

AMENDMENTS TO LB 200

Introduced by Janssen, 15.

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 60-387, Revised Statutes Cumulative
4 Supplement, 2008, is amended to read:

5 60-387 (1) An application for registration of a motor
6 vehicle shall be accompanied by proof of financial responsibility
7 or evidence of insurance covering the motor vehicle. Proof of
8 financial responsibility shall be evidenced by a copy of proof of
9 financial responsibility filed pursuant to subdivision (2), (3), or
10 (4) of section 60-528 bearing the seal of the department. Evidence
11 of insurance shall give the effective dates of the automobile
12 liability policy, which dates shall be evidence that the coverage
13 is in effect on and following the date of registration, and shall
14 designate, by explicit description or by appropriate reference,
15 all motor vehicles covered. Evidence of insurance in the form of
16 a certificate of insurance for fleet vehicles may include, as an
17 appropriate reference, a designation that the insurance coverage is
18 applicable to all vehicles owned by the named insured, or wording
19 of similar effect, in lieu of an explicit description. Proof of
20 financial responsibility also may be evidenced by ~~(1)~~ (a) a check
21 by the department or its agents of the motor vehicle insurance data
22 base created under section 60-3,136 or ~~(2)~~ (b) any other automated
23 or electronic means as prescribed or developed by the department.

1 For purposes of this section, fleet means a group of at least five
2 vehicles that belong to the same owner.

3 (2) If a motorcycle is being registered, an application
4 for registration of the motorcycle shall be accompanied by, in
5 addition to the requirements of subsection (1) of this section,
6 proof of current and effective medical reimbursement insurance
7 coverage of no less than one million dollars.

8 Sec. 2. Section 60-390, Revised Statutes Cumulative
9 Supplement, 2008, is amended to read:

10 60-390 The certificate of registration shall contain upon
11 the face thereof the name of the registered owner of the motor
12 vehicle or trailer, his or her residential mailing address, a
13 description of the motor vehicle or trailer as set forth in the
14 application for registration, and whether alternative fuel was used
15 to propel the motor vehicle and, if so, the type of fuel. The
16 certificate of registration shall have and contain the identical
17 registration number denoted on the license plate in connection
18 with which such certificate of registration is issued and shall
19 be valid only for the registration period for which it is issued.
20 On the back of the certificate, the certificate of registration
21 shall include a statement in boldface print that an automobile
22 liability policy or proof of financial responsibility is required
23 in Nebraska. On the back of the certificate for a motorcycle, the
24 certificate of registration shall include a statement in boldface
25 print that an automobile liability policy or proof of financial
26 responsibility and proof of insurance as provided in subsection
27 (2) of section 60-387 is required in Nebraska. By paying the

1 required registration fees, every person whose name appears on
2 the registration of the motor vehicle or trailer certifies that
3 a current and effective automobile liability policy or proof of
4 financial responsibility will be maintained for the motor vehicle
5 or trailer at the time of registration and while the motor vehicle
6 or trailer is operated on a highway of this state and that he or
7 she will also provide a current and effective automobile liability
8 policy, evidence of insurance, or proof of financial responsibility
9 for the motor vehicle or trailer upon demand. By paying the
10 required registration fees, every person whose name appears on the
11 registration of a motorcycle certifies that a current and effective
12 automobile liability policy or proof of financial responsibility
13 and proof of insurance as provided in subsection (2) of section
14 60-387 will be maintained for the motor vehicle or trailer at
15 the time of registration and while the motor vehicle or trailer
16 is operated on a highway of this state and that he or she will
17 also provide a current and effective automobile liability policy,
18 evidence of insurance, or proof of financial responsibility and
19 proof of insurance as provided in subsection (2) of section 60-387
20 for the motorcycle upon demand.

21 Sec. 3. Section 60-3,167, Revised Statutes Cumulative
22 Supplement, 2008, is amended to read:

23 60-3,167 (1) It shall be unlawful for any owner of a
24 motor vehicle or trailer which is being operated or towed with
25 In Transit stickers pursuant to section 60-376, which is being
26 operated or towed pursuant to section 60-365 or 60-369, or which
27 is required to be registered in this state and which is operated

1 or towed on a public highway of this state to allow the operation
2 or towing of the motor vehicle or trailer on a public highway
3 of this state without having a current and effective automobile
4 liability policy, evidence of insurance, or proof of financial
5 responsibility. With respect to the operation of a motorcycle under
6 this subsection, the owner shall also be required to have insurance
7 coverage as provided in subsection (2) of section 60-387. The owner
8 shall be presumed to know of the operation or towing of his or her
9 motor vehicle or trailer on a highway of this state in violation of
10 this section when the motor vehicle or trailer is being operated or
11 towed by a person other than the owner.

12 (2) An owner of a motor vehicle or trailer who operates
13 or tows the motor vehicle or trailer or allows the operation or
14 towing of the motor vehicle or trailer in violation of this section
15 shall be guilty of a Class II misdemeanor and shall be advised by
16 the court that his or her motor vehicle operator's license, motor
17 vehicle certificate of registration, and license plates will be
18 suspended by the department until he or she complies with sections
19 60-505.02 and 60-528. Upon conviction the owner shall have his
20 or her motor vehicle operator's license, motor vehicle certificate
21 of registration, and license plates suspended by the department
22 until he or she complies with sections 60-505.02 and 60-528.
23 The owner shall also be required to comply with section 60-528
24 for a continuous period of three years after the violation. This
25 subsection shall not apply to motor vehicles or trailers registered
26 in another state.

27 ~~(2)~~ (3) An owner who is unable to produce a current

1 and effective automobile liability policy, evidence of insurance,
2 or proof of financial responsibility upon the request of a law
3 enforcement officer shall be allowed ten days after the date of
4 the request to produce proof to the appropriate prosecutor or
5 county attorney that a current and effective automobile liability
6 policy or proof of financial responsibility was in existence
7 for the motor vehicle or trailer at the time of such request.

8 An owner of a motorcycle who is unable to produce a current
9 and effective automobile liability policy, evidence of insurance,
10 or proof of financial responsibility and proof of insurance as
11 provided in subsection (2) of section 60-387 upon the request of a
12 law enforcement officer shall be allowed ten days after the date
13 of the request to produce proof to the appropriate prosecutor or
14 county attorney that a current and effective automobile liability
15 policy or proof of financial responsibility and proof of insurance
16 as provided in subsection (2) of section 60-387 was in existence
17 for the motor vehicle or trailer at the time of such request. Upon
18 presentation of such proof, the citation shall be dismissed by the
19 prosecutor or county attorney without cost to the owner and no
20 prosecution for the offense cited shall occur.

21 ~~(3)~~ (4) The department shall, for any person convicted
22 for a violation of this section, reinstate such person's operator's
23 license, motor vehicle certificate of registration, and license
24 plates and rescind any order requiring such person to comply with
25 section 60-528 without cost to such person upon presentation to the
26 director that, at the time such person was cited for a violation of
27 this section, a current and effective automobile liability policy

1 or proof of financial responsibility or proof of insurance as
2 provided in subsection (2) of section 60-387 was in existence for
3 the motor vehicle or trailer at the time the citation was issued.

4 Sec. 4. Section 60-6,279, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-6,279 (1) A person shall not operate or be a passenger
7 on a motorcycle or moped on any highway in this state unless such
8 person is wearing eye protection.

9 (2) Except as otherwise provided in subsection (3) of
10 this section, a A person shall not operate or be a passenger on a
11 motorcycle or moped on any highway in this state unless such person
12 is wearing a protective helmet of the type and design manufactured
13 for use by operators of such vehicles and unless such helmet is
14 secured properly on his or her head with a chin strap while the
15 vehicle is in motion. All such protective helmets shall be designed
16 to reduce injuries to the user resulting from head impacts and
17 shall be designed to protect the user by remaining on the user's
18 head, deflecting blows, resisting penetration, and spreading the
19 force of impact. Each such helmet shall consist of lining, padding,
20 and chin strap and shall meet or exceed the standards established
21 in the United States Department of Transportation's Federal Motor
22 Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle
23 helmets.

24 (3) A person who is at least twenty-one years of age is
25 exempt from subsection (2) of this section.

26 (4) Except for the eye protection requirements of this
27 section, enforcement of this section by state or local law

1 enforcement agencies shall be accomplished only as a secondary
2 action when an operator or passenger has been cited or charged with
3 another violation of the Nebraska Rules of the Road.

4 (5) For purposes of this section, eye protection means
5 glasses that cover the orbital region of a person's face, a
6 protective face shield attached to a protective helmet, goggles,
7 or a windshield on the motorcycle that protects the operator's and
8 passenger's horizontal line of vision in all operating positions.

9 (6) Subsections (1) through (5) of this section terminate
10 on January 1, 2016.

11 (7) Beginning January 1, 2016, a person shall not operate
12 or be a passenger on a motorcycle or moped on any highway in this
13 state unless such person is wearing a protective helmet of the type
14 and design manufactured for use by an operator of a motorcycle or
15 moped and unless such helmet is secured properly on his or her
16 head with a chin strap while the motorcycle or moped is in motion.
17 Such protective helmets shall be designed to reduce injuries to
18 the user resulting from head impacts and shall be designed to
19 protect the user by remaining on the user's head, deflecting blows,
20 resisting penetration, and spreading the force of impact. Such
21 helmets shall consist of lining, padding, and a chin strap and
22 shall meet or exceed the standards for helmets established in the
23 United States Department of Transportation's Federal Motor Vehicle
24 Safety Standard No. 218, 49 C.F.R. 571.218.

25 Sec. 5 Original section 60-6,279, Reissue Revised
26 Statutes of Nebraska, and sections 60-387, 60-390, and 60-3,167,
27 Revised Statutes Cumulative Supplement, 2008, are repealed.