

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1092**

Introduced by Smith, 14.

Read first time January 18, 2018

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections  
2 28-1204.04, 60-191, 60-378, 60-4,128, 60-6,244, 60-6,254, 60-6,255,  
3 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and  
4 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01,  
5 60-124, 60-309.01, 60-340, 60-3,100, 60-3,143, 60-3,187, 60-3,190,  
6 60-463.02, 60-480, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127,  
7 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and  
8 60-1401.42, Revised Statutes Cumulative Supplement, 2016, and  
9 sections 60-363 and 60-6,267, Revised Statutes Supplement, 2017; to  
10 redefine autocycle and motorcycle for purposes of the Motor Vehicle  
11 Certificate of Title Act, Motor Vehicle Industry Regulation Act,  
12 Motor Vehicle Operator's License Act, Motor Vehicle Registration  
13 Act, and Nebraska Rules of the Road; to change provisions relating  
14 to the registration fee and motor vehicle fee for autocycles; to  
15 require operators or passengers of certain autocycles to wear  
16 protective helmets as prescribed; to harmonize provisions; and to  
17 repeal the original sections.  
18 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 28-1204.04, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           28-1204.04 (1) Any person who possesses a firearm in a school, on  
4 school grounds, in a school-owned vehicle, or at a school-sponsored  
5 activity or athletic event is guilty of the offense of unlawful  
6 possession of a firearm at a school. Unlawful possession of a firearm at  
7 a school is a Class IV felony. This subsection shall not apply to (a) the  
8 issuance of firearms to or possession by members of the armed forces of  
9 the United States, active or reserve, National Guard of this state, or  
10 Reserve Officers Training Corps or peace officers or other duly  
11 authorized law enforcement officers when on duty or training, (b) the  
12 possession of firearms by peace officers or other duly authorized law  
13 enforcement officers when contracted by a school to provide school  
14 security or school event control services, (c) firearms which may  
15 lawfully be possessed by the person receiving instruction, for  
16 instruction under the immediate supervision of an adult instructor, (d)  
17 firearms which may lawfully be possessed by a member of a college or  
18 university rifle team, within the scope of such person's duties as a  
19 member of the team, (e) firearms which may lawfully be possessed by a  
20 person employed by a college or university in this state as part of an  
21 agriculture or a natural resources program of such college or university,  
22 within the scope of such person's employment, (f) firearms contained  
23 within a private vehicle operated by a nonstudent adult which are not  
24 loaded and (i) are encased or (ii) are in a locked firearm rack that is  
25 on a motor vehicle, (g) firearms which may lawfully be possessed by a  
26 person for the purpose of using them, with the approval of the school, in  
27 a historical reenactment, in a hunter education program, or as part of an  
28 honor guard, or (h) a handgun carried as a concealed handgun by a valid  
29 holder of a permit issued under the Concealed Handgun Permit Act in a  
30 vehicle or on his or her person while riding in or on a vehicle into or  
31 onto any parking area, which is open to the public and used by a school

1 if, prior to exiting the vehicle, the handgun is locked inside the glove  
2 box, trunk, or other compartment of the vehicle, a storage box securely  
3 attached to the vehicle, or, if the vehicle is a motorcycle, other than  
4 an autocycle, a hardened compartment securely attached to the motorcycle  
5 while the vehicle is in or on such parking area, except as prohibited by  
6 federal law. For purposes of this subsection, encased means enclosed in a  
7 case that is expressly made for the purpose of containing a firearm and  
8 that is completely zipped, snapped, buckled, tied, or otherwise fastened  
9 with no part of the firearm exposed.

10 (2) Any firearm possessed in violation of subsection (1) of this  
11 section shall be confiscated without warrant by a peace officer or may be  
12 confiscated without warrant by school administrative or teaching  
13 personnel. Any firearm confiscated by school administrative or teaching  
14 personnel shall be delivered to a peace officer as soon as practicable.

15 (3) Any firearm confiscated by or given to a peace officer pursuant  
16 to subsection (2) of this section shall be declared a common nuisance and  
17 shall be held by the peace officer prior to his or her delivery of the  
18 firearm to the property division of the law enforcement agency which  
19 employs the peace officer. The property division of such law enforcement  
20 agency shall hold such firearm for as long as the firearm is needed as  
21 evidence. After the firearm is no longer needed as evidence, it shall be  
22 destroyed in such manner as the court may direct.

23 (4) Whenever a firearm is confiscated and held pursuant to this  
24 section or section 28-1204.02, the peace officer who received such  
25 firearm shall cause to be filed within ten days after the confiscation a  
26 petition for destruction of such firearm. The petition shall be filed in  
27 the district court of the county in which the confiscation is made. The  
28 petition shall describe the firearm held, state the name of the owner, if  
29 known, allege the essential elements of the violation which caused the  
30 confiscation, and conclude with a prayer for disposition and destruction  
31 in such manner as the court may direct. At any time after the

1 confiscation of the firearm and prior to court disposition, the owner of  
2 the firearm seized may petition the district court of the county in which  
3 the confiscation was made for possession of the firearm. The court shall  
4 release the firearm to such owner only if the claim of ownership can  
5 reasonably be shown to be true and either (a) the owner of the firearm  
6 can show that the firearm was taken from his or her property or place of  
7 business unlawfully or without the knowledge and consent of the owner and  
8 that such property or place of business is different from that of the  
9 person from whom the firearm was confiscated or (b) the owner of the  
10 firearm is acquitted of the charge of unlawful possession of a handgun in  
11 violation of section 28-1204, unlawful transfer of a firearm to a  
12 juvenile, or unlawful possession of a firearm at a school. No firearm  
13 having significant antique value or historical significance as determined  
14 by the Nebraska State Historical Society shall be destroyed. If a firearm  
15 has significant antique value or historical significance, it shall be  
16 sold at auction and the proceeds shall be remitted to the State Treasurer  
17 for distribution in accordance with Article VII, section 5, of the  
18 Constitution of Nebraska.

19 Sec. 2. Section 60-104.01, Revised Statutes Cumulative Supplement,  
20 2016, is amended to read:

21 60-104.01 Autocycle means any motor vehicle (1) having a seat that  
22 does not require the operator to straddle or sit astride it, (2) designed  
23 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
24 ~~operator and passenger ride either side by side or in tandem in a seating~~  
25 ~~area that is completely enclosed with a removable or fixed top and is~~  
26 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
27 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
28 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~  
29 ~~be controlled with a steering wheel and pedals, and (5) in which the~~  
30 operator and passenger ride either side by side or in tandem in a seating  
31 area that is equipped with a manufacturer-installed three-point safety

1 belt system for each occupant and that has a seating area that either (a)  
2 is completely enclosed with a removable or fixed top and is equipped with  
3 manufacturer-installed airbags and a manufacturer-installed roll cage or  
4 (b) is not completely enclosed with a removable or fixed top but is  
5 equipped with a manufacturer-installed rollover protection system.

6 Sec. 3. Section 60-124, Revised Statutes Cumulative Supplement,  
7 2016, is amended to read:

8 60-124 Motorcycle means any motor vehicle having a seat or saddle  
9 for the use of the operator and designed to travel on not more than three  
10 wheels in contact with the ground. Motorcycle includes ~~does not include~~  
11 an autocycle.

12 Sec. 4. Section 60-191, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 60-191 If any odometer is repaired or replaced, the reading of the  
15 repaired or replaced odometer shall be set at the reading of the odometer  
16 repaired or replaced immediately prior to repair or replacement and the  
17 adjustment shall not be deemed a violation of section 60-190, except that  
18 when the repaired or replaced odometer is incapable of registering the  
19 same mileage as before such repair or replacement, the repaired or  
20 replaced odometer shall be adjusted to read zero and a notice in writing  
21 on a form prescribed by the department shall be attached to the left door  
22 frame of the motor vehicle, or in the case of a motorcycle, other than an  
23 autocycle, to the frame of the motorcycle, by the owner or his or her  
24 agent specifying the mileage prior to repair or replacement of the  
25 odometer and the date on which it was repaired or replaced and any  
26 removal or alteration of such notice so affixed shall be deemed a  
27 violation of section 60-190.

28 Sec. 5. Section 60-309.01, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 60-309.01 Autocycle means any motor vehicle (1) having a seat that  
31 does not require the operator to straddle or sit astride it, (2) designed

1 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
2 ~~operator and passenger ride either side by side or in tandem in a seating~~  
3 ~~area that is completely enclosed with a removable or fixed top and is~~  
4 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
5 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
6 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~  
7 ~~be controlled with a steering wheel and pedals, and (5) in which the~~  
8 operator and passenger ride either side by side or in tandem in a seating  
9 area that is equipped with a manufacturer-installed three-point safety  
10 belt system for each occupant and that has a seating area that either (a)  
11 is completely enclosed with a removable or fixed top and is equipped with  
12 manufacturer-installed airbags and a manufacturer-installed roll cage or  
13 (b) is not completely enclosed with a removable or fixed top but is  
14 equipped with a manufacturer-installed rollover protection system.

15 Sec. 6. Section 60-340, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17 60-340 Motorcycle means any motor vehicle having a seat or saddle  
18 for use of the operator and designed to travel on not more than three  
19 wheels in contact with the ground. Motorcycle includes ~~does not include~~  
20 an autocycle.

21 Sec. 7. Section 60-363, Revised Statutes Supplement, 2017, is  
22 amended to read:

23 60-363 (1) No person shall operate or park a motor vehicle on the  
24 highways unless such motor vehicle at all times carries in or upon it,  
25 subject to inspection by any peace officer, the registration certificate  
26 issued for it.

27 (2) No person shall tow or park a trailer on the highways unless the  
28 registration certificate issued for the trailer or a copy thereof is  
29 carried in or upon the trailer or in or upon the motor vehicle that is  
30 towing or parking the trailer, subject to inspection by any peace  
31 officer, except as provided in subsection (4) of this section and except

1 fertilizer trailers as defined in section 60-326. The registration  
2 certificate for a fertilizer trailer shall be kept at the principal place  
3 of business of the owner of the fertilizer trailer.

4 (3) In the case of a motorcycle, other than an autocycle, the  
5 registration certificate shall be carried either in plain sight, affixed  
6 to the motorcycle, or in the tool bag or some convenient receptacle  
7 attached to the motorcycle.

8 (4) In the case of a motor vehicle or trailer operated by a public  
9 power district registered pursuant to section 60-3,228, the registration  
10 certificate shall be kept at the principal place of business of the  
11 public power district.

12 Sec. 8. Section 60-378, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 60-378 (1) Any transporter doing business in this state may, in lieu  
15 of registering each motor vehicle or trailer which such transporter is  
16 transporting, upon payment of a fee of ten dollars, apply to the  
17 department for a transporter's certificate and one transporter license  
18 plate. Additional pairs of transporter certificates and transporter  
19 license plates may be procured for a fee of ten dollars each. Transporter  
20 license plates shall be displayed (a) upon the motor vehicle or trailer  
21 being transported or (b) upon a properly registered truck or truck-  
22 tractor which is a work or service vehicle in the process of towing a  
23 trailer which is itself being delivered by the transporter, and such  
24 registered truck or truck-tractor shall also display a transporter plate  
25 upon the front thereof. The applicant for a transporter plate shall keep  
26 for six years a record of each motor vehicle or trailer transported by  
27 him or her under this section, and such record shall be available to the  
28 department for inspection. Each applicant shall file with the department  
29 proof of his or her status as a bona fide transporter.

30 (2) Transporter license plates may be the same size as license  
31 plates issued for motorcycles other than autocycles, shall bear thereon a

1 mark to distinguish them as transporter plates, and shall be serially  
2 numbered so as to distinguish them from each other. Such license plates  
3 may only be displayed upon the front of a driven motor vehicle of a  
4 lawful combination or upon the front of a motor vehicle driven singly or  
5 upon the rear of a trailer being towed.

6 Sec. 9. Section 60-3,100, Revised Statutes Cumulative Supplement,  
7 2016, is amended to read:

8 60-3,100 (1) The department shall issue to every person whose motor  
9 vehicle or trailer is registered one or two fully reflectorized license  
10 plates upon which shall be displayed (a) the registration number  
11 consisting of letters and numerals assigned to such motor vehicle or  
12 trailer in figures not less than two and one-half inches nor more than  
13 three inches in height and (b) also the word Nebraska suitably lettered  
14 so as to be attractive. The license plates shall be of a color designated  
15 by the director. The color of the plates shall be changed each time the  
16 license plates are changed. Each time the license plates are changed, the  
17 director shall secure competitive bids for materials pursuant to sections  
18 81-145 to 81-162. Autocycle, motorcycle, minitruck, low-speed vehicle,  
19 and trailer license plate letters and numerals may be one-half the size  
20 of those required in this section.

21 (2)(a) Except as otherwise provided in this subsection, two license  
22 plates shall be issued for every motor vehicle.

23 (b) One license plate shall be issued for (i) apportionable  
24 vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles,  
25 other than autocycles, (vi) special interest motor vehicles that use the  
26 special interest motor vehicle license plate authorized by and issued  
27 under section 60-3,135.01, (vii) trailers, and (viii) truck-tractors.

28 (c)(i) Beginning January 1, 2017, one license plate shall be issued,  
29 upon request and compliance with this subdivision, for any passenger car  
30 which is not manufactured to be equipped with a bracket on the front of  
31 the vehicle to display a license plate. A license decal shall be issued



1 with the license plate as provided in subdivision (ii) of this  
2 subdivision and shall be displayed on the driver's side of the  
3 windshield. In order to request a single license plate and license decal,  
4 there shall be an additional annual nonrefundable registration fee of one  
5 hundred dollars plus the cost of the decal paid to the county treasurer  
6 at the time of registration. All fees collected under this subdivision  
7 shall be remitted to the State Treasurer for credit to the Highway Trust  
8 Fund.

9 (ii) The department shall design, procure, and furnish to the county  
10 treasurers a license decal which shall be displayed as evidence that a  
11 license plate has been obtained under this subdivision. Each county  
12 treasurer shall furnish a license decal to the person obtaining the  
13 plate.

14 (d) When two license plates are issued, one shall be prominently  
15 displayed at all times on the front and one on the rear of the registered  
16 motor vehicle or trailer. When only one plate is issued, it shall be  
17 prominently displayed on the rear of the registered motor vehicle or  
18 trailer. When only one plate is issued for motor vehicles registered  
19 pursuant to section 60-3,198 and truck-tractors, it shall be prominently  
20 displayed on the front of the apportionable vehicle.

21 Sec. 10. Section 60-3,143, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 60-3,143 (1) For autocycles, the registration fee shall be as  
24 provided in section 60-3,153 ~~fifteen dollars~~.

25 (2) For every motor vehicle of ten-passenger capacity or less and  
26 not used for hire, the registration fee shall be fifteen dollars.

27 (3) For each motor vehicle having a seating capacity of ten persons  
28 or less and used for hire, the registration fee shall be six dollars plus  
29 an additional four dollars for every person such motor vehicle is  
30 equipped to carry in addition to the driver.

31 (4) For motor vehicles leased for hire when no driver or chauffeur

1 is furnished by the lessor as part of the consideration paid for by the  
2 lessee, incident to the operation of the leased motor vehicle, the fee  
3 shall be fifteen dollars.

4 Sec. 11. Section 60-3,187, Revised Statutes Cumulative Supplement,  
5 2016, is amended to read:

6 60-3,187 (1) The motor vehicle tax schedules are set out in this  
7 section.

8 (2) The motor vehicle tax shall be calculated by multiplying the  
9 base tax times the fraction which corresponds to the age category of the  
10 vehicle as shown in the following table:

11 YEAR	FRACTION
12 First	1.00
13 Second	0.90
14 Third	0.80
15 Fourth	0.70
16 Fifth	0.60
17 Sixth	0.51
18 Seventh	0.42
19 Eighth	0.33
20 Ninth	0.24
21 Tenth and Eleventh	0.15
22 Twelfth and Thirteenth	0.07
23 Fourteenth and older	0.00

24 (3) The base tax shall be:

25 (a) Automobiles, autocycles, and motorcycles - An amount determined  
26 using the following table:

27 Value when new	Base tax
28 Up to \$3,999	\$ 25
29 \$4,000 to \$5,999	35
30 \$6,000 to \$7,999	45

1	\$8,000 to \$9,999	60
2	\$10,000 to \$11,999	100
3	\$12,000 to \$13,999	140
4	\$14,000 to \$15,999	180
5	\$16,000 to \$17,999	220
6	\$18,000 to \$19,999	260
7	\$20,000 to \$21,999	300
8	\$22,000 to \$23,999	340
9	\$24,000 to \$25,999	380
10	\$26,000 to \$27,999	420
11	\$28,000 to \$29,999	460
12	\$30,000 to \$31,999	500
13	\$32,000 to \$33,999	540
14	\$34,000 to \$35,999	580
15	\$36,000 to \$37,999	620
16	\$38,000 to \$39,999	660
17	\$40,000 to \$41,999	700
18	\$42,000 to \$43,999	740
19	\$44,000 to \$45,999	780
20	\$46,000 to \$47,999	820
21	\$48,000 to \$49,999	860
22	\$50,000 to \$51,999	900
23	\$52,000 to \$53,999	940
24	\$54,000 to \$55,999	980
25	\$56,000 to \$57,999	1,020
26	\$58,000 to \$59,999	1,060
27	\$60,000 to \$61,999	1,100
28	\$62,000 to \$63,999	1,140
29	\$64,000 to \$65,999	1,180
30	\$66,000 to \$67,999	1,220

1	\$68,000 to \$69,999	1,260
2	\$70,000 to \$71,999	1,300
3	\$72,000 to \$73,999	1,340
4	\$74,000 to \$75,999	1,380
5	\$76,000 to \$77,999	1,420
6	\$78,000 to \$79,999	1,460
7	\$80,000 to \$81,999	1,500
8	\$82,000 to \$83,999	1,540
9	\$84,000 to \$85,999	1,580
10	\$86,000 to \$87,999	1,620
11	\$88,000 to \$89,999	1,660
12	\$90,000 to \$91,999	1,700
13	\$92,000 to \$93,999	1,740
14	\$94,000 to \$95,999	1,780
15	\$96,000 to \$97,999	1,820
16	\$98,000 to \$99,999	1,860
17	\$100,000 and over	1,900
18	(b) Assembled automobiles – \$60	
19	(c) Assembled motorcycles <u>other than an autocycle</u> – \$25	
20	(d) Cabin trailers, up to one thousand pounds – \$10	
21	(e) Cabin trailers, one thousand pounds and over and less than two	
22	thousand pounds – \$25	
23	(f) Cabin trailers, two thousand pounds and over – \$40	
24	(g) Recreational vehicles, less than eight thousand pounds – \$160	
25	(h) Recreational vehicles, eight thousand pounds and over and less	
26	than twelve thousand pounds – \$410	
27	(i) Recreational vehicles, twelve thousand pounds and over – \$860	
28	(j) Assembled recreational vehicles and buses shall follow the	
29	schedules for body type and registered weight	
30	(k) Trucks - Over seven tons and less than ten tons – \$360	
31	(l) Trucks - Ten tons and over and less than thirteen tons – \$560	

1 (m) Trucks - Thirteen tons and over and less than sixteen tons -  
2 \$760

3 (n) Trucks - Sixteen tons and over and less than twenty-five tons -  
4 \$960

5 (o) Trucks - Twenty-five tons and over - \$1,160

6 (p) Buses - \$360

7 (q) Trailers other than semitrailers - \$10

8 (r) Semitrailers - \$110

9 (s) Minitrucks - \$50

10 (t) Low-speed vehicles - \$50

11 (4) For purposes of subsection (3) of this section, truck means all  
12 trucks and combinations of trucks except those trucks, trailers, or  
13 combinations thereof registered under section 60-3,198, and the tax is  
14 based on the gross vehicle weight rating as reported by the manufacturer.

15 (5) Current model year vehicles are designated as first-year motor  
16 vehicles for purposes of the schedules.

17 (6) When a motor vehicle is registered which is newer than the  
18 current model year by the manufacturer's designation, the motor vehicle  
19 is subject to the initial motor vehicle tax in the first registration  
20 period and ninety-five percent of the initial motor vehicle tax in the  
21 second registration period.

22 (7) Assembled cabin trailers, assembled recreational vehicles, and  
23 assembled buses shall be designated as sixth-year motor vehicles in their  
24 first year of registration for purposes of the schedules.

25 (8) When a motor vehicle is registered which is required to have a  
26 title branded as previous salvage pursuant to section 60-175, the motor  
27 vehicle tax shall be reduced by twenty-five percent.

28 Sec. 12. Section 60-3,190, Revised Statutes Cumulative Supplement,  
29 2016, is amended to read:

30 60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles  
31 registered for operation in this state. An owner of a motor vehicle which

1 is exempt from the imposition of a motor vehicle tax pursuant to section  
2 60-3,185 shall also be exempt from the imposition of the motor vehicle  
3 fee imposed pursuant to this section.

4 (2) The department shall annually determine the motor vehicle fee on  
5 each motor vehicle registered pursuant to this section and shall cause a  
6 notice of the amount to be delivered to the registrant. The notice shall  
7 be combined with the notice of the motor vehicle tax required by section  
8 60-3,186.

9 (3) The motor vehicle fee schedules are set out in this subsection  
10 and subsection (4) of this section. Except for automobiles with a value  
11 when new of less than \$20,000, and for assembled automobiles, the fee  
12 shall be calculated by multiplying the base fee times the fraction which  
13 corresponds to the age category of the automobile as shown in the  
14 following table:

15 YEAR	FRACTION
16 First through fifth	1.00
17 Sixth through tenth	.70
18 Eleventh and over	.35

19 (4) The base fee shall be:

20 (a) Automobiles, with a value when new of less than \$20,000, and  
21 assembled automobiles – \$5

22 (b) Automobiles, with a value when new of \$20,000 through \$39,999 –  
23 \$20

24 (c) Automobiles, with a value when new of \$40,000 or more – \$30

25 (d) Motorcycles and autocycles – \$10

26 (e) Recreational vehicles and cabin trailers – \$10

27 (f) Trucks over seven tons and buses – \$30

28 (g) Trailers other than semitrailers – \$10

29 (h) Semitrailers – \$30

30 (i) Minitrucks – \$10

31 (j) Low-speed vehicles – \$10

1           ~~(k) Autocycles — \$10.~~

2           (5) The motor vehicle tax, motor vehicle fee, and registration fee  
3 shall be paid to the county treasurer prior to the registration of the  
4 motor vehicle for the following registration period. After retaining one  
5 percent of the motor vehicle fee collected for costs, the remaining  
6 proceeds shall be remitted to the State Treasurer for credit to the Motor  
7 Vehicle Fee Fund. The State Treasurer shall return funds from the Motor  
8 Vehicle Fee Fund remitted by a county treasurer which are needed for  
9 refunds or credits authorized by law.

10           (6)(a) The Motor Vehicle Fee Fund is created. On or before the last  
11 day of each calendar quarter, the State Treasurer shall distribute all  
12 funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the  
13 county treasurer of each county, amounts in the same proportion as the  
14 most recent allocation received by each county from the Highway  
15 Allocation Fund; and (ii) fifty percent to the treasurer of each  
16 municipality, amounts in the same proportion as the most recent  
17 allocation received by each municipality from the Highway Allocation  
18 Fund. Any money in the fund available for investment shall be invested by  
19 the state investment officer pursuant to the Nebraska Capital Expansion  
20 Act and the Nebraska State Funds Investment Act.

21           (b) Funds from the Motor Vehicle Fee Fund shall be considered local  
22 revenue available for matching state sources.

23           (c) All receipts by counties and municipalities from the Motor  
24 Vehicle Fee Fund shall be used for road, bridge, and street purposes.

25           (7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this  
26 section, automobiles or trucks includes all trucks and combinations of  
27 trucks or truck-tractors, except those trucks, trailers, or semitrailers  
28 registered under section 60-3,198, and the fee is based on the gross  
29 vehicle weight rating as reported by the manufacturer.

30           (8) Current model year vehicles are designated as first-year motor  
31 vehicles for purposes of the schedules.

1 (9) When a motor vehicle is registered which is newer than the  
2 current model year by the manufacturer's designation, the motor vehicle  
3 is subject to the initial motor vehicle fee for six registration periods.

4 (10) Assembled vehicles other than assembled automobiles shall  
5 follow the schedules for the motor vehicle body type.

6 Sec. 13. Section 60-463.02, Revised Statutes Cumulative Supplement,  
7 2016, is amended to read:

8 60-463.02 Autocycle means any motor vehicle (1) having a seat that  
9 does not require the operator to straddle or sit astride it, (2) designed  
10 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
11 ~~operator and passenger ride either side by side or in tandem in a seating~~  
12 ~~area that is completely enclosed with a removable or fixed top and is~~  
13 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
14 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
15 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~  
16 ~~be controlled with a steering wheel and pedals, and (5) in which the~~  
17 ~~operator and passenger ride either side by side or in tandem in a seating~~  
18 ~~area that is equipped with a manufacturer-installed three-point safety~~  
19 ~~belt system for each occupant and that has a seating area that either (a)~~  
20 ~~is completely enclosed with a removable or fixed top and is equipped with~~  
21 ~~manufacturer-installed airbags and a manufacturer-installed roll cage or~~  
22 ~~(b) is not completely enclosed with a removable or fixed top but is~~  
23 ~~equipped with a manufacturer-installed rollover protection system.~~

24 Sec. 14. Section 60-480, Revised Statutes Cumulative Supplement,  
25 2016, is amended to read:

26 60-480 (1) Operators' licenses issued by the department pursuant to  
27 the Motor Vehicle Operator's License Act shall be classified as follows:

28 (a) (1) Class O license. The operator's license which authorizes the  
29 person to whom it is issued to operate on highways any motor vehicle  
30 except a commercial motor vehicle or motorcycle;

31 (b) (2) Class M license. The operator's license or endorsement on a



1 Class 0 license, provisional operator's permit, learner's permit, school  
2 permit, or commercial driver's license which authorizes the person to  
3 whom it is issued to operate a motorcycle on highways;

4 (c) ~~(3)~~ CDL-commercial driver's license. The operator's license  
5 which authorizes the person to whom it is issued to operate a class of  
6 commercial motor vehicle or any motor vehicle, except a motorcycle, on  
7 highways;

8 (d) ~~(4)~~ CLP-commercial learner's permit. A permit which when carried  
9 with a Class 0 license authorizes an individual to operate a class of  
10 commercial motor vehicle when accompanied by a holder of a valid  
11 commercial driver's license for purposes of behind-the-wheel training.  
12 When issued to a commercial driver's license holder, a CLP-commercial  
13 learner's permit serves as authorization for accompanied behind-the-wheel  
14 training in a commercial motor vehicle for which the holder's current  
15 commercial driver's license is not valid;

16 (e) ~~(5)~~ RCDL-restricted commercial driver's license. The class of  
17 commercial driver's license which, when held with an annual seasonal  
18 permit, authorizes a seasonal commercial motor vehicle operator as  
19 defined in section 60-4,146.01 to operate any Class B Heavy Straight  
20 Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of  
21 a farm-related or ranch-related service industry as defined in such  
22 section within one hundred fifty miles of the employer's place of  
23 business or the farm or ranch currently being served as provided in such  
24 section or any other motor vehicle, except a motorcycle, on highways;

25 (f) ~~(6)~~ POP-provisional operator's permit. A motor vehicle operating  
26 permit with restrictions issued pursuant to section 60-4,120.01 to a  
27 person who is at least sixteen years of age but less than eighteen years  
28 of age which authorizes the person to operate any motor vehicle except a  
29 commercial motor vehicle or motorcycle;

30 (g) ~~(7)~~ SCP-school permit. A permit issued to a student between  
31 fourteen years and two months of age and sixteen years of age for the

1 purpose of driving in accordance with the requirements of section  
2 60-4,124;

3 (h) ~~(8)~~ FMP-farm permit. A permit issued to a person for purposes of  
4 operating farm tractors and other motorized implements of farm husbandry  
5 on highways in accordance with the requirements of section 60-4,126;

6 (i) ~~(9)~~ LPD-learner's permit. A permit issued in accordance with the  
7 requirements of section 60-4,123 to a person at least fifteen years of  
8 age which authorizes the person to operate a motor vehicle, except a  
9 commercial motor vehicle, for learning purposes when accompanied by a  
10 licensed operator who is at least twenty-one years of age and who  
11 possesses a valid operator's license issued by this state or another  
12 state;

13 (j) ~~(10)~~ LPE-learner's permit. A permit issued to a person at least  
14 fourteen years of age which authorizes the person to operate a motor  
15 vehicle, except a commercial motor vehicle, while learning to drive in  
16 preparation for application for a school permit;

17 (k) ~~(11)~~ EDP-employment driving permit. A permit issued to a person  
18 which authorizes the person to operate a motor vehicle, except a  
19 commercial motor vehicle, pursuant to the requirements of sections  
20 60-4,129 and 60-4,130;

21 (l) ~~(12)~~ IIP-ignition interlock permit. A permit issued to a person  
22 which authorizes the person to operate a motor vehicle, except a  
23 commercial motor vehicle, which is equipped with an ignition interlock  
24 device;

25 (m) ~~(13)~~ SEP-seasonal permit. A permit issued to a person who holds  
26 a restricted commercial driver's license authorizing the person to  
27 operate a commercial motor vehicle, as prescribed by section 60-4,146.01,  
28 for no more than one hundred eighty consecutive days in any twelve-month  
29 period. The seasonal permit shall be valid and run from the date of  
30 original issuance of the permit for one hundred eighty days and from the  
31 date of annual revalidation of the permit; and

1           (n) ~~(14)~~ MHP-medical hardship driving permit. A permit issued to a  
2 person which authorizes the person to operate a motor vehicle, except a  
3 commercial motor vehicle, pursuant to the requirements of sections  
4 60-4,130.01 and 60-4,130.02.

5           (2) For purposes of this section, motorcycle does not include an  
6 autocycle.

7           Sec. 15. Section 60-4,123, Revised Statutes Cumulative Supplement,  
8 2016, is amended to read:

9           60-4,123 (1) Any person who is at least fifteen years of age may  
10 apply for an LPD-learner's permit from the department. In order to obtain  
11 an LPD-learner's permit, the applicant shall successfully complete a  
12 written examination. A person may take the written examination beginning  
13 sixty days prior to his or her fifteenth birthday but shall not be issued  
14 a permit until he or she is fifteen years of age. The written examination  
15 may be waived for any person who has been issued an LPE-learner's permit,  
16 LPD-learner's permit, or SCP-school permit that has been expired for no  
17 more than one year.

18           (2) Upon successful completion of the written examination and the  
19 payment of a fee and surcharge as prescribed in section 60-4,115, the  
20 applicant shall be issued an LPD-learner's permit as provided in section  
21 60-4,113. The permit shall be valid for twelve months.

22           (3)(a) The holder of an LPD-learner's permit shall only operate a  
23 motor vehicle on the highways of this state if he or she is accompanied  
24 at all times by a licensed operator who is at least twenty-one years of  
25 age and who has been licensed by this state or another state and if (i)  
26 for all motor vehicles other than autocycles, motorcycles, or mopeds, he  
27 or she is actually occupying the seat beside the licensed operator, (ii)  
28 in the case of an autocycle, he or she is actually occupying the seat  
29 beside or in front of the licensed operator, or (iii) in the case of a  
30 motorcycle, other than an autocycle, or a moped, he or she is within  
31 visual contact of and under the supervision of, in the case of a

1 motorcycle, a licensed motorcycle operator or, in the case of a moped, a  
2 licensed motor vehicle operator.

3 (b) The holder of an LPD-learner's permit shall not use any type of  
4 interactive wireless communication device while operating a motor vehicle  
5 on the highways of this state. Enforcement of this subdivision shall be  
6 accomplished only as a secondary action when the holder of the LPD-  
7 learner's permit has been cited or charged with a violation of some other  
8 law.

9 (4) Department personnel or the county treasurer shall collect the  
10 fee and surcharge prescribed in section 60-4,115 for the issuance of each  
11 LPD-learner's permit.

12 Sec. 16. Section 60-4,123.01, Revised Statutes Cumulative  
13 Supplement, 2016, is amended to read:

14 60-4,123.01 For purposes of driver training, any person who has  
15 attained or will attain the age of fourteen years on or before October 15  
16 of the current year may operate a motor vehicle, other than an autocycle,  
17 upon the highways of this state if he or she is accompanied or, in the  
18 case of a motorcycle, other than an autocycle, or a moped, supervised at  
19 all times by a licensed operator who is a driver training instructor  
20 certified by the Commissioner of Education.

21 Sec. 17. Section 60-4,124, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 60-4,124 (1) A person who is younger than sixteen years and three  
24 months of age but is older than fourteen years and two months of age may  
25 be issued a school permit if such person either resides outside a city of  
26 the metropolitan, primary, or first class or attends a school which is  
27 outside a city of the metropolitan, primary, or first class and if such  
28 person has held an LPE-learner's permit for two months. A school permit  
29 shall not be issued until such person has demonstrated that he or she is  
30 capable of successfully operating a motor vehicle, moped, or motorcycle  
31 and has in his or her possession an issuance certificate authorizing the

1 county treasurer to issue a school permit. In order to obtain an issuance  
2 certificate, the applicant shall present (a) proof of successful  
3 completion of a department-approved driver safety course which includes  
4 behind-the-wheel driving specifically emphasizing (i) the effects of the  
5 consumption of alcohol on a person operating a motor vehicle, (ii)  
6 occupant protection systems, (iii) risk assessment, and (iv) railroad  
7 crossing safety and (b)(i) proof of successful completion of a written  
8 examination and driving test administered by a driver safety course  
9 instructor or (ii) a certificate in a form prescribed by the department,  
10 signed by a parent, guardian, or licensed driver at least twenty-one  
11 years of age, verifying that the applicant has completed fifty hours of  
12 lawful motor vehicle operation, under conditions that reflect department-  
13 approved driver safety course curriculum, with a parent, guardian, or  
14 adult at least twenty-one years of age, who has a current Nebraska  
15 operator's license or who is licensed in another state. The department  
16 may waive the written examination if the applicant has been issued an  
17 LPE-learner's permit or LPD-learner's permit and if such permit is valid  
18 or has expired no more than one year prior to application. The written  
19 examination shall not be waived if the permit being applied for contains  
20 a class or endorsement which is different from the class or endorsement  
21 of the LPE-learner's permit.

22 (2) A person holding a school permit may operate a motor vehicle,  
23 moped, or motorcycle or an autocycle:

24 (a) To and from where he or she attends school and between schools  
25 of enrollment over the most direct and accessible route by the nearest  
26 highway from his or her place of residence to transport such person or  
27 any family member who resides with such person to attend duly scheduled  
28 courses of instruction and extracurricular or school-related activities  
29 at the school he or she attends; or

30 (b) Under the personal supervision of a licensed operator. Such  
31 licensed operator shall be at least twenty-one years of age and licensed

1 by this state or another state and shall (i) for all motor vehicles other  
2 than autocycles, motorcycles, or mopeds, actually occupy the seat beside  
3 the permitholder, (ii) in the case of an autocycle, actually occupy the  
4 seat beside or behind the permitholder, or (iii) in the case of a  
5 motorcycle, other than an autocycle, or a moped, if the permitholder is  
6 within visual contact of and under the supervision of, in the case of a  
7 motorcycle, a licensed motorcycle operator or, in the case of a moped, a  
8 licensed motor vehicle operator.

9 (3) The holder of a school permit shall not use any type of  
10 interactive wireless communication device while operating a motor vehicle  
11 on the highways of this state. Enforcement of this subsection shall be  
12 accomplished only as a secondary action when the holder of the school  
13 permit has been cited or charged with a violation of some other law.

14 (4) A person who is younger than sixteen years of age but is over  
15 fourteen years of age may be issued an LPE-learner's permit, which permit  
16 shall be valid for a period of three months. An LPE-learner's permit  
17 shall not be issued until such person successfully completes a written  
18 examination prescribed by the department and demonstrates that he or she  
19 has sufficient powers of eyesight to safely operate a motor vehicle,  
20 moped, or motorcycle or an autocycle.

21 (5)(a) While holding the LPE-learner's permit, the person may  
22 operate a motor vehicle on the highways of this state if (i) for all  
23 motor vehicles other than autocycles, motorcycles, or mopeds, he or she  
24 has seated next to him or her a person who is a licensed operator, (ii)  
25 in the case of an autocycle, he or she has seated next to or behind him  
26 or her a person who is a licensed operator, or (iii) in the case of a  
27 motorcycle, other than an autocycle, or a moped, he or she is within  
28 visual contact of and is under the supervision of a person who, in the  
29 case of a motorcycle, is a licensed motorcycle operator or, in the case  
30 of a moped, is a licensed motor vehicle operator. Such licensed motor  
31 vehicle or motorcycle operator shall be at least twenty-one years of age

1 and licensed by this state or another state.

2 (b) The holder of an LPE-learner's permit shall not use any type of  
3 interactive wireless communication device while operating a motor vehicle  
4 on the highways of this state. Enforcement of this subdivision shall be  
5 accomplished only as a secondary action when the holder of the LPE-  
6 learner's permit has been cited or charged with a violation of some other  
7 law.

8 (6) Department personnel or the county treasurer shall collect the  
9 fee and surcharge prescribed in section 60-4,115 from each successful  
10 applicant for a school or LPE-learner's permit. All school permits shall  
11 be subject to impoundment or revocation under the terms of section  
12 60-496. Any person who violates the terms of a school permit shall be  
13 guilty of an infraction and shall not be eligible for another school,  
14 farm, LPD-learner's, or LPE-learner's permit until he or she has attained  
15 the age of sixteen years.

16 (7) Any person who holds a permit issued under this section and has  
17 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)  
18 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or  
19 60-6,197.06 shall not be eligible for an ignition interlock permit.

20 Sec. 18. Section 60-4,127, Revised Statutes Cumulative Supplement,  
21 2016, is amended to read:

22 60-4,127 (1) No person shall operate a motorcycle on the alleys or  
23 highways of the State of Nebraska until such person has obtained a Class  
24 M license. No such license shall be issued until the applicant has (a)  
25 met the vision and physical requirements established under section  
26 60-4,118 for operation of a motor vehicle and (b) successfully completed  
27 an examination, including the actual operation of a motorcycle,  
28 prescribed by the director, except that the required examination may be  
29 waived, including the actual operation of a motorcycle, if the applicant  
30 presents proof of successful completion of a motorcycle safety course  
31 under the Motorcycle Safety Education Act within the immediately

1 preceding twenty-four months.

2 (2) Department personnel shall conduct the examination of the  
3 applicants and deliver to each successful applicant an issuance  
4 certificate or a receipt. If department personnel issue a receipt,  
5 department personnel shall collect the fee and surcharge as provided in  
6 section 60-4,115 and issue a receipt with driving privileges which is  
7 valid for up to thirty days. In counties where the county treasurer  
8 collects fees and issues receipts, the certificate may be presented to  
9 the county treasurer within ninety days after issuance. Upon presentation  
10 of an issuance certificate, the county treasurer shall collect the fee  
11 and surcharge for a Class M license as prescribed by section 60-4,115 and  
12 issue a receipt with driving privileges which is valid for up to thirty  
13 days. If department personnel refuse to issue an issuance certificate or  
14 receipt, the department personnel shall state such cause in writing and  
15 deliver such written cause to the applicant. The license shall be  
16 delivered as provided in section 60-4,113. If the applicant is the holder  
17 of an operator's license, the county treasurer or department personnel  
18 shall have endorsed on the license the authorization to operate a  
19 motorcycle. Fees for Class M licenses shall be as provided by section  
20 60-4,115.

21 (3) For purposes of this section, motorcycle does not include an  
22 autocycle.

23 Sec. 19. Section 60-4,128, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 60-4,128 (1) Any person violating the provisions of section  
26 60-4,127 shall be guilty of a traffic infraction and shall upon  
27 conviction thereof be fined not less than ten dollars nor more than one  
28 hundred dollars. In addition, a person operating a motorcycle without a  
29 Class M license may be required to complete the basic motorcycle safety  
30 course as provided in the Motorcycle Safety Education Act.

31 (2) For purposes of this section, motorcycle does not include an



1 autocycle.

2 Sec. 20. Section 60-4,182, Revised Statutes Cumulative Supplement,  
3 2016, is amended to read:

4 60-4,182 In order to prevent and eliminate successive traffic  
5 violations, there is hereby provided a point system dealing with traffic  
6 violations as disclosed by the files of the director. The following point  
7 system shall be adopted:

8 (1) Conviction of motor vehicle homicide - 12 points;

9 (2) Third offense drunken driving in violation of any city or  
10 village ordinance or of section 60-6,196, as disclosed by the records of  
11 the director, regardless of whether the trial court found the same to be  
12 a third offense - 12 points;

13 (3) Failure to stop and render aid as required under section 60-697  
14 in the event of involvement in a motor vehicle accident resulting in the  
15 death or personal injury of another - 6 points;

16 (4) Failure to stop and report as required under section 60-696 or  
17 any city or village ordinance in the event of a motor vehicle accident  
18 resulting in property damage - 6 points;

19 (5) Driving a motor vehicle while under the influence of alcoholic  
20 liquor or any drug or when such person has a concentration of eight-  
21 hundredths of one gram or more by weight of alcohol per one hundred  
22 milliliters of his or her blood or per two hundred ten liters of his or  
23 her breath in violation of any city or village ordinance or of section  
24 60-6,196 - 6 points;

25 (6) Willful reckless driving in violation of any city or village  
26 ordinance or of section 60-6,214 or 60-6,217 - 6 points;

27 (7) Careless driving in violation of any city or village ordinance  
28 or of section 60-6,212 - 4 points;

29 (8) Negligent driving in violation of any city or village ordinance  
30 - 3 points;

31 (9) Reckless driving in violation of any city or village ordinance

1 or of section 60-6,213 - 5 points;

2 (10) Speeding in violation of any city or village ordinance or any  
3 of sections 60-6,185 to 60-6,190 and 60-6,313:

4 (a) Not more than five miles per hour over the speed limit - 1  
5 point;

6 (b) More than five miles per hour but not more than ten miles per  
7 hour over the speed limit - 2 points;

8 (c) More than ten miles per hour but not more than thirty-five miles  
9 per hour over the speed limit - 3 points, except that one point shall be  
10 assessed upon conviction of exceeding by not more than ten miles per  
11 hour, two points shall be assessed upon conviction of exceeding by more  
12 than ten miles per hour but not more than fifteen miles per hour, and  
13 three points shall be assessed upon conviction of exceeding by more than  
14 fifteen miles per hour but not more than thirty-five miles per hour the  
15 speed limits provided for in subdivision (1)(e), (f), (g), or (h) of  
16 section 60-6,186; and

17 (d) More than thirty-five miles per hour over the speed limit - 4  
18 points;

19 (11) Failure to yield to a pedestrian not resulting in bodily injury  
20 to a pedestrian - 2 points;

21 (12) Failure to yield to a pedestrian resulting in bodily injury to  
22 a pedestrian - 4 points;

23 (13) Using a handheld wireless communication device in violation of  
24 section 60-6,179.01 or texting while driving in violation of subsection  
25 (1) or (3) of section 60-6,179.02 - 3 points;

26 (14) Using a handheld mobile telephone in violation of subsection  
27 (2) or (4) of section 60-6,179.02 - 3 points;

28 (15) Unlawful obstruction or interference of the view of an operator  
29 in violation of section 60-6,256 - 1 point;

30 (16) A violation of subsection (1) of section 60-6,175 - 3 points;

31 and

1 (17) All other traffic violations involving the operation of motor  
2 vehicles by the operator for which reports to the Department of Motor  
3 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

4 Subdivision (17) of this section does not include violations  
5 involving an occupant protection system or a three-point safety belt  
6 system pursuant to section 60-6,270; ~~τ~~ parking violations; ~~τ~~ violations  
7 for operating a motor vehicle without a valid operator's license in the  
8 operator's possession; ~~τ~~ muffler violations; ~~τ~~ overwidth, overheight, or  
9 overlength violations; autocycle, motorcycle, or moped protective helmet  
10 violations; ~~τ~~ or overloading of trucks.

11 All such points shall be assessed against the driving record of the  
12 operator as of the date of the violation for which conviction was had.  
13 Points may be reduced by the department under section 60-4,188.

14 In all cases, the forfeiture of bail not vacated shall be regarded  
15 as equivalent to the conviction of the offense with which the operator  
16 was charged.

17 The point system shall not apply to persons convicted of traffic  
18 violations committed while operating a bicycle as defined in section  
19 60-611 or an electric personal assistive mobility device as defined in  
20 section 60-618.02.

21 Sec. 21. Section 60-610.01, Revised Statutes Cumulative Supplement,  
22 2016, is amended to read:

23 60-610.01 Autocycle means any motor vehicle (1) having a seat that  
24 does not require the operator to straddle or sit astride it, (2) designed  
25 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
26 ~~operator and passenger ride either side by side or in tandem in a seating~~  
27 ~~area that is completely enclosed with a removable or fixed top and is~~  
28 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
29 ~~roll cage, and for each occupant a manufacturer-installed three point~~  
30 ~~safety belt system,~~ (4) having antilock brakes, (4) and (5) designed to  
31 be controlled with a steering wheel and pedals, and (5) in which the

1 operator and passenger ride either side by side or in tandem in a seating  
2 area that is equipped with a manufacturer-installed three-point safety  
3 belt system for each occupant and that has a seating area that either (a)  
4 is completely enclosed with a removable or fixed top and is equipped with  
5 manufacturer-installed airbags and a manufacturer-installed roll cage or  
6 (b) is not completely enclosed with a removable or fixed top but is  
7 equipped with a manufacturer-installed rollover protection system.

8       Sec. 22. Section 60-639, Revised Statutes Cumulative Supplement,  
9 2016, is amended to read:

10       60-639 Motorcycle shall mean every motor vehicle having a seat or  
11 saddle for the use of the rider and designed to travel on not more than  
12 three wheels in contact with the ground, excluding ~~autocycles~~, tractors,  
13 and electric personal assistive mobility devices. Motorcycle includes an  
14 autocycle.

15       Sec. 23. Section 60-640, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17       60-640     (1) Motor-driven cycle shall mean every motorcycle,  
18 including every motor scooter, with a motor which produces not to exceed  
19 five brake horsepower as measured at the drive shaft, mopeds, and every  
20 bicycle with motor attached except for a bicycle as described in  
21 subdivision (2) of section 60-611. Motor-driven cycle shall not include  
22 an electric personal assistive mobility device.

23       (2) For purposes of this section, motorcycle does not include an  
24 autocycle.

25       Sec. 24. Section 60-6,226, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27       60-6,226 (1) Any motor vehicle having four or more wheels which is  
28 manufactured or assembled, whether from a kit or otherwise, after January  
29 1, 1954, designed or used for the purpose of carrying passengers or  
30 freight, any autocycle, or any trailer, in use on a highway, shall be  
31 equipped with brake and turnsignal lights in good working order.

1           (2) Motorcycles other than autocycles, motor-driven cycles, motor  
2 scooters, bicycles, electric personal assistive mobility devices,  
3 vehicles used solely for agricultural purposes, vehicles not designed and  
4 intended primarily for use on a highway, and, during daylight hours,  
5 fertilizer trailers as defined in section 60-326 and implements of  
6 husbandry designed primarily or exclusively for use in agricultural  
7 operations shall not be required to have or maintain in working order  
8 signal lights required by this section, but they may be so equipped. The  
9 operator thereof shall comply with the requirements for utilizing hand  
10 and arm signals or for utilizing such signal lights if the vehicle is so  
11 equipped.

12           Sec. 25. Section 60-6,244, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           60-6,244 (1) Every motor vehicle when operated upon a highway shall  
15 be equipped with brakes adequate to control the movement of and to stop  
16 and to hold such vehicle, including two separate means of applying the  
17 brakes, each of which means shall be effective to apply the brakes to at  
18 least two wheels and so constructed that no part which is liable to  
19 failure shall be common to the two, except that a motorcycle shall be  
20 required to be equipped with only one brake. All such brakes shall be  
21 maintained at all times in good working order.

22           (2) It shall be unlawful for any owner or operator of any motor  
23 vehicle, other than a motorcycle, to operate such motor vehicle upon a  
24 highway unless the brake equipment thereon qualifies with regard to  
25 maximum stopping distances from a speed of twenty miles per hour on dry  
26 asphalt or concrete pavement free from loose materials as follows:

- 27           (a) Two-wheel brakes, maximum stopping distance, forty feet;  
28           (b) Four or more wheel brakes, vehicles up to seven thousand pounds  
29 gross weight, maximum stopping distance, thirty feet;  
30           (c) Four or more wheel brakes, vehicles seven thousand pounds or  
31 more gross weight, maximum stopping distance, thirty-five feet;

1 (d) All hand, parking, or emergency brakes, vehicles up to seven  
2 thousand pounds gross weight, maximum stopping distance, fifty-five feet;  
3 and

4 (e) All hand, parking, or emergency brakes, vehicles seven thousand  
5 pounds or more gross weight, maximum stopping distance, sixty-five feet.

6 (3) All braking distances specified in this section shall apply to  
7 all vehicles whether unloaded or loaded to the maximum capacity permitted  
8 by law.

9 (4) The retarding force of one side of the vehicle shall not exceed  
10 the retarding force on the opposite side so as to prevent the vehicle  
11 stopping in a straight line.

12 (5) For purposes of this section, motorcycle does not include an  
13 autocycle.

14 Sec. 26. Section 60-6,254, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 60-6,254 (1) No person shall drive a motor vehicle, other than a  
17 motorcycle, on a highway when the motor vehicle is so constructed or  
18 loaded as to prevent the driver from obtaining a view of the highway to  
19 the rear by looking backward from the driver's position unless such  
20 vehicle is equipped with a right-side and a left-side outside mirror so  
21 located as to reflect to the driver a view of the highway for a distance  
22 of at least two hundred feet to the rear of such vehicle. Temporary  
23 outside mirrors and attachments used when towing a vehicle shall be  
24 removed from such motor vehicle or retracted within the outside  
25 dimensions thereof when it is operated upon the highway without such  
26 trailer.

27 (2) For purposes of this section, motorcycle does not include an  
28 autocycle.

29 Sec. 27. Section 60-6,255, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 60-6,255 (1) Every motor vehicle registered pursuant to the Motor

1 Vehicle Registration Act, except motorcycles, shall be equipped with a  
2 front windshield.

3 (2) It shall be unlawful for any person to drive any vehicle upon a  
4 highway with any sign, poster, or other nontransparent material upon the  
5 front windshield, side wing vents, or side or rear windows of such motor  
6 vehicle other than a certificate or other paper required to be so  
7 displayed by law. The front windshield, side wing vents, and side or rear  
8 windows may have a visor or other shade device which is easily moved  
9 aside or removable, is normally used by a motor vehicle operator during  
10 daylight hours, and does not impair the driver's field of vision.

11 (3) Every windshield on a motor vehicle, other than a motorcycle,  
12 shall be equipped with a device for cleaning rain, snow, or other  
13 moisture from the windshield, which device shall be so constructed as to  
14 be controlled or operated by the driver of the vehicle.

15 (4) For purposes of this section, motorcycle does not include an  
16 autocycle.

17 Sec. 28. Section 60-6,263, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 60-6,263 (1) It shall be unlawful to operate on any highway in this  
20 state any motor vehicle, other than a motorcycle, manufactured or  
21 assembled, whether from a kit or otherwise, after January 1, 1935, which  
22 is designed or used for the purpose of carrying passengers unless such  
23 vehicle is equipped in all doors, windows, and windshields with safety  
24 glass. Any windshield attached to a motorcycle shall be manufactured of  
25 products which will successfully withstand discoloration due to exposure  
26 to sunlight or abnormal temperatures over an extended period of time.

27 (2) For purposes of this section, motorcycle does not include an  
28 autocycle.

29 (3) The owner or operator of any motor vehicle operated in violation  
30 of this section shall be guilty of a Class III misdemeanor.

31 Sec. 29. Section 60-6,267, Revised Statutes Supplement, 2017, is

1 amended to read:

2           60-6,267 (1) Any person in Nebraska who drives any motor vehicle  
3 which has or is required to have an occupant protection system or a  
4 three-point safety belt system shall ensure that all children up to six  
5 years of age being transported by such vehicle use a child passenger  
6 restraint system of a type which meets Federal Motor Vehicle Safety  
7 Standard 213 as developed by the National Highway Traffic Safety  
8 Administration, as such standard existed on January 1, 2009, and which is  
9 correctly installed in such vehicle.

10           (2) Any person in Nebraska who drives any motor vehicle which has or  
11 is required to have an occupant protection system or a three-point safety  
12 belt system shall ensure that all children six years of age and less than  
13 eighteen years of age being transported by such vehicle use an occupant  
14 protection system.

15           (3) Subsections (1) and (2) of this section apply to autocycles and  
16 to every motor vehicle which is equipped with an occupant protection  
17 system or is required to be equipped with restraint systems pursuant to  
18 Federal Motor Vehicle Safety Standard 208, as such standard existed on  
19 January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor  
20 vehicle designated by the manufacturer as a 1963 year model or earlier  
21 which is not equipped with an occupant protection system.

22           (4) Whenever any licensed physician determines, through accepted  
23 medical procedures, that use of a child passenger restraint system by a  
24 particular child would be harmful by reason of the child's weight,  
25 physical condition, or other medical reason, the provisions of subsection  
26 (1) or (2) of this section shall be waived. The driver of any vehicle  
27 transporting such a child shall carry on his or her person or in the  
28 vehicle a signed written statement of the physician identifying the child  
29 and stating the grounds for such waiver.

30           (5) The drivers of authorized emergency vehicles shall not be  
31 subject to the requirements of subsection (1) or (2) of this section when



1 operating such authorized emergency vehicles pursuant to their  
2 employment.

3 (6) A driver of a motor vehicle shall not be subject to the  
4 requirements of subsection (1) or (2) of this section if the motor  
5 vehicle is being operated in a parade or exhibition and the parade or  
6 exhibition is being conducted in accordance with applicable state law and  
7 local ordinances and resolutions.

8 (7) The Department of Transportation shall develop and implement an  
9 ongoing statewide public information and education program regarding the  
10 use of child passenger restraint systems and occupant protection systems  
11 and the availability of distribution and discount programs for child  
12 passenger restraint systems.

13 (8) All persons being transported by a motor vehicle operated by a  
14 holder of a provisional operator's permit or a school permit shall use  
15 such motor vehicle's occupant protection system or a three-point safety  
16 belt system.

17 (9) For purposes of this section, motorcycle does not include an  
18 autocycle.

19 Sec. 30. Section 60-6,279, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 60-6,279 (1) A person shall not operate or be a passenger in ~~an~~ an  
22 autocycle described in subsection (2) of this section, on a motorcycle  
23 other than an autocycle, or on a moped on any highway in this state  
24 unless such person is wearing a protective helmet of the type and design  
25 manufactured for use by operators of such vehicles and unless such helmet  
26 is secured properly on his or her head with a chin strap while the  
27 vehicle is in motion. All such protective helmets shall be designed to  
28 reduce injuries to the user resulting from head impacts and shall be  
29 designed to protect the user by remaining on the user's head, deflecting  
30 blows, resisting penetration, and spreading the force of impact. Each  
31 such helmet shall consist of lining, padding, and chin strap and shall

1 meet or exceed the standards established in the United States Department  
2 of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49  
3 C.F.R. 571.218, for motorcycle helmets.

4 (2) This section applies to an autocycle that has a seating area  
5 that is not completely enclosed with a removable or fixed top and is not  
6 equipped with manufacturer-installed airbags and a manufacturer-installed  
7 roll cage.

8 Sec. 31. Section 60-6,306, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 60-6,306 (1) Any person who operates a motorcycle shall have all of  
11 the rights and shall be subject to all of the duties applicable to the  
12 driver of any other vehicle under the Nebraska Rules of the Road except  
13 for special motorcycle regulations in the rules and except for those  
14 provisions of the rules which by their nature can have no application.

15 (2) For purposes of this section, motorcycle does not include an  
16 autocycle.

17 Sec. 32. Section 60-6,307, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 60-6,307 (1) Any person who operates a motorcycle shall ride only  
20 upon a permanent and regular seat attached to the motorcycle. A person  
21 operating a motorcycle shall not carry any other person nor shall any  
22 other person ride on a motorcycle unless such motorcycle is designed to  
23 carry more than one person, in which event a passenger may ride upon the  
24 permanent and regular seat, if designed for two persons, or upon another  
25 seat firmly attached to the motorcycle to the rear or side of the  
26 operator.

27 (2) A person shall ride upon a motorcycle only while sitting astride  
28 the seat, facing forward.

29 (3) No person shall operate a motorcycle while carrying any package,  
30 bundle, or other article which prevents him or her from keeping both  
31 hands on the handlebars.

1 (4) No operator shall carry any person, nor shall any person ride,  
2 in a position that interferes with the operation or control of the  
3 motorcycle or the view of the operator.

4 (5) Any motorcycle which carries a passenger, other than in a  
5 sidecar or enclosed cab, shall be equipped with footrests for such  
6 passenger.

7 (6) No person shall operate any motorcycle with handlebars more than  
8 fifteen inches above the mounting point of the handlebars.

9 (7) For purposes of this section, motorcycle does not include an  
10 autocycle.

11 Sec. 33. Section 60-6,308, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 60-6,308 (1) A motorcycle shall be entitled to full use of a traffic  
14 lane of any highway, and no vehicle shall be driven in such a manner as  
15 to deprive any motorcycle of the full use of such lane, except that  
16 motorcycles may be operated two abreast in a single lane.

17 (2) The operator of a motorcycle shall not overtake and pass in the  
18 same lane occupied by a vehicle being overtaken.

19 (3) No person shall operate a motorcycle between lanes of traffic or  
20 between adjacent lines or rows of vehicles.

21 (4) Motorcycles shall not be operated more than two abreast in a  
22 single lane.

23 (5) Subsections (2) and (3) of this section shall not apply to peace  
24 officers in the performance of their official duties.

25 (6) No person who rides upon a motorcycle shall attach himself,  
26 herself, or the motorcycle to any other vehicle on a roadway.

27 (7) For purposes of this section, motorcycle does not include an  
28 autocycle.

29 Sec. 34. Section 60-6,313, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 60-6,313 (1) A moped shall be entitled to full use of a traffic lane

1 of any highway with an authorized speed limit of forty-five miles per  
2 hour or less, and no vehicle shall be operated in such a manner as to  
3 deprive any moped of the full use of such lane, except that mopeds and  
4 motorcycles may be operated two abreast in a single lane.

5 (2) No person shall operate a moped between lanes of traffic or  
6 between adjacent lines or rows of vehicles.

7 (3) Mopeds shall not be operated more than two abreast in a single  
8 lane.

9 (4) Any person who operates a moped on a roadway with an authorized  
10 speed limit of more than forty-five miles per hour shall ride as near to  
11 the right side of the roadway as practicable and shall not ride more than  
12 single file.

13 (5) No person who rides upon a moped shall attach himself, herself,  
14 or the moped to any other vehicle on a roadway.

15 (6) Mopeds shall not be operated on the National System of  
16 Interstate and Defense Highways or on sidewalks.

17 (7) Notwithstanding the maximum speed limits in excess of twenty-  
18 five miles per hour established in section 60-6,186, no person shall  
19 operate any moped at a speed in excess of thirty miles per hour.

20 (8) For purposes of this section, motorcycle does not include an  
21 autocycle.

22 Sec. 35. Section 60-1401.28, Revised Statutes Cumulative Supplement,  
23 2016, is amended to read:

24 60-1401.28 Motorcycle means every motor vehicle, except a tractor,  
25 having a seat or saddle for use of the rider and designed to travel on  
26 not more than three wheels in contact with the ground and for which  
27 evidence of title is required as a condition precedent to registration  
28 under the laws of this state. Motorcycle includes ~~does not include~~ an  
29 autocycle.

30 Sec. 36. Section 60-1401.42, Revised Statutes Cumulative Supplement,  
31 2016, is amended to read:

1           60-1401.42 Autocycle means any motor vehicle (1) having a seat that  
2 does not require the operator to straddle or sit astride it, (2) designed  
3 to travel on three wheels in contact with the ground, (3) ~~in which the~~  
4 ~~operator and passenger ride either side by side or in tandem in a seating~~  
5 ~~area that is completely enclosed with a removable or fixed top and is~~  
6 ~~equipped with manufacturer-installed air bags, a manufacturer-installed~~  
7 ~~roll cage, and for each occupant a manufacturer-installed three-point~~  
8 ~~safety belt system, (4) having antilock brakes, (4) and (5) designed to~~  
9 be controlled with a steering wheel and pedals, and (5) in which the  
10 operator and passenger ride either side by side or in tandem in a seating  
11 area that is equipped with a manufacturer-installed three-point safety  
12 belt system for each occupant and that has a seating area that either (a)  
13 is completely enclosed with a removable or fixed top and is equipped with  
14 manufacturer-installed airbags and a manufacturer-installed roll cage or  
15 (b) is not completely enclosed with a removable or fixed top but is  
16 equipped with a manufacturer-installed rollover protection system.

17           Sec. 37. Section 69-2441, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19           69-2441 (1)(a) A permitholder may carry a concealed handgun anywhere  
20 in Nebraska, except any: Police, sheriff, or Nebraska State Patrol  
21 station or office; detention facility, prison, or jail; courtroom or  
22 building which contains a courtroom; polling place during a bona fide  
23 election; meeting of the governing body of a county, public school  
24 district, municipality, or other political subdivision; meeting of the  
25 Legislature or a committee of the Legislature; financial institution;  
26 professional or semiprofessional athletic event; building, grounds,  
27 vehicle, or sponsored activity or athletic event of any public, private,  
28 denominational, or parochial elementary, vocational, or secondary school,  
29 a private postsecondary career school as defined in section 85-1603, a  
30 community college, or a public or private college, junior college, or  
31 university; place of worship; hospital, emergency room, or trauma center;

1 political rally or fundraiser; establishment having a license issued  
2 under the Nebraska Liquor Control Act that derives over one-half of its  
3 total income from the sale of alcoholic liquor; place where the  
4 possession or carrying of a firearm is prohibited by state or federal  
5 law; a place or premises where the person, persons, entity, or entities  
6 in control of the property or employer in control of the property has  
7 prohibited permitholders from carrying concealed handguns into or onto  
8 the place or premises; or into or onto any other place or premises where  
9 handguns are prohibited by state law.

10 (b) A financial institution may authorize its security personnel to  
11 carry concealed handguns in the financial institution while on duty so  
12 long as each member of the security personnel, as authorized, is in  
13 compliance with the Concealed Handgun Permit Act and possesses a permit  
14 to carry a concealed handgun issued pursuant to the act.

15 (c) A place of worship may authorize its security personnel to carry  
16 concealed handguns on its property so long as each member of the security  
17 personnel, as authorized, is in compliance with the Concealed Handgun  
18 Permit Act and possesses a permit to carry a concealed handgun issued  
19 pursuant to the act and written notice is given to the congregation and,  
20 if the property is leased, the carrying of concealed handguns on the  
21 property does not violate the terms of any real property lease agreement  
22 between the place of worship and the lessor.

23 (2) If a person, persons, entity, or entities in control of the  
24 property or an employer in control of the property prohibits a  
25 permitholder from carrying a concealed handgun into or onto the place or  
26 premises and such place or premises are open to the public, a  
27 permitholder does not violate this section unless the person, persons,  
28 entity, or entities in control of the property or employer in control of  
29 the property has posted conspicuous notice that carrying a concealed  
30 handgun is prohibited in or on the place or premises or has made a  
31 request, directly or through an authorized representative or management

1 personnel, that the permitholder remove the concealed handgun from the  
2 place or premises.

3 (3) A permitholder carrying a concealed handgun in a vehicle or on  
4 his or her person while riding in or on a vehicle into or onto any  
5 parking area, which is open to the public, used by any location listed in  
6 subdivision (1)(a) of this section, does not violate this section if,  
7 prior to exiting the vehicle, the handgun is locked inside the glove box,  
8 trunk, or other compartment of the vehicle, a storage box securely  
9 attached to the vehicle, or, if the vehicle is a motorcycle, other than  
10 an autocycle, a hardened compartment securely attached to the motorcycle.  
11 This subsection does not apply to any parking area used by such location  
12 when the carrying of a concealed handgun into or onto such parking area  
13 is prohibited by federal law.

14 (4) An employer may prohibit employees or other persons who are  
15 permitholders from carrying concealed handguns in vehicles owned by the  
16 employer.

17 (5) A permitholder shall not carry a concealed handgun while he or  
18 she is consuming alcohol or while the permitholder has remaining in his  
19 or her blood, urine, or breath any previously consumed alcohol or any  
20 controlled substance as defined in section 28-401. A permitholder does  
21 not violate this subsection if the controlled substance in his or her  
22 blood, urine, or breath was lawfully obtained and was taken in  
23 therapeutically prescribed amounts.

24 Sec. 38. Original sections 28-1204.04, 60-191, 60-378, 60-4,128,  
25 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307,  
26 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska,  
27 sections 60-104.01, 60-124, 60-309.01, 60-340, 60-3,100, 60-3,143,  
28 60-3,187, 60-3,190, 60-463.02, 60-480, 60-4,123, 60-4,123.01, 60-4,124,  
29 60-4,127, 60-4,182, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401.28, and  
30 60-1401.42, Revised Statutes Cumulative Supplement, 2016, and sections  
31 60-363 and 60-6,267, Revised Statutes Supplement, 2017, are repealed.