

LEGISLATIVE BILL 1089

Approved by the Governor April 12, 1984

Introduced by Landis, 46

AN ACT relating to motorcycle safety education; to amend sections 60-336, 60-2109, 60-2113, and 60-2118, Revised Statutes Supplement, 1982, and sections 39-2215 and 60-2116, Revised Statutes Supplement, 1983; to change provisions relating to the Motorcycle Safety Education Fund; to change a fee; to change provisions relating to instructor preparation courses; to provide for educational assistance; to provide for reimbursements; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 39-2215, Revised Statutes Supplement, 1983, 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 one dollar ~~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, to be determined annually by the Legislature through the appropriations process, shall be transferred to the License Plate Cash Fund as needed to meet the current obligations associated with the manufacture of license plates and stickers or tabs provided for in sections 60-311, 60-311.02, and 60-1804, as certified by the Director of Motor Vehicles, and (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. 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 72-1269.

Sec. 2. That section 60-336, Revised Statutes Supplement, 1982, be amended to read as follows:

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

Sec. 3. That section 60-2109, Revised Statutes Supplement, 1982, be amended to read as follows:

60-2109. As used in this act and section 7 of 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 60-2110;

(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 60-2116.

Sec. 4. That section 60-2113, Revised Statutes Supplement, 1982, be amended to read as follows:

60-2113. (1) 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.

(2) The department shall establish requirements for admission to the motorcycle safety instructor preparation course for persons who are also applying for reimbursement under section 7 of this act. Such requirements shall include:

(a) Written agreement by the person seeking to attend the course that he or she will, upon successful completion, teach at least one approved motorcycle safety course in the state; and

(b) A written statement from a holder of a current motorcycle safety instructor's permit or a person serving as an administrator in an education-related profession endorsing such person for participation in the course and reimbursement under section 7 of this act.

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. 5. That section 60-2116, Revised Statutes Supplement, 1983, be amended to read as follows:

60-2116. 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 60-2117, and to provide educational assistance pursuant to section 7 of this act. Money in such fund may be used for transfers to the General Fund at the direction of the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 6. That section 60-2118, Revised Statutes Supplement, 1982, be amended to read as follows:

60-2118. 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~~ fifty 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~~ fifty 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 may be used for educational assistance as prescribed in section 7 of this act. ~~at the end of the fiscal year shall be reappropriated.~~

Sec. 7. The department may expend any amount remaining in the Motorcycle Safety Education Fund after the apportionment made pursuant to section 60-2118 for reimbursement to persons who successfully complete a motorcycle safety instructor preparation course. Such reimbursement shall be made to not more than eight persons per year and shall not exceed two hundred fifty dollars per

person. The reimbursement may include reimbursement for meals, housing, tuition, and similar costs. The department may adopt and promulgate rules and regulations to carry out this section.

Sec. 8. That original sections 60-336, 60-2109, 60-2113, and 60-2118, Revised Statutes Supplement, 1982, and sections 39-2215 and 60-2116, Revised Statutes Supplement, 1983, are repealed.

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. 5. That section 60-2116, Revised Statutes Supplement, 1983, be amended to read as follows:

60-2116. 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 60-2117, and to provide educational assistance pursuant to section 7 of this act. Money in such fund may be used for transfers to the General Fund at the direction of the Legislature. Any money in the fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 6. That section 60-2118, Revised Statutes Supplement, 1982, be amended to read as follows:

60-2118. 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~~ fifty 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~~ fifty 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 may be used for educational assistance as prescribed in section 7 of this act. ~~at the end of the fiscal year shall be reapportioned.~~

Sec. 7. The department may expend any amount remaining in the Motorcycle Safety Education Fund after the apportionment made pursuant to section 60-2118 for reimbursement to persons who successfully complete a motorcycle safety instructor preparation course. Such reimbursement shall be made to not more than eight persons per year and shall not exceed two hundred fifty dollars per

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