

ONE HUNDRED FOURTH LEGISLATURE - FIRST SESSION - 2015
COMMITTEE STATEMENT
LB31

Hearing Date: Monday February 09, 2015
Committee On: Transportation and Telecommunications
Introducer: Bloomfield
One Liner: Eliminate motorcycle and moped helmet requirements

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Davis, Smith, Murante, McCoy, Garrett, Friesen
Nay: 2 Senators Brasch, Seiler
Absent:
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Dave Bloomfield
Robert Ailor
Ronald Murtaugh
Gary Neeman
Scott Hoffman
Todd Miller

Representing:

Introducer
ABATE of Nebraska
Self
ABATE of Nebraska
Self
ABATE of Nebraska

Opponents:

Robert Weir
Nicholas Worrell
Patrick Lange
Heather Talbott
Michael Visenio
Rose White
Laurie Klosterboer
Robert Corner
James Trenhaile
Joseph Stothert
Gary Hausmann
Coleen Nielsen
Lori Terryberry-Spohr
William Mulherin
Brad Meurrens
Peggy Reisher
Beverly Reicks

Representing:

Self
National Transportation Safety Board
Self
Bryan Trauma Center
Self
AAA
Nebraska Safety Council
Self
Self
Nebraska Medical Association
Madonna Rehabilitation Hospital
Nebraska Insurance Information Service / State Farm
Madonna Rehabilitation Hospital
Self
Disability Rights Nebraska
Brain Injury Association of Nebraska
National Safety Council

Neutral:

Representing:

Summary of purpose and/or changes:

The bill would repeal the requirement for the use of an approved motor cycle helmet when operating a motorcycle or a moped upon the highways of the state. The bill amends section 60-4,182; the operator's license point system, to remove a reference to motorcycle helmet violations.

The following provisions of law are repealed outright by the bill:

60-6,278. Legislative findings.

The Legislature hereby finds and declares that head injuries that occur to motorcyclists and moped operators which could be prevented or lessened by the wearing of helmets are a societal problem and that the financial and emotional costs of such injuries cannot be viewed solely on a personal level. It is the intent of the Legislature to prevent injuries and fatalities which occur due to motorcycle and moped accidents and to prevent the subsequent damage to society which results due to the cost of caring for injured people, the pain and suffering which accompanies such injuries and fatalities, and the loss of productive members of society from such injuries.

60-6,279. Protective helmets; required; when.

A person shall not operate or be a passenger on a motorcycle or moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

60-6,280. Approved protective helmets.

The Department of Motor Vehicles shall publish a list of approved protective helmets which meet the requirements of section 60-6,279. Such list shall not be inclusive. Any person wearing a protective helmet which meets the requirements established pursuant to such section shall be deemed to be in compliance with such section.

60-6,281. Protective helmets; conformance with federal standards; effect.

Any person using a protective helmet purchased prior to July 9, 1988, which is labeled to show that it conforms with applicable federal motor vehicle safety standards shall be deemed to be in compliance with section 60-6,279.

60-6,282. Violation; penalty.

Any person who violates section 60-6,279 shall be guilty of a traffic infraction and shall be fined fifty dollars.

Explanation of amendments:

The committee considered and adopted an amendment which substitutes for the bill.

Original sections 1 through 3 of the bill are stricken, and section 60-6,279; requirement for the use of a protective helmet on motorcycles or mopeds is amended.

Currently the section requires that no person shall operate or be a passenger upon a motorcycle of moped unless such person is wearing an approved protective helmet.

The section is amended to provide that any person at least 21 years of age or older shall be exempt from the requirement to wear a protective helmet.

Additionally, the amendment provides that any person operating a motorcycle or moped shall wear eye protection. "Eye protection" is defined by the committee amendment as glasses that cover the orbital region of the face, a protective face shield attached to a helmet, goggles, or a windshield attached to the motorcycle or moped.

Jim Smith, Chairperson