

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 170

Introduced by Fischer, 43.

Read first time January 07, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motorcycle Safety Education Act; to amend
2 sections 39-2215, 60-4,115, 60-4,127, 60-2120, 60-2121,
3 60-2125, 60-2126, 60-2127, 60-2128, 60-2129, 60-2130,
4 60-2131, and 60-2139, Reissue Revised Statutes of
5 Nebraska; to eliminate a fund; to eliminate funding and
6 grants to motorcycle instructors and motorcycle courses;
7 to change provisions relating to regulation of motorcycle
8 safety instructors, motorcycle trainers, and motorcycle
9 safety courses; to change and provide powers and duties
10 for the Department of Motor Vehicles and the Director of
11 Motor Vehicles; to harmonize provisions; to provide an
12 operative date; to repeal the original sections; and to
13 outright repeal sections 60-2132, 60-2133, 60-2134,
14 60-2135, 60-2136, 60-2137, and 60-2138, Reissue Revised
15 Statutes of Nebraska.

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

1 Section 1. Section 39-2215, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 39-2215 (1) There is hereby created in the state treasury
4 a special fund to be known as the Highway Trust Fund.

5 (2) All funds credited to the Highway Trust Fund pursuant
6 to sections 66-489.02, 66-499, 66-4,140, 66-4,147, 66-6,108, and
7 66-6,109.02, and related penalties and interest, shall be allocated
8 as provided in such sections.

9 (3) All other motor vehicle fuel taxes, diesel fuel
10 taxes, compressed fuel taxes, and alternative fuel taxes related to
11 highway use retained by the state, all motor vehicle registration
12 fees retained by the state other than those fees credited to the
13 State Recreation Road Fund pursuant to subdivision (3) of section
14 60-3,156, and other highway-user taxes imposed by state law and
15 allocated to the Highway Trust Fund, except for the proceeds of the
16 sales and use taxes derived from motor vehicles, trailers, and
17 semitrailers credited to the fund pursuant to section 77-27,132, are
18 hereby irrevocably pledged for the terms of the bonds issued prior to
19 January 1, 1988, to the payment of the principal, interest, and
20 redemption premium, if any, of such bonds as they mature and become
21 due at maturity or prior redemption and for any reserves therefor and
22 shall, as received by the State Treasurer, be deposited in the fund
23 for such purpose.

24 (4) Of the money in the fund specified in subsection (3)
25 of this section which is not required for the use specified in such

1 subsection, (a) ~~an amount equal to three dollars times the number of~~
2 ~~motorcycles registered during the previous month shall be placed in~~
3 ~~the Motorcycle Safety Education Fund, (b) an amount to be determined~~
4 annually by the Legislature through the appropriations process may be
5 transferred to the Motor Fuel Tax Enforcement and Collection Cash
6 Fund for use as provided in section 66-738 on a monthly or other less
7 frequent basis as determined by the appropriation language, ~~(e)~~ (b)
8 an amount to be determined annually by the Legislature through the
9 appropriations process shall be transferred to the License Plate Cash
10 Fund as certified by the Director of Motor Vehicles, and ~~(d)~~ (c) the
11 remaining money may be used for the purchase for retirement of the
12 bonds issued prior to January 1, 1988, in the open market.

13 (5) The State Treasurer shall monthly transfer, from the
14 proceeds of the sales and use taxes credited to the Highway Trust
15 Fund and any money remaining in the fund after the requirements of
16 subsections (2) through (4) of this section are satisfied, thirty
17 thousand dollars to the Grade Crossing Protection Fund.

18 (6) Except as provided in subsection (7) of this section,
19 the balance of the Highway Trust Fund shall be allocated fifty-three
20 and one-third percent, less the amount provided for in section
21 39-847.01, to the Department of Roads, twenty-three and one-third
22 percent, less the amount provided for in section 39-847.01, to the
23 various counties for road purposes, and twenty-three and one-third
24 percent to the various municipalities for street purposes. If bonds
25 are issued pursuant to subsection (2) of section 39-2223, the portion

1 allocated to the Department of Roads shall be credited monthly to the
2 Highway Restoration and Improvement Bond Fund, and if no bonds are
3 issued pursuant to such subsection, the portion allocated to the
4 department shall be credited monthly to the Highway Cash Fund. The
5 portions allocated to the counties and municipalities shall be
6 credited monthly to the Highway Allocation Fund and distributed
7 monthly as provided by law. Vehicles accorded prorated registration
8 pursuant to section 60-3,198 shall not be included in any formula
9 involving motor vehicle registrations used to determine the
10 allocation and distribution of state funds for highway purposes to
11 political subdivisions.

12 (7) If it is determined by December 20 of any year that a
13 county will receive from its allocation of state-collected highway
14 revenue and from any funds relinquished to it by municipalities
15 within its boundaries an amount in such year which is less than such
16 county received in state-collected highway revenue in calendar year
17 1969, based upon the 1976 tax rates for highway-user fuels and
18 registration fees, the Department of Roads shall notify the State
19 Treasurer that an amount equal to the sum necessary to provide such
20 county with funds equal to such county's 1969 highway allocation for
21 such year shall be transferred to such county from the Highway Trust
22 Fund. Such makeup funds shall be matched by the county as provided in
23 sections 39-2501 to 39-2510. The balance remaining in the fund after
24 such transfer shall then be reallocated as provided in subsection (6)
25 of this section.

1 (8) The State Treasurer shall disburse the money in the
2 Highway Trust Fund as directed by resolution of the commission. All
3 disbursements from the fund shall be made upon warrants drawn by the
4 Director of Administrative Services. Any money in the fund available
5 for investment shall be invested by the state investment officer
6 pursuant to the Nebraska Capital Expansion Act and the Nebraska State
7 Funds Investment Act and the earnings, if any, credited to the fund.

8 Sec. 2. Section 60-4,115, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-4,115 (1) Fees for operators' licenses and state
11 identification cards shall be collected and distributed according to
12 the table in subsection (2) of this section, except for the ignition
13 interlock permit and associated fees as outlined in subsection (4) of
14 this section. County officials shall remit the county portion of the
15 fees collected to the county treasurer for placement in the county
16 general fund. All other fees collected shall be remitted to the State
17 Treasurer for credit to the appropriate fund. ~~The State Treasurer~~
18 ~~shall transfer an amount equal to three dollars and fifty cents times~~
19 ~~the number of original or renewal Class M licenses issued pursuant to~~
20 ~~section 60-4,127 during the previous year from the Department of~~
21 ~~Motor Vehicles Cash Fund to the Motorcycle Safety Education Fund.~~

22 (2) The fees provided in this subsection in the following
23 dollar amounts apply for operators' licenses and state identification
24 cards.

25

Department

		County	of Motor	State
	Document	Total	General	General
		Fee	Fund	Fund
			Cash	Fund
4	State identification card:			
5	Valid for 1 year or less	5.00	2.75	1.25
6	Valid for more than 1 year			
7	but not more than 2 years	10.00	2.75	4.00
8	Valid for more than 2 years			
9	but not more than 3 years	14.00	2.75	5.25
10	Valid for more than 3 years			
11	but not more than 4 years	19.00	2.75	8.00
12	Valid for more than 4 years			
13	for person under 21	24.00	2.75	10.25
14	Valid for 5 years	24.00	3.50	10.25
15	Duplicate or replacement	11.00	2.75	6.00
16	Class O or M operator's license:			
17	Valid for 1 year or less	5.00	2.75	1.25
18	Valid for more than 1 year			
19	but not more than 2 years	10.00	2.75	4.00
20	Valid for more than 2 years			
21	but not more than 3 years	14.00	2.75	5.25

1	Valid for more than 3 years				
2	but not more than 4 years	19.00	2.75	8.00	8.25
3	Valid for 5 years	24.00	3.50	10.25	10.25
4	Bioptic or telescopic lens restriction:				
5	Valid for 1 year or less	5.00	0	5.00	0
6	Valid for more than 1 year				
7	but not more than 2 years	10.00	2.75	4.00	3.25
8	Duplicate or replacement	11.00	2.75	6.00	2.25
9	Add, change, or remove class,				
10	endorsement, or restriction	5.00	0	5.00	0
11	Provisional operator's permit:				
12	Original	15.00	2.75	12.25	0
13	Bioptic or telescopic lens restriction:				
14	Valid for 1 year or less	5.00	0	5.00	0
15	Valid for more than 1 year				
16	but not more than 2 years	15.00	2.75	12.25	0
17	Duplicate or replacement	11.00	2.75	6.00	2.25
18	Add, change, or remove class,				
19	endorsement, or restriction	5.00	0	5.00	0
20	LPD-learner's permit:				
21	Original	8.00	.25	5.00	2.75

LB 170

LB 170

1	Duplicate or replacement	11.00	2.75	6.00	2.25
2	Add, change, or remove class,				
3	endorsement, or restriction	5.00	0	5.00	0
4	LPE-learner's permit:				
5	Original	8.00	.25	5.00	2.75
6	Duplicate or replacement	11.00	2.75	6.00	2.25
7	Add, change, or remove class,				
8	endorsement, or restriction	5.00	0	5.00	0
9	School permit:				
10	Original	8.00	.25	5.00	2.75
11	Duplicate or replacement	11.00	2.75	6.00	2.25
12	Add, change, or remove class,				
13	endorsement, or restriction	5.00	0	5.00	0
14	Farm permit:				
15	Original or renewal	5.00	.25	0	4.75
16	Duplicate or replacement	5.00	.25	0	4.75
17	Temporary	5.00	.25	0	4.75
18	Add, change, or remove class,				
19	endorsement, or restriction	5.00	0	5.00	0
20	Driving permits:				
21	Employment	45.00	0	5.00	40.00

LB 170

LB 170

1	Medical hardship	45.00	0	5.00	40.00
2	Duplicate or replacement	10.00	.25	5.00	4.75
3	Add, change, or remove class,				
4	endorsement, or restriction	5.00	0	5.00	0
5	Commercial driver's license:				
6	Valid for 1 year or less	11.00	1.75	5.00	4.25
7	Valid for more than 1 year				
8	but not more than 2 years	22.00	1.75	5.00	15.25
9	Valid for more than 2 years				
10	but not more than 3 years	33.00	1.75	5.00	26.25
11	Valid for more than 3 years				
12	but not more than 4 years	44.00	1.75	5.00	37.25
13	Valid for 5 years	55.00	1.75	5.00	48.25
14	Bioptic or telescopic lens restriction:				
15	Valid for one year or less	11.00	1.75	5.00	4.25
16	Valid for more than 1 year				
17	but not more than 2 years	22.00	1.75	5.00	15.25
18	Duplicate or replacement	11.00	2.75	6.00	2.25
19	Add, change, or remove class,				
20	endorsement, or restriction	10.00	1.75	5.00	3.25
21	LPC-learner's permit:				

1	Original or renewal	10.00	.25	5.00	4.75
2	Duplicate or replacement	10.00	.25	5.00	4.75
3	Add, change, or remove class,				
4	endorsement, or restriction	10.00	.25	5.00	4.75
5	Seasonal permit:				
6	Original or renewal	10.00	.25	5.00	4.75
7	Duplicate or replacement	10.00	.25	5.00	4.75
8	Add, change, or remove class,				
9	endorsement, or restriction	10.00	.25	5.00	4.75
10	School bus permit:				
11	Original or renewal	5.00	0	5.00	0
12	Duplicate or replacement	5.00	0	5.00	0
13	Add, change, or remove class,				
14	endorsement, or restriction	5.00	0	5.00	0

15 (3) If the department issues an operator's license or a
 16 state identification card, the department shall remit the county
 17 portion of the fees to the State Treasurer for credit to the
 18 Department of Motor Vehicles Cash Fund.

19 (4)(a) The fee for an ignition interlock permit shall be
 20 forty-five dollars. Five dollars of the fee shall be remitted to the
 21 State Treasurer for credit to the Department of Motor Vehicles Cash
 22 Fund. Forty dollars of the fee shall be remitted to the State
 23 Treasurer for credit to the Probation Cash Fund.

1 (b) The fee for a duplicate or replacement ignition
2 interlock permit shall be ten dollars. Twenty-five cents of the fee
3 shall be remitted to the county treasurer for credit to the county
4 general fund. Five dollars of the fee shall be remitted to the State
5 Treasurer for credit to the Department of Motor Vehicles Cash Fund.
6 Four dollars and seventy-five cents of the fee shall be remitted to
7 the State Treasurer for credit to the Probation Cash Fund.

8 (c) The fee for adding, changing, or removing a class,
9 endorsement, or restriction on an ignition interlock permit shall be
10 five dollars. The fee shall be remitted to the State Treasurer for
11 credit to the Department of Motor Vehicles Cash Fund.

12 (5) This subsection applies beginning on the
13 implementation date designated by the director pursuant to section
14 60-462.02. The department and its agents may collect an identity
15 security surcharge to cover the cost of security and technology
16 practices used to protect the identity of applicants for and holders
17 of operators' licenses and state identification cards and to reduce
18 identity theft, fraud, and forgery and counterfeiting of such
19 licenses and cards to the maximum extent possible. The surcharge
20 shall be in addition to all other required fees for operators'
21 licenses and state identification cards. The amount of the surcharge
22 shall be determined by the department. The surcharge shall not exceed
23 eight dollars. The surcharge shall be remitted to the State Treasurer
24 for credit to the Department of Motor Vehicles Cash Fund.

25 Sec. 3. Section 60-4,127, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 60-4,127 (1) No person shall operate a motorcycle on the
3 alleys or highways of the State of Nebraska until such person has
4 obtained a Class M license. No such license shall be issued until the
5 applicant has (a) met the vision and physical requirements
6 established under section 60-4,118 for operation of a motor vehicle
7 and (b) successfully completed an examination, including the actual
8 operation of a motorcycle, prescribed by the director, except that
9 the required examination may be waived, including the actual
10 operation of a motorcycle, if the applicant presents proof of
11 successful completion of a motorcycle safety course under the
12 Motorcycle Safety Education Act within the immediately preceding
13 ~~forty-eight~~ twelve months.

14 ~~(2)(a) This subdivision applies until the implementation~~
15 ~~date designated by the director pursuant to section 60-462.02. Any~~
16 ~~applicant who qualifies for a Class M license shall be issued a~~
17 ~~license for such operation by the county treasurer as provided for~~
18 ~~the issuance of an operator's license. If the applicant is the holder~~
19 ~~of an operator's license, the county treasurer shall, upon receipt of~~
20 ~~the examiner's certificate, have endorsed on the license the~~
21 ~~authorization to operate a motorcycle. Fees for Class M licenses~~
22 ~~shall be as provided by section 60-4,115.~~

23 ~~(b) This subdivision applies beginning on the~~
24 ~~implementation date designated by the director pursuant to section~~
25 ~~60-462.02. (2) Upon presentation of an issuance certificate, the~~

1 county treasurer shall collect the fee and surcharge for a Class M
2 license as prescribed by section 60-4,115 and issue a receipt with
3 driving privileges which is valid for up to thirty days. The license
4 shall be delivered as provided in section 60-4,113. If the applicant
5 is the holder of an operator's license, the county treasurer shall,
6 upon receipt of the examiner's certificate, have endorsed on the
7 license the authorization to operate a motorcycle. Fees for Class M
8 licenses shall be as provided by section 60-4,115.

9 Sec. 4. Section 60-2120, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-2120 Sections 60-2120 to 60-2139 and section 13 of
12 this act shall be known and may be cited as the Motorcycle Safety
13 Education Act.

14 Sec. 5. Section 60-2121, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-2121 For purposes of the Motorcycle Safety Education
17 Act, unless the context otherwise requires:

18 (1) Department means the Department of Motor Vehicles;

19 (2) Director means the Director of Motor Vehicles; ~~and~~

20 ~~(3) Fund means the Motorcycle Safety Education Fund~~
21 ~~created in section 60-2132.~~

22 (3) Driving course means a driving pattern used to aid
23 students in learning the skills needed to safely operate a motorcycle
24 as part of a motorcycle safety course;

25 (4) Motorcycle safety course means a curriculum of study

1 which has been approved by the department designed to teach drivers
2 the skills and knowledge to safely operate a motorcycle;

3 (5) Motorcycle safety instructor means any person who has
4 successfully passed a motorcycle safety instructor's course
5 curriculum and is certified by the department to teach a motorcycle
6 safety course; and

7 (6) Motorcycle trainer means a person who is qualified
8 and certified by the department to teach another person to become a
9 certified motorcycle safety instructor in this state.

10 Sec. 6. Section 60-2125, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-2125 (1) The department ~~shall establish~~ may adopt and
13 promulgate rules and regulations establishing minimum requirements
14 for both basic and advanced motorcycle safety courses. ~~which qualify~~
15 for reimbursement under the Motorcycle Safety Education Act. The
16 courses shall be designed to develop, instill, and improve the
17 knowledge, attitudes, habits, and skills necessary for safe operation
18 of a motorcycle.

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

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

25 ~~(b) At least eight hours of laboratory instruction time~~

1 ~~which includes actual driving of a motorcycle by the student; and~~

2 ~~(c) Classroom and laboratory instruction shall be~~
3 ~~scheduled in an integrated and correlated sequence with laboratory~~
4 ~~driving experience following the relevant classroom instruction.~~

5 ~~(3) Minimum requirements for an advanced course shall~~
6 ~~include, but not be limited to, at least six hours of coordinated~~
7 ~~classroom and laboratory instruction and driving experience~~
8 ~~specifically designed for the experienced motorcycle operator.~~

9 (2) The motorcycle safety courses shall be designed to
10 teach either a novice motorcycle rider knowledge and basic riding
11 skills or to refresh the knowledge and riding skills of motorcycle
12 riders necessary for the safe and legal operation of a motorcycle on
13 the highways of this state. Every motorcycle safety course shall be
14 conducted at a site with room for a driving course designed to allow
15 motorcycle riders to practice the knowledge and skills necessary for
16 safe motorcycle operation.

17 Sec. 7. Section 60-2126, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 60-2126 (1) A school, business, or organization
20 conducting a basic or advanced may apply to the department to provide
21 a motorcycle safety course for which reimbursement will be requested
22 or courses in this state. Prospective providers of such course or
23 courses shall submit an application for approval of such course or
24 courses to the director. a request for approval of such course along
25 with the names of all certified instructors who will be teaching such

1 ~~course.~~The application shall include a list of instructors of the
2 course or courses. Such instructors shall be or shall become
3 motorcycle safety instructors certified by the department prior to
4 teaching any motorcycle safety course in this state. Applications for
5 certification of motorcycle safety instructors may be included along
6 with an application for approval of a motorcycle safety course or
7 courses. The director shall approve such course if it meets the
8 requirements ~~of section 60-2125~~ set forth by the department by rule
9 and regulation and will be taught by a certified motorcycle safety
10 instructor or instructors.

11 (2) The application for certification or renewal of a
12 certification of each motorcycle safety course shall be accompanied
13 by a fee of one hundred dollars. The fee shall be remitted to the
14 State Treasurer for credit to the Department of Motor Vehicles Cash
15 Fund. Motorcycle safety course certification shall expire two years
16 from the date of the director's certification.

17 (3) Motorcycle safety courses shall be subject to audits
18 by the department to assure compliance with the Motorcycle Safety
19 Education Act and rules and regulations of the department.

20 Sec. 8. Section 60-2127, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 60-2127 (1) The director ~~shall establish~~ may adopt and
23 promulgate rules and regulations establishing minimum standards,
24 skills' qualifications, and education requirements for motorcycle
25 safety instructors. The director shall issue or renew a permit

1 certificate in the manner and form prescribed by the director to
2 motorcycle safety instructor applicants who meet such requirements. A
3 motorcycle safety instructor certificate shall expire two years after
4 the date of issuance. To renew a certificate, a person shall submit
5 an application demonstrating compliance with rules and regulations of
6 the department. ~~The minimum requirements shall include, but not be~~
7 ~~limited to:~~

8 ~~(a) The applicant shall have a high school diploma or~~
9 ~~equivalent education;~~

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

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

18 ~~(d) The applicant shall have passed an approved~~
19 ~~motorcycle safety instructor's course established pursuant to section~~
20 ~~60-2128.~~

21 (2) If the certification requirements are comparable to
22 the requirements in this state, a person currently certified as a
23 motorcycle safety instructor by another state or recognized
24 accrediting organization may be issued a motorcycle safety
25 instructor's ~~permit~~certificate by the department without having to

1 take the course established in section 60-2128.

2 (3) A person who holds a valid, unexpired permit issued
3 by the department to be a motorcycle safety instructor before the
4 operative date of this act shall be recognized as a certified
5 motorcycle safety instructor until January 1, 2014, or until the
6 expiration date of such permit, whichever is earlier. At that time
7 the permit holder may apply for and become a certified motorcycle
8 safety instructor to teach a motorcycle safety class in this state as
9 provided in rules and regulations of the department.

10 Sec. 9. Section 60-2128, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-2128 ~~(1)~~—The department ~~shall develop~~ may adopt and
13 promulgate rules and regulations developing a motorcycle safety
14 instructor preparation course which shall be taught by motorcycle
15 trainers. ~~The motorcycle safety instructor preparation courses shall~~
16 ~~be offered at least once per year in each congressional district.~~
17 Such course shall insure that the motorcycle safety instructor who
18 successfully passes the course is familiar with the material included
19 in the particular motorcycle safety course which such motorcycle
20 safety instructor will be teaching.

21 ~~(2) The department shall establish requirements for~~
22 ~~admission to the motorcycle safety instructor preparation course for~~
23 ~~persons who are also applying for reimbursement under section~~
24 ~~60-2135. Such requirements shall include written agreement by the~~
25 ~~person seeking to attend the course that he or she will, upon~~

1 ~~successful completion, teach at least one approved basic motorcycle~~
2 ~~safety course and one approved advanced motorcycle safety course or~~
3 ~~at least two approved basic motorcycle safety courses in the state.~~

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

8 Sec. 10. Section 60-2129, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-2129 (1) The director shall establish may adopt and
11 promulgate rules and regulations establishing minimum education
12 requirements for chief instructors. motorcycle trainers. The director
13 shall issue permits certificates in the manner and form prescribed by
14 the director to at least three chief instructor applicants no more
15 than two motorcycle trainers who meet the minimum education, skill,
16 and experience requirements. Chief instructors The department may
17 reimburse documented expenses incurred by a person in connection with
18 taking and successfully passing an educational course to become a
19 motorcycle trainer, as provided in sections 81-1174 to 81-1177, when
20 there are less than two motorcycle trainers working in this state. In
21 return for the reimbursement of such documented expenses, motorcycle
22 trainers shall teach the motorcycle safety instructor preparation
23 course in any one of the three congressional districts as assigned by
24 the director.

25 (2) If the certification requirements are comparable to

1 the requirements in this state, a person currently certified as a
2 ~~chief instructor~~ motorcycle trainer by another state or recognized
3 accrediting organization may be issued a ~~chief instructor's permit~~
4 motorcycle trainer's certificate by the department without having to
5 receive the training required by this section.

6 (3) A person who holds a valid, unexpired permit issued
7 by the department to be a chief instructor for motorcycle safety
8 before the operative date of this act shall be recognized as a
9 motorcycle trainer until January 1, 2014, or until the expiration
10 date of such permit, whichever is earlier. At that time the permit
11 holder may apply for and be recertified as a motorcycle trainer to
12 teach a motorcycle safety instructor preparation class in this state
13 as provided in rules and regulations of the department.

14 Sec. 11. Section 60-2130, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 60-2130 All ~~permits~~ certificates issued under sections
17 60-2127 and 60-2129 shall be valid for ~~three~~ two years and may be
18 renewed upon application to the director as ~~prescribed by the~~
19 provided in rules and regulations of the department. ~~If the applicant~~
20 ~~is an individual, the application for a permit shall include the~~
21 ~~applicant's social security number. Each application for a new or~~
22 ~~renewal motorcycle safety instructor's permit or chief instructor's~~
23 ~~permit shall be accompanied by a fee of five dollars. The fees~~
24 ~~collected under this section shall be placed in the state treasury~~
25 ~~and by the State Treasurer credited to the General Fund. No fee shall~~

1 ~~be refunded in the event that the permit is rejected, suspended, or~~
2 ~~revoked.~~

3 Sec. 12. Section 60-2131, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-2131 (1) The director may cancel, suspend, revoke, or
6 refuse to issue or renew certification of a motorcycle safety course,
7 ~~a motorcycle safety instructor's permit or chief instructor's permit~~
8 certificate, or motorcycle trainer's certificate in any case when the
9 director finds the ~~permittee~~ certificate holder or applicant has not
10 complied with or has violated the Motorcycle Safety Education Act or
11 any rule or regulation adopted and promulgated by the director. A
12 ~~suspended or revoked permit shall be returned to the director by the~~
13 ~~permittee, and its holder shall not be eligible to apply for a permit~~
14 ~~under section 60-2127 or 60-2129 until twelve months have elapsed~~
15 ~~since the date of such suspension or revocation. Any~~

16 (2) No person or provider whose certificate has been
17 canceled, suspended, revoked, or refused shall be certified until the
18 person or provider meets the requirements of rules and regulations of
19 the department and shows that the event or occurrence that caused the
20 director to take action has been corrected and will not affect future
21 performance. Persons or providers who are suspended may be summarily
22 reinstated upon the director's acceptance of a demonstration of
23 compliance and satisfactory correction of any noncompliance. All
24 other persons or providers shall reapply for certification. A person
25 or provider may contest action taken by the director to cancel,

1 suspend, revoke, or refuse to issue or renew a ~~permit shall comply~~
2 ~~with the Administrative Procedure Act.~~ certificate by filing a
3 written petition with the department within thirty days after the
4 date of the director's action.

5 Sec. 13. Within sixty days after the operative date of
6 this act, any money remaining the Motorcycle Safety Education Fund
7 shall be transferred to the Roads Operations Cash Fund and the
8 Motorcycle Safety Education Fund shall be eliminated.

9 Sec. 14. Section 60-2139, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-2139 The director ~~shall~~ may adopt and promulgate such
12 rules and regulations for the administration and enforcement of the
13 Motorcycle Safety Education Act as are necessary. In adopting such
14 rules and regulations, the director shall comply with the
15 Administrative Procedure Act.

16 Sec. 15. This act becomes operative on January 1, 2012.

17 Sec. 16. Original sections 39-2215, 60-4,115, 60-4,127,
18 60-2120, 60-2121, 60-2125, 60-2126, 60-2127, 60-2128, 60-2129,
19 60-2130, 60-2131, and 60-2139, Reissue Revised Statutes of Nebraska,
20 are repealed.

21 Sec. 17. The following sections are outright repealed:
22 Sections 60-2132, 60-2133, 60-2134, 60-2135, 60-2136, 60-2137, and
23 60-2138, Reissue Revised Statutes of Nebraska.