

## LEGISLATIVE BILL 22

Approved by the Governor May 14, 1981

Introduced by Landis, 46

AN ACT relating to motorcycles; to amend sections 60-336, 60-403.01, and 60-409.02, Reissue Revised Statutes of Nebraska, 1943, and section 39-2215, Revised Statutes Supplement, 1980; to define terms; to provide a motorcycle safety education course; to provide duties; to create a fund; to provide reimbursement for certain instruction as prescribed; to change distribution of certain funds; to change a fee; to change licensing examination provisions as prescribed; and to repeal the original sections.

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

Section 1. As used in this act, unless the context otherwise requires:

(1) Approved motorcycle safety course shall mean a course of instruction for motorcycle operators approved by the State Department of Education as meeting the requirements established under section 2 of this act;

(2) Approved motorcycle safety instructor shall mean a person who has been issued a permit by the State Department of Education to teach an approved motorcycle safety course;

(3) Commissioner shall mean the Commissioner of Education;

(4) Department shall mean the State Department of Education; and

(5) Fund shall mean the Motorcycle Safety Education Fund created in section 11 of this act.

Sec. 2. The department shall establish minimum requirements for motorcycle safety courses which qualify for reimbursement under this act. The courses shall be designed to develop and instill the knowledge, attitudes, habits, and skills necessary for safe operation of a motorcycle. Minimum requirements for a course shall include, but not be limited to:

(1) At least eight hours of classroom instruction and sufficient laboratory instruction time for the

student to apply and practice through observation and actual driving experience what has been learned in the classroom;

(2) At least twelve hours of laboratory instruction time which includes actual driving of a motorcycle by the student; and

(3) Classroom and laboratory instruction shall be scheduled in an integrated and correlated sequence with laboratory driving experience for a particular unit of instruction following the relevant classroom instruction for that unit.

Sec. 3. A person teaching a motorcycle safety course for which reimbursement will be requested shall submit to the commissioner a request for approval of such course. The commissioner shall approve such course if it meets the requirements of section 2 of this act.

Sec. 4. The commissioner shall establish minimum education requirements for motorcycle safety instructors. The commissioner shall issue a permit in the manner and form prescribed by the commissioner to instructor applicants who meet such requirements. The minimum requirements shall include, but not be limited to:

(1) The applicant shall have a high school diploma or equivalent education;

(2) The applicant shall have a valid motorcycle operator's license or permit or a valid motor vehicle operator's license which has endorsed thereon the authorization to operate a motorcycle, and shall have at least two years motorcycle driving experience;

(3) The applicant's operator's license shall not have been suspended or revoked at any time during the immediately preceding two-year period;

(4) The applicant shall have passed an approved motorcycle safety instructor's course established pursuant to section 5 of this act; and

(5) If the course is taught as a part of the curriculum of a public or private secondary school, the applicant shall hold a certificate or permit valid for teaching issued by the commissioner.

Sec. 5. The department shall develop a motorcycle safety instructor preparation course. Such course shall insure that the instructor is familiar with

the material included in an approved motorcycle safety course. To pass such course the instructor shall display knowledge of the course material which he or she will be teaching, knowledge of safe motorcycle operating practices, and an aptitude for instructing students.

Sec. 6. All permits issued under section 4 of this act shall be valid for two years and may be renewed upon application to the commissioner as prescribed by the regulations of the department. Each application for a new or renewal motorcycle safety instructor's permit shall be accompanied by a fee of five dollars. The fees collected under this section shall be placed in the state treasury and by the State Treasurer credited to the General Fund. No fee shall be refunded in the event that the permit is rejected, suspended, or revoked.

Sec. 7. The commissioner may cancel, suspend, revoke, or refuse to issue or renew a motorcycle safety instructor's permit in any case when the commissioner finds the permittee or applicant has not complied with or has violated this act or any regulation adopted by the commissioner. A suspended or revoked permit shall be returned to the commissioner by the permittee, and its holder shall not be eligible to apply for a permit under section 4 of this act until twelve months have elapsed since the date of such suspension or revocation. Any action taken by the commissioner to cancel, suspend, revoke, or refuse to issue or renew a permit, and any appeal from such a decision by the commissioner, shall comply with the provisions of Chapter 84, article 9.

Sec. 8. That section 39-2215, Revised Statutes Supplement, 1980, be amended to read as follows:

39-2215. There is hereby created in the state treasury a special fund to be known as the Highway Trust Fund. All motor fuel taxes and special fuel taxes related to highway use retained by the state, all motor vehicle registration fees retained by the state, and such other highway-user taxes which may be imposed by state law and allocated to the fund are hereby irrevocably pledged for the terms of the bonds to the payment of the principal, interest, and redemption premium, if any, of such bonds as they mature and become due at maturity or prior redemption, and for any reserves therefor and shall, as received by the State Treasurer, be deposited in the fund for such purpose. Of the money in the fund not required for such use (1) an amount equal to two dollars and fifty cents times the number of motorcycles registered during the previous month shall be placed in the Motorcycle Safety Education Fund, (2) an amount not to exceed the equivalent of one cent per gallon of the

money collected pursuant to sections 66-410, 66-428, and 66-605 shall be placed in the Alcohol Plant Fund only when calls or demands are made on such fund pursuant to lease agreements entered into under this act, and ~~(2)~~ (3) the remaining money in the Highway Trust Fund may be used for the purchase for retirement of the bonds in the open market or for any other lawful purpose and the balance shall be transferred monthly to the Highway Allocation Fund, established by section 39-2401, for such use as may be provided by law. Any amounts in the Alcohol Plant Fund not utilized for purposes stated in section 66-828 may, in the discretion of the Governor, be used for the purchase for retirement of bonds authorized in this section or by section 66-829 in the open market or for any other lawful purpose, including transfer to the Highway Allocation Fund established by section 39-2401. The State Treasurer shall disburse the money in the Highway Trust Fund as directed by resolution of the commission. The money deposited in the Highway Trust Fund shall be invested in the manner provided by law. The earnings therefrom, if any, shall be credited to the fund. All disbursements for the Highway Trust Fund shall be made upon warrants drawn by the Director of Administrative Services. Any money in the Highway Trust Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 9. That section 60-336, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-336. For the registration of every motorcycle, the fee shall be three five dollars and fifty cents.

Sec. 10. That section 60-409.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-409.02. Commencing September 1, 1964, and on September 1 of each year thereafter, the balance of the Driver Education Fund, after (1) the administration expenses have been deducted and (2) an amount equal to two dollars and fifty cents times the number of original or renewal motorcycle only operator's licenses or permits issued under section 60-403.01 during the previous year has been transferred to the Motorcycle Safety Education Fund, shall be apportioned to the public school districts of the state on the basis of the lesser of the actual cost of the driver education program or forty dollars for each student having satisfactorily completed a course of driver education in the immediately preceding

twelve-month period as certified by the Commissioner of Education. Such apportionment shall be made on the basis of an application and certification by the local school superintendents to the Commissioner of Education. In the event that the funds are insufficient to be apportioned on the basis of the lesser of the cost or forty dollars per student, such funds shall be prorated among the public school districts participating in the driver education program on the basis of the total number of students completing the course in the immediately preceding twelve-month period. Any balance remaining in the Driver Education Fund at the end of the biennium shall be reappropriated.

Sec. 11. There is hereby created a Motorcycle Safety Education Fund in the state treasury which shall consist of money transferred pursuant to sections 39-2215 and 60-409.02 and such money as may be appropriated by the legislature. The fund shall be used for the administration of this act and to reimburse approved schools, businesses, or organizations for teaching approved motorcycle safety courses as provided in section 12 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1259.

Sec. 12. A school, business, or organization teaching a motorcycle safety course shall be eligible for reimbursement for the cost of teaching such course to any student if (1) the teacher is an approved motorcycle safety instructor, (2) the course is approved by the department, (3) the student taking the course had a learner's permit while enrolled in the class, and (4) each student for whom reimbursement is claimed satisfactorily completed the course. The amount of reimbursement shall be determined under section 13 of this act.

Sec. 13. Commencing November 1, 1982, and on November 1 of each year thereafter, the balance of the Motorcycle Safety Education Fund, after the administration expenses have been deducted, shall be apportioned to the school, business, or organization teaching an approved motorcycle safety course on the basis of the lesser of the actual cost of the course or forty dollars for each student having satisfactorily completed an approved motorcycle safety course in the immediately preceding twelve-month period as certified by the commissioner. Such apportionment shall be made on the basis of an application and certification by the approved school, business, or organization to the commissioner. In the event that the funds are insufficient to be apportioned on the basis of the lesser

of the actual cost of the course or forty dollars per student, such funds shall be prorated among the approved schools, businesses, or organizations teaching approved motorcycle safety courses on the basis of the total number of students completing the course in the immediately preceding twelve-month period. Any balance remaining in the fund at the end of the fiscal year shall be reappropriated.

Sec. 14. The commissioner shall adopt and promulgate such rules and regulations for the administration and enforcement of this act as are necessary. In adopting such rules and regulations, the commissioner shall comply with Chapter 84, article 9.

Sec. 15. That section 60-403.01, Reissue Revised Statutes of Nebraska, 1943, 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 or she 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, except that an examiner may waive the requirement of actual operation of a motorcycle if the applicant has successfully completed an approved motorcycle safety course. Any applicant who qualifies for a motorcycle operator's license or permit shall be issued a license or permit for such operation by the county treasurer, to which license shall be affixed a color photograph as provided for the issuance of a motor vehicle operator's license or, if he or she 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 traffic infraction, and shall, upon conviction thereof, be fined not less than ten dollars nor more than one hundred dollars.

Sec. 15. That original sections 60-336, 60-403.01, and 60-409.02, Reissue Revised Statutes of Nebraska, 1943, and section 39-2215, Revised Statutes

Supplement, 1980, are repealed.