

LEGISLATIVE BILL 1004

Approved by the Governor April 2, 2024

Introduced by Hansen, 16; Halloran, 33; Albrecht, 17.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,279 and 60-6,282, Revised Statutes Supplement, 2023; to change provisions relating to protective helmets; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 60-6,279, Revised Statutes Supplement, 2023, is amended to read:

60-6,279 (1) A person shall not operate ~~or be a passenger on~~ a motorcycle or moped on any highway in this state unless such person is:

(a) 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 the user's 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; or

~~(b) Beginning January 1, 2024:~~

~~(b)(i) (i) At least twenty-one years of age; and~~

~~(ii)(A) Has a Nebraska Class M license and received such Class M license prior to May 1, 2024, and has completed the Motorcycle Safety Foundation three-hour Basic eCourse and submitted proof of such completion to the Department of Motor Vehicles. Proof of such completion shall be in a manner approved by the department;~~

~~(B) Has a Nebraska Class M license and received such Class M license on or after May 1, 2024, and (ii)(A) For a resident of Nebraska, has completed the basic motorcycle safety course as provided in the Motorcycle Safety Education Act and submitted proof of such completion to the Department of Motor Vehicles. Proof of such completion shall be in a manner approved by the department; or~~

~~(C) Has a license to operate a motorcycle issued by another state. (B) For a nonresident of Nebraska, has completed an equivalent to the Motorcycle Safety Foundation basic motorcycle rider course or some other substantially similar motorcycle rider course approved by the state of the person's residence and provides proof of such completion to a law enforcement officer upon request.~~

~~(2) A person shall not be a passenger on a motorcycle or moped on any highway in this state unless:~~

~~(a) Such person is wearing a protective helmet described in subdivision (1)(a) of this section; or~~

~~(b)(i) Such person is at least twenty-one years of age; and~~

~~(ii) The person operating the motorcycle or moped is a person described in subdivision (1)(b) of this section.~~

~~(3) (2) The Department of Motor Vehicles shall modify the existing system of the department by January 1, 2024, to allow the date of completion of such course to be recorded on the person's record provided for in section 60-483.~~

~~(4) (3) A person shall not operate a motorcycle or moped on any highway in this state unless such person employs one of the following forms of eye protection: (a) Glasses that cover the orbital region of the person's face, (b) a protective face shield attached to a protective helmet, (c) goggles, or (d) a windshield on the motorcycle or moped that protects the operator's and passenger's horizontal line of vision in all operating positions.~~

Sec. 2. Section 60-6,282, Revised Statutes Supplement, 2023, is amended to read:

~~60-6,282 (1) Until December 31, 2023, a person who violates section 60-6,279 shall be guilty of a traffic infraction and shall be fined fifty dollars.~~

~~(2) Beginning January 1, 2024:~~

~~(1) (a) A person violating any provision of subsection (1), (2), or (4) or (3) of section 60-6,279 shall be guilty of an infraction as defined in section 29-431 and shall be fined two hundred fifty dollars for each violation.~~

~~(2) (b) Enforcement of subsection (1), (2), or (4) or (3) of section 60-6,279 shall be accomplished only as a secondary action when an operator of a motorcycle or moped has been cited or charged with a violation or some other offense unless the violation involves a person under the age of eighteen years riding on any portion of the motorcycle or moped not designed or intended for the use of passengers when the motorcycle or moped is in motion.~~

Sec. 3. Original sections 60-6,279 and 60-6,282, Revised Statutes Supplement, 2023, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.