



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 253**

Hearing Date: February 20, 2007

Committee On: Transportation and Telecommunications

Introducer(s): (Rogert)

Title: Adopt the Motorcycle Safety and Training Act and change motorcycle helmet provisions

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

- 5 Yes Senators Stuthman, Aguilar, Mines, Fischer and Hudkins
 - 3 No Senators Louden, Schimek and Pedersen
 - Present, not voting
 - Absent
-

Proponents:

Senator Kent Rogert, Introducer
 Alan L. Fosler
 Marvin Grove
 Michael Hoch
 Daniel F. Spotten
 James E. Allstot
 Larry D. Schutt
 Doug Prange
 Marty Shepard

Representing:

District #16
 Self
 Self
 Self
 Self
 Self
 ABATE of Nebraska
 Self
 Self

Opponents:

David H. Young, MD, FCCM
 David K. Halen
 Brad Meurrens
 Kermit Moore

 James Manion, MD
 Dr. Robert Muelleman

 Rose White
 Kathryn Warren

Representing:

Self
 Self
 Nebraska Advocacy Services, Inc.
 Nebraska County Hospital; Nebraska Hospital
 Association
 Creighton University
 Nebraska Medical Associaton; Nebraska Chapter
 of American College of Emergency Physicians
 AAA Nebraska
 University of Nebraka Medical Center; Self;
 Nurse

William Mulherin
Laurie Klosterboer
Peggy Reisher

Tiffany Armstrong

National Safety Council, Greater Omaha Chapter
Nebraska Safety Council
Madonna Rehab Hospital; Nebraska Brain Injury
Advisory Council
Survivors of Brain Injuries; Madonna
Rehabilitation Hospital; Nebraska Brain Injury
Advisory Council

Neutral:

Representing:

Summary of purpose and/or changes:

LB 253 creates exemptions to the motorcycle helmet requirement and creates a Motorcycle Safety and Training Fund for motorcycle safety education courses.

The bill increases motorcycle registration fees after October 1, 2007 from six dollars to eleven dollars.

The fine for operating a motorcycle without a Class M license increases from ten dollars to seventy-five dollars, and one point will be incurred under the point system for a motorcycle operator who incurs an eye protection violation.

Eye protection means glasses that cover the orbital region of the operator's face, a protective face shield attached to a protective helmet, goggles, or a windshield on the motorcycle that protects the operator's horizontal line of vision in all operating positions.

A person is exempt from the helmet requirement if he or she is at least twenty-one years of age, wears eye protection, and carries proof of successful completion of a motorcycle safety course.

A person is also exempt from the helmet requirement if he or she was born prior to January 1, 1987, is equipped with eye protection, and had a Class M license before January 1, 2008.

A person exempt from the helmet requirement shall have the words "helmet not required" printed on his or her Class M license.

Except for eye protection requirements, enforcement of helmet violations shall be accomplished only as a secondary action when an operator or passenger has been cited or charged with another violation of the Nebraska Rules of the Road.

The bill adopts the Motorcycle and Safety and Training Act. The act authorizes the DMV to establish minimum requirements for a motorcycle safety course. The department shall approve the courses and instructors who teach the courses. Each request for approval of a safety course shall be accompanied by a fee of fifty dollars to be remitted to the Motorcycle Safety and Training Fund. An application for an instructor's license shall be accompanied by a fee of five dollars, and the license shall be good for three years. The director has the right to cancel or suspend a course or instructor's license for failure to comply with the rules and regulations

adopted, or for good cause shown. Any action by the director shall comply with the Administrative Procedure Act.

The bill creates the Motorcycle Safety and Training Fund and transfers all funds in the Motorcycle Safety Education Fund and all revenues distributed to the fund to the Safety and Training Fund.

Any person who violates any provision of the Motorcycle Safety and Training Act shall be guilty of a Class III misdemeanor.

Explanation of amendments, if any:

Senator Deb Fischer, Chairperson