

**ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016**  
**COMMITTEE STATEMENT**  
**LB900**

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**Hearing Date:** Monday February 01, 2016  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Bloomfield  
**One Liner:** Change motorcycle and moped helmet provisions, motorcycle registration fees, rename the Health Advisory Board, and create the brain injury services program and a fund

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

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**Vote Results:**

<b>Aye:</b>	6	Senators Smith, Brasch, Davis, Friesen, Garrett, McCoy
<b>Nay:</b>	1	Senator Seiler
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Murante

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**Verbal Testimony:**

**Proponents:**

Dave Bloomfield  
Rod Krogh  
Roger Ites  
Ronald Murtaugh  
Scott Von Minden  
Michael McHale  
C. Loyd Hermanson  
Gary Boldra  
Gary Neeman  
Jesse Wragge  
Larry Dickes

**Representing:**

Introducer  
Self  
Self  
Self  
Self  
ABATE  
Self  
Self  
ABATE  
Self  
ABATE

**Opponents:**

Robert Lake  
David Halen  
Duane Schroeder  
William Mulherin  
Kevin Ingalls  
Beverly Reicks  
Reginald Burton  
Taylor Graham  
Lori Terryberry-Spohr  
Scott Adams  
Brad Meurrens  
Jordan Warchol  
Roger Meyer  
Rosemary White  
Laurie Klosterboer

**Representing:**

Self  
Self  
Self  
Self  
Self  
National Safety Council Nebraska  
Self  
Self  
Madonna Rehab  
Brain Injury Association of Nebraska  
Disability Rights Nebraska  
Nebraska Medical Association  
Self  
AAA and the Auto Club Group  
Nebraska Safety Council

Andy Hale  
Colleen Nielsen

Tad Frazier

Nebraska Hospital Association  
State Farm and Nebraska Insurance Information  
Service  
American Insurance Association

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Amends section 60-6,279 (Section 9 of the bill) - mandatory motorcycle helmet use.

The section is amended as follows:

Individuals over 20 years of age shall be exempt from the mandatory helmet use requirement;

Any person operating a motorcycle or moped shall utilize eye protection; and

No person under 8 years of age shall be a passenger on any motorcycle or moped.

Amends section 60-4,128 (Section 8 of the bill) penalty operating a motorcycle or moped without a Class M operator's license.

The current penalty for operating a motorcycle or moped without a Class M operator's license is a traffic infraction. The penalty is a fine of not less than \$10 nor more than \$50.

The bill revises the penalty range to not less than \$50 nor more than \$150.

Amends section 60-3,153 (Section 1 of the bill) motorcycles- registration fee.

Current law provides that the registration fee for a motorcycle is \$6. The proceeds are deposited to the Highway Trust Fund. The bill provides that an additional fee of \$19 shall be charged upon registration of a motorcycle. Such fee is to be deposited to the Motorcycle Safety and Brain Injury Trust Fund.

Enacts a new provision of law (section 10 of the bill). Creates the Motorcycle Safety and Brain Injury Trust Fund.

The fund is to be administered by the Health Advisory, Safety, and Brain injury Trust Fund Board.

The fund shall meet the needs of individuals with brain injury, provide motorcycle safety and awareness education, and pay the expenses for the operation the Board. (No more than 2.5% of the fund may be used for motorcycle awareness and education and no more than 10% for administrative expenses of the Board.)

A brain injury services program shall be established within 60 days of the operative date of the act.

The Department of Motor Vehicles Health Advisory Board is renamed as the Health Advisory, Safety and Brain Injury Trust Fund Board. The current board consists of 6 members:

- 1 General practice physician
- 1 Ophthalmologist
- 1 Orthopedic surgeon
- 1 Neurologist
- 1 Optometrist
- 1 Psychiatrist

The Board is expanded with the addition of 6 additional members:

- 1 Representative of a public or private health organization
- 1 Representative of a disability advisory or planning group
- 1 Service provider for individuals with brain injury
- 1 Individual with brain injury
- 1 Family member of an individual with brain injury

1 Member of the general public

The Director of Public Health and the Director of Motor Vehicles shall serve as ex officio members.

The Board shall meet no more than once per quarter.

The Board is to administer the Motorcycle, Safety and Brain Injury Trust Fund.

The bill repeals outright section 60-2132.01- obsolete language related to the Motorcycle Safety Education fund, the section states:

Within sixty days after January 1, 2012, twenty-five percent of the money remaining in the Motorcycle Safety Education Fund shall be transferred to the Department of Motor Vehicles Cash Fund and seventy-five percent of the money remaining in the Motorcycle Safety Education Fund shall be transferred to the Highway Trust Fund. The Motorcycle Safety Education Fund shall be eliminated on such date after the transfers are made.

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**Explanation of amendments:**

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

(1) The Committee amendment substitutes for the bill. The amendment retains the original language of the bill relating to the modification of the requirements as to the usage of motorcycle helmets, the annual \$19 registration fee increase for motorcycles; and the establishment of a board that is tasked with the issue of promoting motorcycle safety and meeting the needs of individuals with brain injury;

(2) The title of the proposed Healthy Advisory, Safety, and Brain Injury Board and associated Trust Fund is changed to the Motorcycle Safety and Brain Injury Board and Trust Fund;

(3) The purpose and function of the new Motorcycle Safety and Brain Injury Trust Fund remains as proposed in the introduced bill. However the membership is modified. The bill as introduced expanded the existing Health Advisory Board housed within the Department of Motor Vehicles by adding six new members to the existing board. The amendment repeals the existing statutory authority for the current Health Advisory Board (this was proposed by the Department of Motor Vehicles- LB 989). The Committee Amendment organizes the new Motorcycle and Brain Injury Board as a nine member body- three members from the following areas of medicine: general practice; neurological medicine and surgery; orthopedic surgery, or psychiatry plus the six members prescribed in LB 900 as introduced- a representative of a public or private health organization; a representative of a disability advisory or planning group; a service provider for individuals with brain injury; an individual with brain injury; a family member of an individual with brain injury; and a member of the general public; and

(4) repeals outright and transfers the language of section 60-4,118.01 to section 60-4,118. This language makes a legislative finding relating to the need of the Department of Motor Vehicles to ensure that individuals receiving a motor vehicle operator's license be physically or mentally capable of safe operation of a motor vehicle, that the ability to possess an operator's license can affect an individual's ability to be employed, and that the careful physical examination of applicants for operator's licenses is necessary to protect applicants and the public. Additionally the section is amended to provide tort immunity to any person examining an operator's license applicant for any opinion, recommendation, or report made to the director regard the health or mental qualifications of an applicant when such action was taken in good faith and without malice.

