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LB 303

SENATOR CUDABACK: Senator Beutler, you're recognized to open on AM1238 to the committee amendments.

SENATOR BEUTLER: Mr. President, members of the Legislature, this amendment deals with the secondary action provision, as you...as has been stated in debate before. It says that enforcement of this section, everything in...on pages 16 and 17, by state or local law enforcement agencies shall be accomplished only as a secondary action. And the reason primarily, as I understand it from Senator Smith, that he wants it to be a secondary action is because he doesn't want everybody who doesn't have a helmet on stopped simply because they don't have a helmet on, because most of them probably are all right. They have been properly exempted. But it would also preclude officers from stopping somebody who didn't have a helmet on and didn't have goggles or eye protection on. Now I eye protection is required even if you're exempt from the helmet, so you should visibly be able to see if a person has eye protection on or not, and if they're not wearing a helmet, of course, eye protection becomes doubly important because you'll want to have every assurance that you're avoiding causes of accidents. So what this amendment says is that everything else in the section can be considered a secondary offense, which means you have to identify some other problem before you stop them, but with regard to the eye protection, that's a primary offense, just like keeping both hands on the handlebars or a whole bunch of other things that we have currently in the law right now with regard to riding motorcycles. And it should be a primary offense because a police officer can obviously visibly see if a person who doesn't have a helmet also doesn't have eye protection. So that's all the amendment does and I don't think it's disagreeable to Senator Smith. I think he's okay with that and I think it would improve the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Smith.

SENATOR SMITH: Thank you, Mr. President and members. I do rise in support of this amendment. I do think it tightens it down and certainly meets with the intent and spirit of my proposition. And in the beginning, I was asked why would we