

AMENDMENTS TO LB138

(Amendments to Final Reading copy)

Introduced by Hansen, B., 16.

1 1. Insert the following new sections:

2 Sec. 3. Section 29-431, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 29-431 As used in sections 28-416, 29-422, 29-424, 29-425, 29-431 to
5 29-434, 48-1231, and 53-173, unless the context otherwise requires,
6 infraction means the violation of any law, ordinance, order, rule, or
7 regulation, not including those related to traffic, which is not
8 otherwise declared to be a misdemeanor or a felony. Infraction includes
9 violations of section 60-6,267 and beginning January 1, 2024, section
10 60-6,279.

11 Sec. 46. Section 60-6,279, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-6,279 (1) A person shall not operate or be a passenger ~~in an~~
14 ~~autocycle described in subsection (2) of this section,~~ on a motorcycle
15 ~~other than an autocycle,~~ or ~~on~~ a moped on any highway in this state
16 unless such person is:

17 (a) Wearing ~~wearing~~ a protective helmet of the type and design
18 manufactured for use by operators of such vehicles and unless such helmet
19 is secured properly on the user's ~~his or her~~ head with a chin strap while
20 the vehicle is in motion. All such protective helmets shall be designed
21 to reduce injuries to the user resulting from head impacts and shall be
22 designed to protect the user by remaining on the user's head, deflecting
23 blows, resisting penetration, and spreading the force of impact. Each
24 such helmet shall consist of lining, padding, and chin strap and shall
25 meet or exceed the standards established in the United States Department
26 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49

1 C.F.R. 571.218, for motorcycle helmets; ~~or~~

2 (b) Beginning January 1, 2024:

3 (i) At least twenty-one years of age; and

4 (ii)(A) For a resident of Nebraska, has completed the basic
5 motorcycle safety course as provided in the Motorcycle Safety Education
6 Act and submitted proof of such completion to the Department of Motor
7 Vehicles. Proof of such completion shall be in a manner approved by the
8 department; or

9 (B) For a nonresident of Nebraska, has completed an equivalent to
10 the Motorcycle Safety Foundation basic motorcycle rider course or some
11 other substantially similar motorcycle rider course approved by the state
12 of the person's residence and provides proof of such completion to a law
13 enforcement officer upon request.

14 (2) The Department of Motor Vehicles shall modify the existing
15 system of the department by January 1, 2024, to allow the date of
16 completion of such course to be recorded on the person's record provided
17 for in section 60-483.

18 (3) A person shall not operate a motorcycle or moped on any highway
19 in this state unless such person employs one of the following forms of
20 eye protection: (a) Glasses that cover the orbital region of the person's
21 face, (b) a protective face shield attached to a protective helmet, (c)
22 goggles, or (d) a windshield on the motorcycle or moped that protects the
23 operator's and passenger's horizontal line of vision in all operating
24 positions ~~(2) This section applies to an autocycle that has a seating~~
25 ~~area that is not completely enclosed.~~

26 Sec. 47. Section 60-6,282, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-6,282 (1) Until December 31, 2023, a Any person who violates
29 section 60-6,279 shall be guilty of a traffic infraction and shall be
30 fined fifty dollars.

31 (2) Beginning January 1, 2024:

1 (a) A person violating any provision of subsection (1) or (3) of
2 section 60-6,279 shall be guilty of an infraction as defined in section
3 29-431 and shall be fined two hundred fifty dollars for each violation.

4 (b) Enforcement of subsection (1) or (3) of section 60-6,279 shall
5 be accomplished only as a secondary action when an operator of a
6 motorcycle or moped has been cited or charged with a violation or some
7 other offense unless the violation involves a person under the age of
8 eighteen years riding on any portion of the motorcycle or moped not
9 designed or intended for the use of passengers when the motorcycle or
10 moped is in motion.

11 2. On page 1, line 2, after "13-1205," insert "29-431,"; in line 4
12 after "60-678," insert "60-6,279, 60-6,282,"; and in line 20 after the
13 first semicolon insert "to change provisions relating to helmets and eye
14 protection as prescribed;".

15 3. Correct the operative date and repealer sections so that sections
16 3, 46, and 47 added by this amendment become operative three calendar
17 months after the adjournment of this legislative session.

18 4. Renumber the remaining sections and correct internal references
19 accordingly.