

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1092

Introduced by Smith, 14.

Read first time January 18, 2018

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections
2 28-1204.04, 60-191, 60-378, 60-4,128, 60-6,244, 60-6,254, 60-6,255,
3 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and
4 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01,
5 60-124, 60-309.01, 60-340, 60-3,100, 60-3,143, 60-3,187, 60-3,190,
6 60-463.02, 60-480, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127,
7 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and
8 60-1401.42, Revised Statutes Cumulative Supplement, 2016, and
9 sections 60-363 and 60-6,267, Revised Statutes Supplement, 2017; to
10 redefine autocycle and motorcycle for purposes of the Motor Vehicle
11 Certificate of Title Act, Motor Vehicle Industry Regulation Act,
12 Motor Vehicle Operator's License Act, Motor Vehicle Registration
13 Act, and Nebraska Rules of the Road; to change provisions relating
14 to the registration fee and motor vehicle fee for autocycles; to
15 require operators or passengers of certain autocycles to wear
16 protective helmets as prescribed; to harmonize provisions; and to
17 repeal the original sections.
18 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-1204.04, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 28-1204.04 (1) Any person who possesses a firearm in a school, on
4 school grounds, in a school-owned vehicle, or at a school-sponsored
5 activity or athletic event is guilty of the offense of unlawful
6 possession of a firearm at a school. Unlawful possession of a firearm at
7 a school is a Class IV felony. This subsection shall not apply to (a) the
8 issuance of firearms to or possession by members of the armed forces of
9 the United States, active or reserve, National Guard of this state, or
10 Reserve Officers Training Corps or peace officers or other duly
11 authorized law enforcement officers when on duty or training, (b) the
12 possession of firearms by peace officers or other duly authorized law
13 enforcement officers when contracted by a school to provide school
14 security or school event control services, (c) firearms which may
15 lawfully be possessed by the person receiving instruction, for
16 instruction under the immediate supervision of an adult instructor, (d)
17 firearms which may lawfully be possessed by a member of a college or
18 university rifle team, within the scope of such person's duties as a
19 member of the team, (e) firearms which may lawfully be possessed by a
20 person employed by a college or university in this state as part of an
21 agriculture or a natural resources program of such college or university,
22 within the scope of such person's employment, (f) firearms contained
23 within a private vehicle operated by a nonstudent adult which are not
24 loaded and (i) are encased or (ii) are in a locked firearm rack that is
25 on a motor vehicle, (g) firearms which may lawfully be possessed by a
26 person for the purpose of using them, with the approval of the school, in
27 a historical reenactment, in a hunter education program, or as part of an
28 honor guard, or (h) a handgun carried as a concealed handgun by a valid
29 holder of a permit issued under the Concealed Handgun Permit Act in a
30 vehicle or on his or her person while riding in or on a vehicle into or
31 onto any parking area, which is open to the public and used by a school

1 if, prior to exiting the vehicle, the handgun is locked inside the glove
2 box, trunk, or other compartment of the vehicle, a storage box securely
3 attached to the vehicle, or, if the vehicle is a motorcycle, other than
4 an autocycle, a hardened compartment securely attached to the motorcycle
5 while the vehicle is in or on such parking area, except as prohibited by
6 federal law. For purposes of this subsection, encased means enclosed in a
7 case that is expressly made for the purpose of containing a firearm and
8 that is completely zipped, snapped, buckled, tied, or otherwise fastened
9 with no part of the firearm exposed.

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

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

23 (4) Whenever a firearm is confiscated and held pursuant to this
24 section or section 28-1204.02, the peace officer who received such
25 firearm shall cause to be filed within ten days after the confiscation a
26 petition for destruction of such firearm. The petition shall be filed in
27 the district court of the county in which the confiscation is made. The
28 petition shall describe the firearm held, state the name of the owner, if
29 known, allege the essential elements of the violation which caused the
30 confiscation, and conclude with a prayer for disposition and destruction
31 in such manner as the court may direct. At any time after the

1 confiscation of the firearm and prior to court disposition, the owner of
2 the firearm seized may petition the district court of the county in which
3 the confiscation was made for possession of the firearm. The court shall
4 release the firearm to such owner only if the claim of ownership can
5 reasonably be shown to be true and either (a) the owner of the firearm
6 can show that the firearm was taken from his or her property or place of
7 business unlawfully or without the knowledge and consent of the owner and
8 that such property or place of business is different from that of the
9 person from whom the firearm was confiscated or (b) the owner of the
10 firearm is acquitted of the charge of unlawful possession of a handgun in
11 violation of section 28-1204, unlawful transfer of a firearm to a
12 juvenile, or unlawful possession of a firearm at a school. No firearm
13 having significant antique value or historical significance as determined
14 by the Nebraska State Historical Society shall be destroyed. If a firearm
15 has significant antique value or historical significance, it shall be
16 sold at auction and the proceeds shall be remitted to the State Treasurer
17 for distribution in accordance with Article VII, section 5, of the
18 Constitution of Nebraska.

19 Sec. 2. Section 60-104.01, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 60-104.01 Autocycle means any motor vehicle (1) having a seat that
22 does not require the operator to straddle or sit astride it, (2) designed
23 to travel on three wheels in contact with the ground, (3) ~~in which the~~
24 ~~operator and passenger ride either side by side or in tandem in a seating~~
25 ~~area that is completely enclosed with a removable or fixed top and is~~
26 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
27 ~~roll cage, and for each occupant a manufacturer-installed three-point~~
28 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~
29 ~~be controlled with a steering wheel and pedals, and (5) in which the~~
30 operator and passenger ride either side by side or in tandem in a seating
31 area that is equipped with a manufacturer-installed three-point safety

1 belt system for each occupant and that has a seating area that either (a)
2 is completely enclosed with a removable or fixed top and is equipped with
3 manufacturer-installed airbags and a manufacturer-installed roll cage or
4 (b) is not completely enclosed with a removable or fixed top but is
5 equipped with a manufacturer-installed rollover protection system.

6 Sec. 3. Section 60-124, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 60-124 Motorcycle means any motor vehicle having a seat or saddle
9 for the use of the operator and designed to travel on not more than three
10 wheels in contact with the ground. Motorcycle includes ~~does not include~~
11 an autocycle.

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

14 60-191 If any odometer is repaired or replaced, the reading of the
15 repaired or replaced odometer shall be set at the reading of the odometer
16 repaired or replaced immediately prior to repair or replacement and the
17 adjustment shall not be deemed a violation of section 60-190, except that
18 when the repaired or replaced odometer is incapable of registering the
19 same mileage as before such repair or replacement, the repaired or
20 replaced odometer shall be adjusted to read zero and a notice in writing
21 on a form prescribed by the department shall be attached to the left door
22 frame of the motor vehicle, or in the case of a motorcycle, other than an
23 autocycle, to the frame of the motorcycle, by the owner or his or her
24 agent specifying the mileage prior to repair or replacement of the
25 odometer and the date on which it was repaired or replaced and any
26 removal or alteration of such notice so affixed shall be deemed a
27 violation of section 60-190.

28 Sec. 5. Section 60-309.01, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 60-309.01 Autocycle means any motor vehicle (1) having a seat that
31 does not require the operator to straddle or sit astride it, (2) designed

1 to travel on three wheels in contact with the ground, (3) ~~in which the~~
2 ~~operator and passenger ride either side by side or in tandem in a seating~~
3 ~~area that is completely enclosed with a removable or fixed top and is~~
4 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
5 ~~roll cage, and for each occupant a manufacturer-installed three-point~~
6 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~
7 ~~be controlled with a steering wheel and pedals, and (5) in which the~~
8 operator and passenger ride either side by side or in tandem in a seating
9 area that is equipped with a manufacturer-installed three-point safety
10 belt system for each occupant and that has a seating area that either (a)
11 is completely enclosed with a removable or fixed top and is equipped with
12 manufacturer-installed airbags and a manufacturer-installed roll cage or
13 (b) is not completely enclosed with a removable or fixed top but is
14 equipped with a manufacturer-installed rollover protection system.

15 Sec. 6. Section 60-340, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 60-340 Motorcycle means any motor vehicle having a seat or saddle
18 for use of the operator and designed to travel on not more than three
19 wheels in contact with the ground. Motorcycle includes ~~does not include~~
20 an autocycle.

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

23 60-363 (1) No person shall operate or park a motor vehicle on the
24 highways unless such motor vehicle at all times carries in or upon it,
25 subject to inspection by any peace officer, the registration certificate
26 issued for it.

27 (2) No person shall tow or park a trailer on the highways unless the
28 registration certificate issued for the trailer or a copy thereof is
29 carried in or upon the trailer or in or upon the motor vehicle that is
30 towing or parking the trailer, subject to inspection by any peace
31 officer, except as provided in subsection (4) of this section and except

1 fertilizer trailers as defined in section 60-326. The registration
2 certificate for a fertilizer trailer shall be kept at the principal place
3 of business of the owner of the fertilizer trailer.

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

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

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

14 60-378 (1) Any transporter doing business in this state may, in lieu
15 of registering each motor vehicle or trailer which such transporter is
16 transporting, upon payment of a fee of ten dollars, apply to the
17 department for a transporter's certificate and one transporter license
18 plate. Additional pairs of transporter certificates and transporter
19 license plates may be procured for a fee of ten dollars each. Transporter
20 license plates shall be displayed (a) upon the motor vehicle or trailer
21 being transported or (b) upon a properly registered truck or truck-
22 tractor which is a work or service vehicle in the process of towing a
23 trailer which is itself being delivered by the transporter, and such
24 registered truck or truck-tractor shall also display a transporter plate
25 upon the front thereof. The applicant for a transporter plate shall keep
26 for six years a record of each motor vehicle or trailer transported by
27 him or her under this section, and such record shall be available to the
28 department for inspection. Each applicant shall file with the department
29 proof of his or her status as a bona fide transporter.

30 (2) Transporter license plates may be the same size as license
31 plates issued for motorcycles other than autocycles, shall bear thereon a

1 mark to distinguish them as transporter plates, and shall be serially
2 numbered so as to distinguish them from each other. Such license plates
3 may only be displayed upon the front of a driven motor vehicle of a
4 lawful combination or upon the front of a motor vehicle driven singly or
5 upon the rear of a trailer being towed.

6 Sec. 9. Section 60-3,100, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 60-3,100 (1) The department shall issue to every person whose motor
9 vehicle or trailer is registered one or two fully reflectorized license
10 plates upon which shall be displayed (a) the registration number
11 consisting of letters and numerals assigned to such motor vehicle or
12 trailer in figures not less than two and one-half inches nor more than
13 three inches in height and (b) also the word Nebraska suitably lettered
14 so as to be attractive. The license plates shall be of a color designated
15 by the director. The color of the plates shall be changed each time the
16 license plates are changed. Each time the license plates are changed, the
17 director shall secure competitive bids for materials pursuant to sections
18 81-145 to 81-162. Autocycle, motorcycle, minitruck, low-speed vehicle,
19 and trailer license plate letters and numerals may be one-half the size
20 of those required in this section.

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

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

28 (c)(i) Beginning January 1, 2017, one license plate shall be issued,
29 upon request and compliance with this subdivision, for any passenger car
30 which is not manufactured to be equipped with a bracket on the front of
31 the vehicle to display a license plate. A license decal shall be issued

1 with the license plate as provided in subdivision (ii) of this
2 subdivision and shall be displayed on the driver's side of the
3 windshield. In order to request a single license plate and license decal,
4 there shall be an additional annual nonrefundable registration fee of one
5 hundred dollars plus the cost of the decal paid to the county treasurer
6 at the time of registration. All fees collected under this subdivision
7 shall be remitted to the State Treasurer for credit to the Highway Trust
8 Fund.

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

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

21 Sec. 10. Section 60-3,143, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 60-3,143 (1) For autocycles, the registration fee shall be as
24 provided in section 60-3,153 ~~fifteen dollars~~.

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

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

31 (4) For motor vehicles leased for hire when no driver or chauffeur

1 is furnished by the lessor as part of the consideration paid for by the
2 lessee, incident to the operation of the leased motor vehicle, the fee
3 shall be fifteen dollars.

4 Sec. 11. Section 60-3,187, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 60-3,187 (1) The motor vehicle tax schedules are set out in this
7 section.

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

11 YEAR	FRACTION
12 First	1.00
13 Second	0.90
14 Third	0.80
15 Fourth	0.70
16 Fifth	0.60
17 Sixth	0.51
18 Seventh	0.42
19 Eighth	0.33
20 Ninth	0.24
21 Tenth and Eleventh	0.15
22 Twelfth and Thirteenth	0.07
23 Fourteenth and older	0.00

24 (3) The base tax shall be:

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

27 Value when new	Base tax
28 Up to \$3,999	\$ 25
29 \$4,000 to \$5,999	35
30 \$6,000 to \$7,999	45

1	\$8,000 to \$9,999	60
2	\$10,000 to \$11,999	100
3	\$12,000 to \$13,999	140
4	\$14,000 to \$15,999	180
5	\$16,000 to \$17,999	220
6	\$18,000 to \$19,999	260
7	\$20,000 to \$21,999	300
8	\$22,000 to \$23,999	340
9	\$24,000 to \$25,999	380
10	\$26,000 to \$27,999	420
11	\$28,000 to \$29,999	460
12	\$30,000 to \$31,999	500
13	\$32,000 to \$33,999	540
14	\$34,000 to \$35,999	580
15	\$36,000 to \$37,999	620
16	\$38,000 to \$39,999	660
17	\$40,000 to \$41,999	700
18	\$42,000 to \$43,999	740
19	\$44,000 to \$45,999	780
20	\$46,000 to \$47,999	820
21	\$48,000 to \$49,999	860
22	\$50,000 to \$51,999	900
23	\$52,000 to \$53,999	940
24	\$54,000 to \$55,999	980
25	\$56,000 to \$57,999	1,020
26	\$58,000 to \$59,999	1,060
27	\$60,000 to \$61,999	1,100
28	\$62,000 to \$63,999	1,140
29	\$64,000 to \$65,999	1,180
30	\$66,000 to \$67,999	1,220

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
18	(b) Assembled automobiles – \$60	
19	(c) Assembled motorcycles <u>other than an autocycle</u> – \$25	
20	(d) Cabin trailers, up to one thousand pounds – \$10	
21	(e) Cabin trailers, one thousand pounds and over and less than two	
22	thousand pounds – \$25	
23	(f) Cabin trailers, two thousand pounds and over – \$40	
24	(g) Recreational vehicles, less than eight thousand pounds – \$160	
25	(h) Recreational vehicles, eight thousand pounds and over and less	
26	than twelve thousand pounds – \$410	
27	(i) Recreational vehicles, twelve thousand pounds and over – \$860	
28	(j) Assembled recreational vehicles and buses shall follow the	
29	schedules for body type and registered weight	
30	(k) Trucks - Over seven tons and less than ten tons – \$360	
31	(l) Trucks - Ten tons and over and less than thirteen tons – \$560	

1 (m) Trucks - Thirteen tons and over and less than sixteen tons -
2 \$760

3 (n) Trucks - Sixteen tons and over and less than twenty-five tons -
4 \$960

5 (o) Trucks - Twenty-five tons and over - \$1,160

6 (p) Buses - \$360

7 (q) Trailers other than semitrailers - \$10

8 (r) Semitrailers - \$110

9 (s) Minitrucks - \$50

10 (t) Low-speed vehicles - \$50

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

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

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

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

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

28 Sec. 12. Section 60-3,190, Revised Statutes Cumulative Supplement,
29 2016, is amended to read:

30 60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles
31 registered for operation in this state. An owner of a motor vehicle which

1 is exempt from the imposition of a motor vehicle tax pursuant to section
2 60-3,185 shall also be exempt from the imposition of the motor vehicle
3 fee imposed pursuant to this section.

4 (2) The department shall annually determine the motor vehicle fee on
5 each motor vehicle registered pursuant to this section and shall cause a
6 notice of the amount to be delivered to the registrant. The notice shall
7 be combined with the notice of the motor vehicle tax required by section
8 60-3,186.

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

15 YEAR	FRACTION
16 First through fifth	1.00
17 Sixth through tenth	.70
18 Eleventh and over	.35

19 (4) The base fee shall be:

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

22 (b) Automobiles, with a value when new of \$20,000 through \$39,999 –
23 \$20

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

25 (d) Motorcycles and autocycles – \$10

26 (e) Recreational vehicles and cabin trailers – \$10

27 (f) Trucks over seven tons and buses – \$30

28 (g) Trailers other than semitrailers – \$10

29 (h) Semitrailers – \$30

30 (i) Minitrucks – \$10

31 (j) Low-speed vehicles – \$10

1 ~~(k) Autocycles — \$10.~~

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

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

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

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

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

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

1 (9) When a motor vehicle is registered which is newer than the
2 current model year by the manufacturer's designation, the motor vehicle
3 is subject to the initial motor vehicle fee for six registration periods.

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

6 Sec. 13. Section 60-463.02, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 60-463.02 Autocycle means any motor vehicle (1) having a seat that
9 does not require the operator to straddle or sit astride it, (2) designed
10 to travel on three wheels in contact with the ground, (3) ~~in which the~~
11 ~~operator and passenger ride either side by side or in tandem in a seating~~
12 ~~area that is completely enclosed with a removable or fixed top and is~~
13 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
14 ~~roll cage, and for each occupant a manufacturer-installed three-point~~
15 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~
16 ~~be controlled with a steering wheel and pedals, and (5) in which the~~
17 ~~operator and passenger ride either side by side or in tandem in a seating~~
18 ~~area that is equipped with a manufacturer-installed three-point safety~~
19 ~~belt system for each occupant and that has a seating area that either (a)~~
20 ~~is completely enclosed with a removable or fixed top and is equipped with~~
21 ~~manufacturer-installed airbags and a manufacturer-installed roll cage or~~
22 (b) is not completely enclosed with a removable or fixed top but is
23 equipped with a manufacturer-installed rollover protection system.

24 Sec. 14. Section 60-480, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 60-480 (1) Operators' licenses issued by the department pursuant to
27 the Motor Vehicle Operator's License Act shall be classified as follows:

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

31 (b) (2) Class M license. The operator's license or endorsement on a

1 Class 0 license, provisional operator's permit, learner's permit, school
2 permit, or commercial driver's license which authorizes the person to
3 whom it is issued to operate a motorcycle on highways;

4 (c) ~~(3)~~ CDL-commercial driver's license. The operator's license
5 which authorizes the person to whom it is issued to operate a class of
6 commercial motor vehicle or any motor vehicle, except a motorcycle, on
7 highways;

8 (d) ~~(4)~~ CLP-commercial learner's permit. A permit which when carried
9 with a Class 0 license authorizes an individual to operate a class of
10 commercial motor vehicle when accompanied by a holder of a valid
11 commercial driver's license for purposes of behind-the-wheel training.
12 When issued to a commercial driver's license holder, a CLP-commercial
13 learner's permit serves as authorization for accompanied behind-the-wheel
14 training in a commercial motor vehicle for which the holder's current
15 commercial driver's license is not valid;

16 (e) ~~(5)~~ RCDL-restricted commercial driver's license. The class of
17 commercial driver's license which, when held with an annual seasonal
18 permit, authorizes a seasonal commercial motor vehicle operator as
19 defined in section 60-4,146.01 to operate any Class B Heavy Straight
20 Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of
21 a farm-related or ranch-related service industry as defined in such
22 section within one hundred fifty miles of the employer's place of
23 business or the farm or ranch currently being served as provided in such
24 section or any other motor vehicle, except a motorcycle, on highways;

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

30 (g) ~~(7)~~ SCP-school permit. A permit issued to a student between
31 fourteen years and two months of age and sixteen years of age for the

1 purpose of driving in accordance with the requirements of section
2 60-4,124;

3 (h) ~~(8)~~ FMP-farm permit. A permit issued to a person for purposes of
4 operating farm tractors and other motorized implements of farm husbandry
5 on highways in accordance with the requirements of section 60-4,126;

6 (i) ~~(9)~~ LPD-learner's permit. A permit issued in accordance with the
7 requirements of section 60-4,123 to a person at least fifteen years of
8 age which authorizes the person to operate a motor vehicle, except a
9 commercial motor vehicle, for learning purposes when accompanied by a
10 licensed operator who is at least twenty-one years of age and who
11 possesses a valid operator's license issued by this state or another
12 state;

13 (j) ~~(10)~~ LPE-learner's permit. A permit issued to a person at least
14 fourteen years of age which authorizes the person to operate a motor
15 vehicle, except a commercial motor vehicle, while learning to drive in
16 preparation for application for a school permit;

17 (k) ~~(11)~~ EDP-employment driving permit. A permit issued to a person
18 which authorizes the person to operate a motor vehicle, except a
19 commercial motor vehicle, pursuant to the requirements of sections
20 60-4,129 and 60-4,130;

21 (l) ~~(12)~~ IIP-ignition interlock permit. A permit issued to a person
22 which authorizes the person to operate a motor vehicle, except a
23 commercial motor vehicle, which is equipped with an ignition interlock
24 device;

25 (m) ~~(13)~~ SEP-seasonal permit. A permit issued to a person who holds
26 a restricted commercial driver's license authorizing the person to
27 operate a commercial motor vehicle, as prescribed by section 60-4,146.01,
28 for no more than one hundred eighty consecutive days in any twelve-month
29 period. The seasonal permit shall be valid and run from the date of
30 original issuance of the permit for one hundred eighty days and from the
31 date of annual revalidation of the permit; and

1 (n) ~~(14)~~ MHP-medical hardship driving permit. A permit issued to a
2 person which authorizes the person to operate a motor vehicle, except a
3 commercial motor vehicle, pursuant to the requirements of sections
4 60-4,130.01 and 60-4,130.02.

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

7 Sec. 15. Section 60-4,123, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 60-4,123 (1) Any person who is at least fifteen years of age may
10 apply for an LPD-learner's permit from the department. In order to obtain
11 an LPD-learner's permit, the applicant shall successfully complete a
12 written examination. A person may take the written examination beginning
13 sixty days prior to his or her fifteenth birthday but shall not be issued
14 a permit until he or she is fifteen years of age. The written examination
15 may be waived for any person who has been issued an LPE-learner's permit,
16 LPD-learner's permit, or SCP-school permit that has been expired for no
17 more than one year.

18 (2) Upon successful completion of the written examination and the
19 payment of a fee and surcharge as prescribed in section 60-4,115, the
20 applicant shall be issued an LPD-learner's permit as provided in section
21 60-4,113. The permit shall be valid for twelve months.

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

1 motorcycle, a licensed motorcycle operator or, in the case of a moped, a
2 licensed motor vehicle operator.

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

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

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

14 60-4,123.01 For purposes of driver training, any person who has
15 attained or will attain the age of fourteen years on or before October 15
16 of the current year may operate a motor vehicle, other than an autocycle,
17 upon the highways of this state if he or she is accompanied or, in the
18 case of a motorcycle, other than an autocycle, or a moped, supervised at
19 all times by a licensed operator who is a driver training instructor
20 certified by the Commissioner of Education.

21 Sec. 17. Section 60-4,124, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 60-4,124 (1) A person who is younger than sixteen years and three
24 months of age but is older than fourteen years and two months of age may
25 be issued a school permit if such person either resides outside a city of
26 the metropolitan, primary, or first class or attends a school which is
27 outside a city of the metropolitan, primary, or first class and if such
28 person has held an LPE-learner's permit for two months. A school permit
29 shall not be issued until such person has demonstrated that he or she is
30 capable of successfully operating a motor vehicle, moped, or motorcycle
31 and has in his or her possession an issuance certificate authorizing the

1 county treasurer to issue a school permit. In order to obtain an issuance
2 certificate, the applicant shall present (a) proof of successful
3 completion of a department-approved driver safety course which includes
4 behind-the-wheel driving specifically emphasizing (i) the effects of the
5 consumption of alcohol on a person operating a motor vehicle, (ii)
6 occupant protection systems, (iii) risk assessment, and (iv) railroad
7 crossing safety and (b)(i) proof of successful completion of a written
8 examination and driving test administered by a driver safety course
9 instructor or (ii) a certificate in a form prescribed by the department,
10 signed by a parent, guardian, or licensed driver at least twenty-one
11 years of age, verifying that the applicant has completed fifty hours of
12 lawful motor vehicle operation, under conditions that reflect department-
13 approved driver safety course curriculum, with a parent, guardian, or
14 adult at least twenty-one years of age, who has a current Nebraska
15 operator's license or who is licensed in another state. The department
16 may waive the written examination if the applicant has been issued an
17 LPE-learner's permit or LPD-learner's permit and if such permit is valid
18 or has expired no more than one year prior to application. The written
19 examination shall not be waived if the permit being applied for contains
20 a class or endorsement which is different from the class or endorsement
21 of the LPE-learner's permit.

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

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

30 (b) Under the personal supervision of a licensed operator. Such
31 licensed operator shall be at least twenty-one years of age and licensed

1 by this state or another state and shall (i) for all motor vehicles other
2 than autocycles, motorcycles, or mopeds, actually occupy the seat beside
3 the permitholder, (ii) in the case of an autocycle, actually occupy the
4 seat beside or behind the permitholder, or (iii) in the case of a
5 motorcycle, other than an autocycle, or a moped, if the permitholder is
6 within visual contact of and under the supervision of, in the case of a
7 motorcycle, a licensed motorcycle operator or, in the case of a moped, a
8 licensed motor vehicle operator.

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

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

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

1 and licensed by this state or another state.

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

8 (6) Department personnel or the county treasurer shall collect the
9 fee and surcharge prescribed in section 60-4,115 from each successful
10 applicant for a school or LPE-learner's permit. All school permits shall
11 be subject to impoundment or revocation under the terms of section
12 60-496. Any person who violates the terms of a school permit shall be
13 guilty of an infraction and shall not be eligible for another school,
14 farm, LPD-learner's, or LPE-learner's permit until he or she has attained
15 the age of sixteen years.

16 (7) Any person who holds a permit issued under this section and has
17 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
18 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or
19 60-6,197.06 shall not be eligible for an ignition interlock permit.

20 Sec. 18. Section 60-4,127, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 60-4,127 (1) No person shall operate a motorcycle on the alleys or
23 highways of the State of Nebraska until such person has obtained a Class
24 M license. No such license shall be issued until the applicant has (a)
25 met the vision and physical requirements established under section
26 60-4,118 for operation of a motor vehicle and (b) successfully completed
27 an examination, including the actual operation of a motorcycle,
28 prescribed by the director, except that the required examination may be
29 waived, including the actual operation of a motorcycle, if the applicant
30 presents proof of successful completion of a motorcycle safety course
31 under the Motorcycle Safety Education Act within the immediately

1 preceding twenty-four months.

2 (2) Department personnel shall conduct the examination of the
3 applicants and deliver to each successful applicant an issuance
4 certificate or a receipt. If department personnel issue a receipt,
5 department personnel shall collect the fee and surcharge as provided in
6 section 60-4,115 and issue a receipt with driving privileges which is
7 valid for up to thirty days. In counties where the county treasurer
8 collects fees and issues receipts, the certificate may be presented to
9 the county treasurer within ninety days after issuance. Upon presentation
10 of an issuance certificate, the county treasurer shall collect the fee
11 and surcharge for a Class M license as prescribed by section 60-4,115 and
12 issue a receipt with driving privileges which is valid for up to thirty
13 days. If department personnel refuse to issue an issuance certificate or
14 receipt, the department personnel shall state such cause in writing and
15 deliver such written cause to the applicant. The license shall be
16 delivered as provided in section 60-4,113. If the applicant is the holder
17 of an operator's license, the county treasurer or department personnel
18 shall have endorsed on the license the authorization to operate a
19 motorcycle. Fees for Class M licenses shall be as provided by section
20 60-4,115.

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

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

25 60-4,128 (1) Any person violating the provisions of section
26 60-4,127 shall be guilty of a traffic infraction and shall upon
27 conviction thereof be fined not less than ten dollars nor more than one
28 hundred dollars. In addition, a person operating a motorcycle without a
29 Class M license may be required to complete the basic motorcycle safety
30 course as provided in the Motorcycle Safety Education Act.

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

1 autocycle.

2 Sec. 20. Section 60-4,182, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

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

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

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

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

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

19 (5) Driving a motor vehicle while under the influence of alcoholic
20 liquor or any drug or when such person has a concentration of eight-
21 hundredths of one gram or more by weight of alcohol per one hundred
22 milliliters of his or her blood or per two hundred ten liters of his or
23 her breath in violation of any city or village ordinance or of section
24 60-6,196 - 6 points;

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

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

29 (8) Negligent driving in violation of any city or village ordinance
30 - 3 points;

31 (9) Reckless driving in violation of any city or village ordinance

1 or of section 60-6,213 - 5 points;

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

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

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

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

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

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

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

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

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

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

30 (16) A violation of subsection (1) of section 60-6,175 - 3 points;

31 and

1 (17) All other traffic violations involving the operation of motor
2 vehicles by the operator for which reports to the Department of Motor
3 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

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

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

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

17 The point system shall not apply to persons convicted of traffic
18 violations committed while operating a bicycle as defined in section
19 60-611 or an electric personal assistive mobility device as defined in
20 section 60-618.02.

21 Sec. 21. Section 60-610.01, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 60-610.01 Autocycle means any motor vehicle (1) having a seat that
24 does not require the operator to straddle or sit astride it, (2) designed
25 to travel on three wheels in contact with the ground, (3) ~~in which the~~
26 ~~operator and passenger ride either side by side or in tandem in a seating~~
27 ~~area that is completely enclosed with a removable or fixed top and is~~
28 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
29 ~~roll cage, and for each occupant a manufacturer-installed three point~~
30 ~~safety belt system,~~ (4) having antilock brakes, (4) and (5) designed to
31 be controlled with a steering wheel and pedals, and (5) in which the

1 operator and passenger ride either side by side or in tandem in a seating
2 area that is equipped with a manufacturer-installed three-point safety
3 belt system for each occupant and that has a seating area that either (a)
4 is completely enclosed with a removable or fixed top and is equipped with
5 manufacturer-installed airbags and a manufacturer-installed roll cage or
6 (b) is not completely enclosed with a removable or fixed top but is
7 equipped with a manufacturer-installed rollover protection system.

8 Sec. 22. Section 60-639, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 60-639 Motorcycle shall mean every motor vehicle having a seat or
11 saddle for the use of the rider and designed to travel on not more than
12 three wheels in contact with the ground, excluding ~~autocycles~~, tractors,
13 and electric personal assistive mobility devices. Motorcycle includes an
14 autocycle.

15 Sec. 23. Section 60-640, Revised Statutes Cumulative Supplement,
16 2016, is amended to read:

17 60-640 (1) Motor-driven cycle shall mean every motorcycle,
18 including every motor scooter, with a motor which produces not to exceed
19 five brake horsepower as measured at the drive shaft, mopeds, and every
20 bicycle with motor attached except for a bicycle as described in
21 subdivision (2) of section 60-611. Motor-driven cycle shall not include
22 an electric personal assistive mobility device.

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

25 Sec. 24. Section 60-6,226, Revised Statutes Cumulative Supplement,
26 2016, is amended to read:

27 60-6,226 (1) Any motor vehicle having four or more wheels which is
28 manufactured or assembled, whether from a kit or otherwise, after January
29 1, 1954, designed or used for the purpose of carrying passengers or
30 freight, any autocycle, or any trailer, in use on a highway, shall be
31 equipped with brake and turnsignal lights in good working order.

1 (2) Motorcycles other than autocycles, motor-driven cycles, motor
2 scooters, bicycles, electric personal assistive mobility devices,
3 vehicles used solely for agricultural purposes, vehicles not designed and
4 intended primarily for use on a highway, and, during daylight hours,
5 fertilizer trailers as defined in section 60-326 and implements of
6 husbandry designed primarily or exclusively for use in agricultural
7 operations shall not be required to have or maintain in working order
8 signal lights required by this section, but they may be so equipped. The
9 operator thereof shall comply with the requirements for utilizing hand
10 and arm signals or for utilizing such signal lights if the vehicle is so
11 equipped.

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

14 60-6,244 (1) Every motor vehicle when operated upon a highway shall
15 be equipped with brakes adequate to control the movement of and to stop
16 and to hold such vehicle, including two separate means of applying the
17 brakes, each of which means shall be effective to apply the brakes to at
18 least two wheels and so constructed that no part which is liable to
19 failure shall be common to the two, except that a motorcycle shall be
20 required to be equipped with only one brake. All such brakes shall be
21 maintained at all times in good working order.

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

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

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

30 (c) Four or more wheel brakes, vehicles seven thousand pounds or
31 more gross weight, maximum stopping distance, thirty-five feet;

1 (d) All hand, parking, or emergency brakes, vehicles up to seven
2 thousand pounds gross weight, maximum stopping distance, fifty-five feet;
3 and

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

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

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

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

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

16 60-6,254 (1) No person shall drive a motor vehicle, other than a
17 motorcycle, on a highway when the motor vehicle is so constructed or
18 loaded as to prevent the driver from obtaining a view of the highway to
19 the rear by looking backward from the driver's position unless such
20 vehicle is equipped with a right-side and a left-side outside mirror so
21 located as to reflect to the driver a view of the highway for a distance
22 of at least two hundred feet to the rear of such vehicle. Temporary
23 outside mirrors and attachments used when towing a vehicle shall be
24 removed from such motor vehicle or retracted within the outside
25 dimensions thereof when it is operated upon the highway without such
26 trailer.

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

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

31 60-6,255 (1) Every motor vehicle registered pursuant to the Motor

1 Vehicle Registration Act, except motorcycles, shall be equipped with a
2 front windshield.

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

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

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

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

19 60-6,263 (1) It shall be unlawful to operate on any highway in this
20 state any motor vehicle, other than a motorcycle, manufactured or
21 assembled, whether from a kit or otherwise, after January 1, 1935, which
22 is designed or used for the purpose of carrying passengers unless such
23 vehicle is equipped in all doors, windows, and windshields with safety
24 glass. Any windshield attached to a motorcycle shall be manufactured of
25 products which will successfully withstand discoloration due to exposure
26 to sunlight or abnormal temperatures over an extended period of time.

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

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

31 Sec. 29. Section 60-6,267, Revised Statutes Supplement, 2017, is

1 amended to read:

2 60-6,267 (1) Any person in Nebraska who drives any motor vehicle
3 which has or is required to have an occupant protection system or a
4 three-point safety belt system shall ensure that all children up to six
5 years of age being transported by such vehicle use a child passenger
6 restraint system of a type which meets Federal Motor Vehicle Safety
7 Standard 213 as developed by the National Highway Traffic Safety
8 Administration, as such standard existed on January 1, 2009, and which is
9 correctly installed in such vehicle.

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

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

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

30 (5) The drivers of authorized emergency vehicles shall not be
31 subject to the requirements of subsection (1) or (2) of this section when

1 operating such authorized emergency vehicles pursuant to their
2 employment.

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

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

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

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

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

21 60-6,279 (1) A person shall not operate or be a passenger in ~~an~~ an
22 autocycle described in subsection (2) of this section, on a motorcycle
23 other than an autocycle, or on a moped on any highway in this state
24 unless such person is wearing a protective helmet of the type and design
25 manufactured for use by operators of such vehicles and unless such helmet
26 is secured properly on his or her head with a chin strap while the
27 vehicle is in motion. All such protective helmets shall be designed to
28 reduce injuries to the user resulting from head impacts and shall be
29 designed to protect the user by remaining on the user's head, deflecting
30 blows, resisting penetration, and spreading the force of impact. Each
31 such helmet shall consist of lining, padding, and chin strap and shall

1 meet or exceed the standards established in the United States Department
2 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49
3 C.F.R. 571.218, for motorcycle helmets.

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

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

10 60-6,306 (1) Any person who operates a motorcycle shall have all of
11 the rights and shall be subject to all of the duties applicable to the
12 driver of any other vehicle under the Nebraska Rules of the Road except
13 for special motorcycle regulations in the rules and except for those
14 provisions of the rules which by their nature can have no application.

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

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

19 60-6,307 (1) Any person who operates a motorcycle shall ride only
20 upon a permanent and regular seat attached to the motorcycle. A person
21 operating a motorcycle shall not carry any other person nor shall any
22 other person ride on a motorcycle unless such motorcycle is designed to
23 carry more than one person, in which event a passenger may ride upon the
24 permanent and regular seat, if designed for two persons, or upon another
25 seat firmly attached to the motorcycle to the rear or side of the
26 operator.

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

29 (3) No person shall operate a motorcycle while carrying any package,
30 bundle, or other article which prevents him or her from keeping both
31 hands on the handlebars.

1 (4) No operator shall carry any person, nor shall any person ride,
2 in a position that interferes with the operation or control of the
3 motorcycle or the view of the operator.

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

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

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

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

13 60-6,308 (1) A motorcycle shall be entitled to full use of a traffic
14 lane of any highway, and no vehicle shall be driven in such a manner as
15 to deprive any motorcycle of the full use of such lane, except that
16 motorcycles may be operated two abreast in a single lane.

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

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

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

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

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

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

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

31 60-6,313 (1) A moped shall be entitled to full use of a traffic lane

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

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

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

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

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

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

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

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

22 Sec. 35. Section 60-1401.28, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 60-1401.28 Motorcycle means every motor vehicle, except a tractor,
25 having a seat or saddle for use of the rider and designed to travel on
26 not more than three wheels in contact with the ground and for which
27 evidence of title is required as a condition precedent to registration
28 under the laws of this state. Motorcycle includes ~~does not include~~ an
29 autocycle.

30 Sec. 36. Section 60-1401.42, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 60-1401.42 Autocycle means any motor vehicle (1) having a seat that
2 does not require the operator to straddle or sit astride it, (2) designed
3 to travel on three wheels in contact with the ground, (3) ~~in which the~~
4 ~~operator and passenger ride either side by side or in tandem in a seating~~
5 ~~area that is completely enclosed with a removable or fixed top and is~~
6 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~
7 ~~roll cage, and for each occupant a manufacturer-installed three-point~~
8 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~
9 be controlled with a steering wheel and pedals, and (5) in which the
10 operator and passenger ride either side by side or in tandem in a seating
11 area that is equipped with a manufacturer-installed three-point safety
12 belt system for each occupant and that has a seating area that either (a)
13 is completely enclosed with a removable or fixed top and is equipped with
14 manufacturer-installed airbags and a manufacturer-installed roll cage or
15 (b) is not completely enclosed with a removable or fixed top but is
16 equipped with a manufacturer-installed rollover protection system.

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

19 69-2441 (1)(a) A permitholder may carry a concealed handgun anywhere
20 in Nebraska, except any: Police, sheriff, or Nebraska State Patrol
21 station or office; detention facility, prison, or jail; courtroom or
22 building which contains a courtroom; polling place during a bona fide
23 election; meeting of the governing body of a county, public school
24 district, municipality, or other political subdivision; meeting of the
25 Legislature or a committee of the Legislature; financial institution;
26 professional or semiprofessional athletic event; building, grounds,
27 vehicle, or sponsored activity or athletic event of any public, private,
28 denominational, or parochial elementary, vocational, or secondary school,
29 a private postsecondary career school as defined in section 85-1603, a
30 community college, or a public or private college, junior college, or
31 university; place of worship; hospital, emergency room, or trauma center;

1 political rally or fundraiser; establishment having a license issued
2 under the Nebraska Liquor Control Act that derives over one-half of its
3 total income from the sale of alcoholic liquor; place where the
4 possession or carrying of a firearm is prohibited by state or federal
5 law; a place or premises where the person, persons, entity, or entities
6 in control of the property or employer in control of the property has
7 prohibited permitholders from carrying concealed handguns into or onto
8 the place or premises; or into or onto any other place or premises where
9 handguns are prohibited by state law.

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

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

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

1 personnel, that the permitholder remove the concealed handgun from the
2 place or premises.

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

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

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

24 Sec. 38. Original sections 28-1204.04, 60-191, 60-378, 60-4,128,
25 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307,
26 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska,
27 sections 60-104.01, 60-124, 60-309.01, 60-340, 60-3,100, 60-3,143,
28 60-3,187, 60-3,190, 60-463.02, 60-480, 60-4,123, 60-4,123.01, 60-4,124,
29 60-4,127, 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and
30 60-1401.42, Revised Statutes Cumulative Supplement, 2016, and sections
31 60-363 and 60-6,267, Revised Statutes Supplement, 2017, are repealed.