

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB91

Hearing Date: Tuesday January 24, 2023
Committee On: Transportation and Telecommunications
Introducer: Hansen, B.
One Liner: Change motorcycle, moped, and autocycle helmet and eye protection provisions

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

Vote Results:

Aye:	5	Senators Brandt, DeBoer, DeKay, Fredrickson, Geist
Nay:	2	Senators Bostelman, Moser
Absent:		
Present Not Voting:	1	Senator Cavanaugh, M.

Testimony:

Proponents:

Ben Hansen
Dave Bloomfield
Randall Geer
Todd C. Miller
Kent Rogert

Representing:

Introducer
Self
ABATE of Nebraska
ABATE of Nebraska
ABATE of Nebraska

Opponents:

Eric Koeppel
Daniel Rosenquist
Jerry Stilmock

Alicia Gentle

John Lefler Jr.
Robert M. Bell
Julia Keown
Dr. Brooke Mortough

Joshua Wilderman
Gary Hausmann
Dr. Scot Adams
Mark Richardson

Representing:

National Safety Council - Nebraska
Nebraska Medical Association
Nebraska State Volunteer Firefighters Association,
Nebraska Fire Chiefs Association
CHI Health, Nebraska Emergency Nurses' Association,
Creighton University Medical Center- Bergan Mercy Trauma
Department
Nebraska Safety Council
Nebraska Insurance Federation
Nebraska Nurses Association
Madonna Rehabilitation Hospitals, Nebraska Hospital
Association
Self
Self
Self
Nebraska Association of Trial Attorneys

Neutral:

Representing:

Summary of purpose and/or changes:

Amends section 60-6,279; Protective Helmets Required.

Amends current law requiring use of a protective helmet meeting federal safety standards by the operator and all passengers on motorcycles or certain auto cycles operated upon public roads.

The section is amended as follows:

The requirement to wear a helmet remains, except for Individuals at least 21 years of age who have completed a basic motorcycle safety course; and

No individual shall operate a motorcycle unless they use eye protection such as glasses, a face shield attached to a helmet, goggles, or a windshield attached to the motorcycle.

The helmet requirement for auto cycles that are not fully enclosed is eliminated.

Explanation of amendments:

The Committee considered and adopted an amendment which accomplishes the following:

The Standing Committee Amendment substitutes for the bill. LB 91 as introduced is retained with the following changes made:

- 1) The changes made in motorcycle helmet requirements becomes operative on January 1, 2024;
- 2) Nonresidents over 20 years of age may avoid the helmet requirement upon a showing of completion of a course equivalent to the Motorcycle Safety Foundation basic motorcycle rider course or equivalent course approved by the person's state of residence;
- 3) The Department of Motor Vehicles shall modifying the driver information record system to allow the date of completion of a motorcycle safety course to be recorded;
- 4) The current penalty for a violation of the mandatory motorcycle helmet requirement is classified as a traffic infraction and a fine of \$50 is prescribed. The amendment provides that a violation shall be an infraction and the violator shall be fined \$250 for each violation; and
- 5) Enforcement of violations of the helmet requirement for operator's over 18 years of age, and passengers of any age shall be accomplished only as a secondary enforcement action. Any violation of the helmet requirement by an operator under the age of 18 shall be primary violation.

Suzanne Geist, Chairperson