) Any person violating the provisions of section 60-4,127 shall be guilty of a traffic infraction and shall upon conviction thereof be fined not less than ten dollars nor more than one hundred dollars. In addition, a person operating a motorcycle without a Class M license may be required to complete the basic motorcycle safety course as provided in the Motorcycle Safety Education Act.

(2) For purposes of this section, motorcycle does not include an
Sec. 20. Section 60-4,182, Revised Statutes Cumulative Supplement, 2016, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) More than thirty-five miles per hour over the speed limit - 4 points;

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

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

(13) Using a handheld wireless communication device in violation of section 60-6,179.01 or texting while driving in violation of subsection (1) or (3) of section 60-6,179.02 - 3 points;

(14) Using a handheld mobile telephone in violation of subsection (2) or (4) of section 60-6,179.02 - 3 points;

(15) Unlawful obstruction or interference of the view of an operator in violation of section 60-6,256 - 1 point;

(16) A violation of subsection (1) of section 60-6,175 - 3 points; and
(17) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

Subdivision (17) of this section does not include violations involving an occupant protection system or a three-point safety belt system pursuant to section 60-6,270; parking violations; violations for operating a motor vehicle without a valid operator's license in the operator's possession; muffler violations; overwidth, overheight, or overlength violations; autocycle, motorcycle, or moped protective helmet violations; or overloading of trucks.

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

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

The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle as defined in section 60-611 or an electric personal assistive mobility device as defined in section 60-618.02.

Sec. 21. Section 60-610.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-610.01 Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) in which the operator and passenger ride either side by side or in tandem in a seating area that is completely enclosed with a removable or fixed top and is equipped with manufacturer-installed air bags, a manufacturer-installed roll cage, and for each occupant a manufacturer-installed three-point safety belt system, (4) having antilock brakes, (4) and (5) designed to be controlled with a steering wheel and pedals, and (5) in which the
operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed with a removable or fixed top and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed with a removable or fixed top but is equipped with a manufacturer-installed rollover protection system.

Sec. 22. Section 60-639, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-639 Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, excluding autocycles, tractors, and electric personal assistive mobility devices. Motorcycle includes an autocycle.

Sec. 23. Section 60-640, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-640 (1) Motor-driven cycle shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as measured at the drive shaft, mopeds, and every bicycle with motor attached except for a bicycle as described in subdivision (2) of section 60-611. Motor-driven cycle shall not include an electric personal assistive mobility device.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 24. Section 60-6,226, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-6,226 (1) Any motor vehicle having four or more wheels which is manufactured or assembled, whether from a kit or otherwise, after January 1, 1954, designed or used for the purpose of carrying passengers or freight, any autocycle, or any trailer, in use on a highway, shall be equipped with brake and turnsignal lights in good working order.
(2) Motorcycles other than autocycles, motor-driven cycles, motor scooters, bicycles, electric personal assistive mobility devices, vehicles used solely for agricultural purposes, vehicles not designed and intended primarily for use on a highway, and, during daylight hours, fertilizer trailers as defined in section 60-326 and implements of husbandry designed primarily or exclusively for use in agricultural operations shall not be required to have or maintain in working order signal lights required by this section, but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing such signal lights if the vehicle is so equipped.

Sec. 25. Section 60-6,244, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,244 (1) Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle shall be required to be equipped with only one brake. All such brakes shall be maintained at all times in good working order.

(2) It shall be unlawful for any owner or operator of any motor vehicle, other than a motorcycle, to operate such motor vehicle upon a highway unless the brake equipment thereon qualifies with regard to maximum stopping distances from a speed of twenty miles per hour on dry asphalt or concrete pavement free from loose materials as follows:

(a) Two-wheel brakes, maximum stopping distance, forty feet;

(b) Four or more wheel brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, thirty feet;

(c) Four or more wheel brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, thirty-five feet;
(d) All hand, parking, or emergency brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, fifty-five feet; and

(e) All hand, parking, or emergency brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, sixty-five feet.

(3) All braking distances specified in this section shall apply to all vehicles whether unloaded or loaded to the maximum capacity permitted by law.

(4) The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line.

(5) For purposes of this section, motorcycle does not include an autocycle.

Sec. 26. Section 60-6,254, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,254 (1) No person shall drive a motor vehicle, other than a motorcycle, on a highway when the motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position unless such vehicle is equipped with a right-side and a left-side outside mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Temporary outside mirrors and attachments used when towing a vehicle shall be removed from such motor vehicle or retracted within the outside dimensions thereof when it is operated upon the highway without such trailer.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 27. Section 60-6,255, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,255 (1) Every motor vehicle registered pursuant to the Motor
Vehicle Registration Act, except motorcycles, shall be equipped with a front windshield.

(2) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side wing vents, or side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law. The front windshield, side wing vents, and side or rear windows may have a visor or other shade device which is easily moved aside or removable, is normally used by a motor vehicle operator during daylight hours, and does not impair the driver's field of vision.

(3) Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(4) For purposes of this section, motorcycle does not include an autocycle.

Sec. 28. Section 60-6,263, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,263 (1) It shall be unlawful to operate on any highway in this state any motor vehicle, other than a motorcycle, manufactured or assembled, whether from a kit or otherwise, after January 1, 1935, which is designed or used for the purpose of carrying passengers unless such vehicle is equipped in all doors, windows, and windshields with safety glass. Any windshield attached to a motorcycle shall be manufactured of products which will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time.

(2) For purposes of this section, motorcycle does not include an autocycle.

(3) The owner or operator of any motor vehicle operated in violation of this section shall be guilty of a Class III misdemeanor.

Sec. 29. Section 60-6,267, Revised Statutes Supplement, 2017, is
amended to read:

60-6,267 (1) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety belt system shall ensure that all children up to six years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2009, and which is correctly installed in such vehicle.

(2) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety belt system shall ensure that all children six years of age and less than eighteen years of age being transported by such vehicle use an occupant protection system.

(3) Subsections (1) and (2) of this section apply to autocycles and to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(4) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) or (2) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(5) The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (1) or (2) of this section when
operating such authorized emergency vehicles pursuant to their employment.

(6) A driver of a motor vehicle shall not be subject to the requirements of subsection (1) or (2) of this section if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(7) The Department of Transportation shall develop and implement an ongoing statewide public information and education program regarding the use of child passenger restraint systems and occupant protection systems and the availability of distribution and discount programs for child passenger restraint systems.

(8) All persons being transported by a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system or a three-point safety belt system.

(9) For purposes of this section, motorcycle does not include an autocycle.

Sec. 30. Section 60-6,279, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,279 (1) A person shall not operate or be a passenger in an autocycle described in subsection (2) of this section, on a motorcycle other than an autocycle, or on a moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall
meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

(2) This section applies to an autocycle that has a seating area that is not completely enclosed with a removable or fixed top and is not equipped with manufacturer-installed airbags and a manufacturer-installed roll cage.

Sec. 31. Section 60-6,306, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,306 (1) Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under the Nebraska Rules of the Road except for special motorcycle regulations in the rules and except for those provisions of the rules which by their nature can have no application.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 32. Section 60-6,307, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,307 (1) Any person who operates a motorcycle shall ride only upon a permanent and regular seat attached to the motorcycle. A person operating a motorcycle shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.
(4) No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the motorcycle or the view of the operator.

(5) Any motorcycle which carries a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(6) No person shall operate any motorcycle with handlebars more than fifteen inches above the mounting point of the handlebars.

(7) For purposes of this section, motorcycle does not include an autocycle.

Sec. 33. Section 60-6,308, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,308 (1) A motorcycle shall be entitled to full use of a traffic lane of any highway, and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane, except that motorcycles may be operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by a vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to peace officers in the performance of their official duties.

(6) No person who rides upon a motorcycle shall attach himself, herself, or the motorcycle to any other vehicle on a roadway.

(7) For purposes of this section, motorcycle does not include an autocycle.

Sec. 34. Section 60-6,313, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,313 (1) A moped shall be entitled to full use of a traffic lane
of any highway with an authorized speed limit of forty-five miles per
hour or less, and no vehicle shall be operated in such a manner as to
deprive any moped of the full use of such lane, except that mopeds and
motorcycles may be operated two abreast in a single lane.

(2) No person shall operate a moped between lanes of traffic or
between adjacent lines or rows of vehicles.

(3) Mopeds shall not be operated more than two abreast in a single
lane.

(4) Any person who operates a moped on a roadway with an authorized
speed limit of more than forty-five miles per hour shall ride as near to
the right side of the roadway as practicable and shall not ride more than
single file.

(5) No person who rides upon a moped shall attach himself, herself,
or the moped to any other vehicle on a roadway.

(6) Mopeds shall not be operated on the National System of
Interstate and Defense Highways or on sidewalks.

(7) Notwithstanding the maximum speed limits in excess of twenty-
five miles per hour established in section 60-6,186, no person shall
operate any moped at a speed in excess of thirty miles per hour.

(8) For purposes of this section, motorcycle does not include an
autocycle.

Sec. 35. Section 60-1401.28, Revised Statutes Cumulative Supplement,
2016, is amended to read:

60-1401.28 Motorcycle means every motor vehicle, except a tractor,
having a seat or saddle for use of the rider and designed to travel on
not more than three wheels in contact with the ground and for which
evidence of title is required as a condition precedent to registration
under the laws of this state. Motorcycle includes does not include an
autocycle.

Sec. 36. Section 60-1401.42, Revised Statutes Cumulative Supplement,
2016, is amended to read:
60-1401.42 Autocycle means any motor vehicle (1) having a seat that
does not require the operator to straddle or sit astride it, (2) designed
to travel on three wheels in contact with the ground, (3) in which the
operator and passenger ride either side by side or in tandem in a seating
area that is completely enclosed with a removable or fixed top and is
equipped with manufacturer-installed air bags, a manufacturer-installed
roll cage, and for each occupant a manufacturer-installed three-point
safety belt system, (4) having antilock brakes, (4) and (5) designed to
be controlled with a steering wheel and pedals, and (5) in which the
operator and passenger ride either side by side or in tandem in a seating
area that is equipped with a manufacturer-installed three-point safety
belt system for each occupant and that has a seating area that either (a)
is completely enclosed with a removable or fixed top and is equipped with
manufacturer-installed airbags and a manufacturer-installed roll cage or
(b) is not completely enclosed with a removable or fixed top but is
equipped with a manufacturer-installed rollover protection system.

Sec. 37. Section 69-2441, Reissue Revised Statutes of Nebraska, is
amended to read:

69-2441 (1)(a) A permitholder may carry a concealed handgun anywhere
in Nebraska, except any: Police, sheriff, or Nebraska State Patrol
station or office; detention facility, prison, or jail; courtroom or
building which contains a courtroom; polling place during a bona fide
election; meeting of the governing body of a county, public school
district, municipality, or other political subdivision; meeting of the
Legislature or a committee of the Legislature; financial institution;
professional or semiprofessional athletic event; building, grounds,
vehicle, or sponsored activity or athletic event of any public, private,
denominational, or parochial elementary, vocational, or secondary school,
a private postsecondary career school as defined in section 85-1603, a
community college, or a public or private college, junior college, or
university; place of worship; hospital, emergency room, or trauma center;
political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by state law.

(b) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act.

(c) A place of worship may authorize its security personnel to carry concealed handguns on its property so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act and written notice is given to the congregation and, if the property is leased, the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor.

(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management
personnel, that the permitholder remove the concealed handgun from the place or premises.

(3) A permitholder carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public, used by any location listed in subdivision (1)(a) of this section, does not violate this section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle. This subsection does not apply to any parking area used by such location when the carrying of a concealed handgun into or onto such parking area is prohibited by federal law.

(4) An employer may prohibit employees or other persons who are permitholders from carrying concealed handguns in vehicles owned by the employer.

(5) A permitholder shall not carry a concealed handgun while he or she is consuming alcohol or while the permitholder has remaining in his or her blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in section 28-401. A permitholder does not violate this subsection if the controlled substance in his or her blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.

Sec. 38. Original sections 28-1204.04, 60-191, 60-378, 60-4,128, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01, 60-124, 60-309.01, 60-340, 60-3,100, 60-3,143, 60-3,187, 60-3,190, 60-463.02, 60-480, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and 60-1401.42, Revised Statutes Cumulative Supplement, 2016, and sections 60-363 and 60-6,267, Revised Statutes Supplement, 2017, are repealed.