

## LEGISLATIVE BILL 328

Approved by the Governor May 22, 1975

Introduced by Public Works Committee, Kremer, 34, Chmn.; Warner, 25; Wiltse, 1; Moylan, 6; Cavanaugh, 9; Kelly, 35

AN ACT to amend sections 60-403.02 and 60-403.04, Reissue Revised Statutes of Nebraska, 1943, section 60-403.01, Revised Statutes Supplement, 1974, and section 39-669.26, Revised Statutes Supplement, 1974, as amended by section 4, Legislative Bill 381, Eighty-fourth Legislature, First Session, 1975, relating to motor vehicles; to require motorcycle protective headgear as prescribed; to provide an exception; to harmonize with other legislation; and to repeal the original sections.

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

Section 1. That section 39-669.26, Revised Statutes Supplement, 1974, as amended by section 4, Legislative Bill 381, Eighty-fourth Legislature, First Session, 1975, be amended to read as follows:

39-669.26. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

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

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-669.07, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the

time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug in violation of any city or village ordinance or of section 39-669.07 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 39-669.03 or 39-669.05 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

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

(9) Reckless driving in violation of any city or village ordinance or of section 39-669.01 -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; (c) more than ten miles per hour over the speed limit -- 3 points; provided, that no points shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limit on any part of the National System of Interstate and Defense Highways; and provided further, that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour, the speed limits provided for in subdivision (2) (c) or (d) of section 39-662 or subdivision (1) (c), (d), or (e), (2) (c), (d), or (e), or (4) (c) or (d) of section 39-666 except as provided in the first proviso in this subdivision; and

(11) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-669.22 and 39-669.23, not including parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, motorcycle protective headgear violations, or overloading of trucks

-- 2 points.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had.

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

Sec. 2. That section 60-403.01, Revised Statutes Supplement, 1974, be amended to read as follows:

60-403.01. No person shall operate a motorcycle on the streets, alleys, or public highways of the State of Nebraska until such person shall have obtained a motorcycle operator's license or permit. No such license or permit shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he meets the vision and physical requirements established under the provisions of section 60-407 for operation of a motor vehicle, and (2) successfully completed such examination, including the actual operation of a motorcycle, as may be prescribed by the Director of Motor Vehicles. Any applicant who qualifies for a motorcycle operator's license or permit shall be issued a license or permit for such operation or, if he is the holder of a valid motor vehicle operator's license, shall have endorsed thereon by the county treasurer, upon receipt of the examiner's certificate, the authorization to operate a motorcycle. Fees for motorcycle operators' licenses shall be the same as provided by section 60-409 for motor vehicle operators' licenses. A person operating a motorcycle without a motorcycle operator's license or permit shall be guilty of a misdemeanor traffic infraction, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars.

Sec. 3. That section 60-403.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.02. (1) Except as provided in subsection (2) of this section, no No person shall operate or be a passenger on a motorcycle in this state unless he is wearing protective headgear which meets the standards set by the Department of Motor Vehicles for such protective headgear. ~~The Department of Motor Vehicles shall establish and publish such standards and they must not be lower than the specifications of the American Standards Association specifications for protective headgear for~~

vehicle-users-890.1-1966: shall be certified as meeting one of the following standards: (a) The American National Standards Institute, Standard Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1-1971, supplemented by Standard ANSI Z90.1A-1973; (b) the Standard for Protective Headgear: 1970, established by the Snell Memorial Foundation, Inc.; or (c) the Federal Motor Vehicle Safety Standard No. 218, Motorcycle Helmets. Such standards shall have the same force and effect as if set out verbatim in this section.

(2) The provisions of subsection (1) of this section shall not apply to any person participating in any parade function authorized by any unit of government.

Sec. 4. That section 60-403.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-403.04. Whoever violates the provisions of section 60-403.01 or 60-403.02, shall be guilty of a misdemeanor traffic infraction and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars.

Sec. 5. That original sections 60-403.02 and 60-403.04, Reissue Revised Statutes of Nebraska, 1943, section 60-403.01, Revised Statutes Supplement, 1974, and section 39-669.26, Revised Statutes Supplement, 1974, as amended by section 4, Legislative Bill 381, Eighty-fourth Legislature, First Session, 1975, are repealed.