

## LEGISLATIVE BILL 1004

Approved by the Governor April 17, 1986

Introduced by Landis, 46; Smith, 33

AN ACT relating to motorcycles; to amend sections 60-403.01, 60-2109 to 60-2115, and 60-2117 to 60-2119, Reissue Revised Statutes of Nebraska, 1943, and section 60-2116, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 5, Eighty-ninth Legislature, Second Special Session, 1985; to adopt the Motorcycle Safety Education Act; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 60-403.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.01. No person shall operate a motorcycle on the streets, alleys, or public highways of the State of Nebraska until such person shall have obtained a motorcycle operator's license or permit. No such license or permit shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the vision and physical requirements established under ~~the provisions of~~ section 60-407 for operation of a motor vehicle; and (2) successfully completed such examination, including the actual operation of a motorcycle, as may be prescribed by the Director of Motor Vehicles, except that an examiner may waive the requirement of actual operation of a motorcycle if the applicant has successfully completed an approved basic or advanced motorcycle safety course. Any applicant who qualifies for a motorcycle operator's license or permit shall be issued a license or permit for such operation by the county treasurer, to which license shall be affixed a color photograph as provided for the issuance of a motor vehicle operator's license or, if he or she is the holder of a valid motor vehicle operator's license, shall have endorsed thereon by the county treasurer, upon receipt of the examiner's certificate, the authorization to operate a motorcycle. Fees for motorcycle operators' licenses shall be the same as provided by section 60-409 for motor vehicle operators'

licenses. A person operating a motorcycle without a motorcycle operator's license or permit 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 motorcycle operator's license or permit may be required to complete the basic motorcycle safety course as provided in the Motorcycle Safety Education Act.

Sec. 2. Sections 2 to 23 of this act shall be known and may be cited as the Motorcycle Safety Education Act.

Sec. 3. That section 60-2109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2109-~~ As used in this act the Motorcycle Safety Education Act, unless the context otherwise requires:

{1} Approved motorcycle safety course shall mean a course of instruction for motorcycle operators approved by the State Department of Education as meeting the requirements established under section 60-2110;

{2} Approved motorcycle safety instructor shall mean a person who has been issued a permit by the State Department of Education to teach an approved motorcycle safety course;

{3} Commissioner shall mean the Commissioner of Education;

{1} Committee shall mean the Motorcycle Safety Advisory Committee;

{4} {2} Department shall mean the State Department of Education Motor Vehicles;

{3} Director shall mean the Director of Motor Vehicles; and

{5} {4} Fund shall mean the Motorcycle Safety Education Fund created in section 60-2116 14 of this act.

Sec. 4. There is hereby created the Motorcycle Safety Advisory Committee which shall consist of ten members, nine of whom shall be appointed by the director. There shall be three members from each congressional district. One member from each congressional district shall be a motorcycle safety instructor. The six remaining appointed committee members shall represent the general public, motorcycle operators, and motorcycle dealers. The director or his or her designee shall serve as the tenth member and as chairperson of the committee. The members of the committee may be removed by the director with or without

cause. The term of office for members of the committee shall be three years, except that the term of the initial members shall be one, two, or three years as determined by the director.

Sec. 5. The committee shall meet at least quarterly at the call of the director. Committee members shall receive actual and necessary expenses while attending meetings as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 6. The committee shall advise the director in the following matters:

(1) Requirements for the basic and advanced motorcycle safety courses;

(2) Training requirements for motorcycle safety instructors and chief instructors;

(3) Administration of the fund;

(4) Determinations as to which persons shall be provided educational assistance for training as a motorcycle safety instructor or chief instructor; and

(5) Any other matter necessary to carry out the purposes of the Motorcycle Safety Education Act.

Sec. 7. That section 60-2110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2110- (1) The department shall establish minimum requirements for both basic and advanced motorcycle safety courses which qualify for reimbursement under this act the Motorcycle Safety Education Act. The courses shall be designed to develop, and instill, and improve the knowledge, attitudes, habits, and skills necessary for safe operation of a motorcycle.

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

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

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

(3) (c) Classroom and laboratory instruction shall be scheduled in an integrated and correlated sequence with laboratory driving experience ~~for a particular unit of instruction~~ following the relevant classroom instruction, ~~for that unit.~~

(3) Minimum requirements for an advanced course shall include, but not be limited to, at least

six hours of coordinated classroom and laboratory instruction and driving experience specifically designed for the experienced motorcycle operator.

Sec. 8. That section 60-2111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2111- A person teaching school, business, or organization conducting a basic or advanced motorcycle safety course for which reimbursement will be requested shall submit to the commissioner director a request for approval of such course along with the names of all certified instructors who will be teaching such course. The commissioner director shall approve such course if it meets the requirements of section 60-2110 7 of this act and will be taught by a certified instructor.

Sec. 9. That section 60-2112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2112- (1) The commissioner director shall establish minimum education requirements for motorcycle safety instructors. The commissioner director shall issue a permit in the manner and form prescribed by the commissioner director to motorcycle safety instructor applicants who meet such requirements. The minimum requirements shall include, but not be limited to:

(1) (a) The applicant shall have a high school diploma or equivalent education;

(2) (b) The applicant shall have a valid motorcycle operator's license or permit or a valid motor vehicle operator's license which has endorsed thereon the authorization to operate a motorcycle; and shall have at least two years' motorcycle driving experience;

(3) (c) The applicant's operator's license shall not have been suspended or revoked at any time during the immediately preceding two-year period; and

(4) (d) The applicant shall have passed an approved motorcycle safety instructor's course established pursuant to section 10 of this act, 60-2113; and

(5) If the course is taught as a part of the curriculum of a public or private secondary school; the applicant shall hold a certificate or permit valid for teaching issued by the commissioner.

(2) If the certification requirements are comparable to the requirements in this state, a person currently certified as a motorcycle safety instructor by another state or recognized accrediting organization may be issued a motorcycle safety instructor's permit by the

department without having to take the course established in section 10 of this act.

Sec. 10. That section 60-2113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2113- (1) The department shall develop a motorcycle safety instructor preparation course. The motorcycle safety instructor preparation courses shall be offered at least once per year in each congressional district. Such course shall insure that the instructor is familiar with the material included in an approved the particular motorcycle safety course which such instructor will be teaching.

(2) The department shall establish requirements for admission to the motorcycle safety instructor preparation course for persons who are also applying for reimbursement under section 60-2118-01 17 of this act. Such requirements shall include-

(a) Written written agreement by the person seeking to attend the course that he or she will, upon successful completion, teach at least one approved basic motorcycle safety course and one approved advanced motorcycle safety course or at least two approved basic motorcycle safety eourse courses in the state, 7 and

(b) A written statement from a holder of a current motereyele safety instructor's permit or a person serving as an administrator in an education-related profession endorsing such person for participation in the course and reimbursement under section 60-2118-01-

(3) To pass such course the instructor shall display knowledge of the course material which he or she will be teaching, knowledge of safe motorcycle operating practices, and an aptitude for instructing students.

Sec. 11. The director shall establish minimum education requirements for chief instructors. The director shall issue permits in the manner and form prescribed by the director to at least three chief instructor applicants who meet the minimum education requirements. Chief instructors shall teach the motorcycle safety instructor preparation course in any one of the three congressional districts as assigned by the director.

If the certification requirements are comparable to the requirements in this state, a person currently certified as a chief instructor by another state or recognized accrediting organization may be issued a chief instructor's permit by the department without having to receive the training required by this

section.

Sec. 12. That section 60-2114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2114-~~ All permits issued under section 60-2112 sections 9 and 11 of this act shall be valid for ~~two~~ three years and may be renewed upon application to the ~~commissioner~~ director as prescribed by the regulations of the department. Each application for a new or renewal motorcycle safety instructor's permit or chief instructor's permit shall be accompanied by a fee of five dollars. The fees collected under this section shall be placed in the state treasury and by the State Treasurer credited to the General Fund. No fee shall be refunded in the event that the permit is rejected, suspended, or revoked.

Sec. 13. That section 60-2115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2115-~~ The ~~commissioner~~ director may cancel, suspend, revoke, or refuse to issue or renew a motorcycle safety instructor's permit or chief instructor's permit in any case when the ~~commissioner~~ director finds the permittee or applicant has not complied with or has violated ~~this act~~ the Motorcycle Safety Education Act or any rule or regulation adopted and promulgated by the ~~commissioner~~ director. A suspended or revoked permit shall be returned to the ~~commissioner~~ director by the permittee, and its holder shall not be eligible to apply for a permit under section 60-2112 section 9 or 11 of this act until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the ~~commissioner~~ director to cancel, suspend, revoke, or refuse to issue or renew a permit, and any appeal from such a decision by the ~~commissioner~~, director shall comply with ~~the provisions of Chapter 84, article 9 section 60-420.~~

Sec. 14. That section 60-2116, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 5, Eighty-ninth Legislature, Second Special Session, 1985, be amended to read as follows:

~~60-2116-~~ There is hereby created a Motorcycle Safety Education Fund in the state treasury which shall consist of money transferred pursuant to sections 39-2215 and 60-409 and such money as may be appropriated by the Legislature. The fund shall be administered under the highway safety program of the department. The fund shall be used for the administration of ~~this act~~

the Motorcycle Safety Education Act, to reimburse approved schools, businesses, or organizations for conducting approved basic motorcycle safety courses, to reimburse approved schools, businesses, or organizations for teaching approved motorcycle safety courses as provided in section 60-2117, and to provide educational assistance, to prepare sites for offering the basic motorcycle safety course, to reimburse approved schools, businesses, or organizations for conducting approved advanced motorcycle safety courses, pursuant to section 60-2118-01 and to promote motorcycle safety. Money in such fund may be used for transfers to the General Fund at the direction of the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 15. That section 60-2118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2118- Commencing November 1, 1982, and on On November 1 of each year, thereafter, the balance of the Motorcycle Safety Education Fund fund after the administration expenses have been deducted shall be apportioned for use as provided in sections 16 to 20 of this act according to the following priorities: (1) To the school, business, or organization conducting an approved basic motorcycle safety course on the basis of the lesser of the actual cost of the course or seventy-five dollars for each student having completed the course in the immediately preceding twelve-month period as certified by the director; (2) for educational assistance for motorcycle safety instructors; (3) for educational assistance for motorcycle safety instructors; (4) to prepare sites for offering the basic motorcycle safety course; (5) to the school, business, or organization conducting an approved advanced motorcycle safety course on the basis of the lesser of the actual cost of the course or up to thirty-five dollars, at the discretion of the director, for each student having completed the course in the immediately preceding twelve-month period as certified by the director; and (6) to the department for promotional materials. If the fund is insufficient to be apportioned among such priorities, the director shall allocate funds to one priority before allocating to the next priority. If the fund is insufficient to be apportioned within a priority, the director shall prorate the funds within the priority on the basis of equity. to the school, business, or organization teaching an approved motorcycle safety course on the

basis of the lesser of the actual cost of the course or fifty dollars for each student having completed an approved motorcycle safety course in the immediately preceding twelve-month period as certified by the commissioner. Such apportionment shall be made on the basis of an application and certification by the approved school, business, or organization to the commissioner. In the event that the funds are insufficient to be apportioned on the basis of the lesser of the actual cost of the course or fifty dollars per student, such funds shall be prorated among the approved schools, businesses, or organizations teaching approved motorcycle safety courses on the basis of the total number of students completing the course in the immediately preceding twelve-month period. Any balance remaining in the fund may be used for educational assistance as prescribed in section 60-2118-01.

Sec. 16. Until there are three chief instructors teaching a motorcycle safety instructor preparation course, the department shall expend amounts in the fund pursuant to the priorities provided in section 15 of this act for persons training to become chief instructors. The reimbursement shall be conditioned on the recipient agreeing to teach a motorcycle safety instructor preparation course, once chief instructor status is achieved, at least once per year for two years in any one of the three congressional districts as assigned by the director. The director shall assign the chief instructors so that the motorcycle safety instructor preparation course is taught in each of the three congressional districts. The reimbursement shall cover (1) the full cost of tuition and (2) up to two thousand dollars of actual, documented transportation and living expenses if the training is successfully completed.

Sec. 17. That section 60-2118.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2118-01- The department may expend any amount remaining in the Motorcycle Safety Education Fund after the apportionment made pursuant to section 60-2118 amounts in the fund pursuant to the priorities provided in section 15 of this act for reimbursement to persons who successfully complete a motorcycle safety instructor preparation course. Such reimbursement shall be made to not more than eight twelve persons per year and shall not exceed two hundred fifty dollars per person. The reimbursement may include reimbursement for meals, housing, tuition, and similar costs. The department may



adopt and promulgate rules and regulations to carry out this section.

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

Sec. 19. That section 60-2117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2117- A school, business, or organization ~~teaching~~ conducting a basic or advanced motorcycle safety course shall be eligible for reimbursement for the cost of ~~teaching~~ conducting such course for ~~to~~ any student if (1) the teacher is an approved motorcycle safety instructor, (2) the course is approved by the department, (3) the student taking the course had a learner's permit or a motor vehicle operator's license while enrolled in the class, and (4) each student for whom reimbursement is claimed satisfactorily completed the course. The amount of reimbursement shall be determined under section 60-2118 15 of this act and pursuant to the priorities provided in such section.

Sec. 20. The department may expend any amount remaining in the fund, after apportionment is made in accordance with subdivisions (1) to (5) of section 15 of this act, for development, acquisition, printing, and distribution of materials which promote motorcycle safety including the motorcycle safety courses, except

that the amount expended to promote motorcycle safety shall not exceed fifteen per cent of the total amount placed in the fund each fiscal year. The promotional materials may include brochures, posters, and booklets but shall not include billboards or radio or television promotion.

Sec. 21. That section 60-2119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2119-~~ The ~~commissiener~~ director shall adopt and promulgate such rules and regulations for the administration and enforcement of ~~this act~~ the Motorcycle Safety Education Act as are necessary. In adopting such rules and regulations, the ~~commissiener~~ director shall comply with Chapter 84, article 9.

Sec. 22. All records, files, equipment, and other information kept with the State Department of Education relating to motorcycle safety education shall be transferred to the department.

Sec. 23. Any rules and regulations adopted and promulgated by the State Department of Education relating to motorcycle safety education shall remain in effect until the department adopts and promulgates rules and regulations pursuant to the Motorcycle Safety Education Act.

Sec. 24. That original sections 60-403.01, 60-2109 to 60-2115, and 60-2117 to 60-2119, Reissue Revised Statutes of Nebraska, 1943, and section 60-2116, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 5, Eighty-ninth Legislature, Second Special Session, 1985, are repealed.