

## CHAPTER 5

### TRAFFIC

#### ARTICLE 8. MOPEDS

**5-801 MOPEDS; DEFINED.** For the purposes of this Article, moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty (50) cubic centimeters which produces no more than two (2) brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty (30) miles per hour on level ground. mopeds, their owners and their operators shall be subject to Chapter 60, Article 6, RRS of Nebraska 1943 and amendments thereto. (Ref. 60-637 RS Neb.)

**5-802 MOPEDS; OPERATOR'S LICENSE REQUIRED.** No person shall operate a moped upon the streets, alleys or public highways of the Municipality unless such person has a (1) a valid Class O operator's license or (2) a valid school or learner's permit. (Ref. 60-6,310 RS Neb.)

**5-803 MOPEDS; OPERATOR; NEBRASKA RULES OF THE ROAD; APPLICABLE.**

(1) Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.

(2) Regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley or public highway within the Municipality or upon any path set aside by the Department of Roads or local authority for the use of mopeds.

(Ref. 60-6,311 RS Neb.)

**5-804 MOPEDS; OPERATION.**

(1) Any person who operates a moped shall ride only upon a permanent and regular seat attached thereto and shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one (1) person.

(2) A person shall ride upon a moped only while sitting astride the seat, facing forward. Further, no person shall operate a moped while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

(3) No operator shall carry any person, nor shall any person ride, in a position interferes with the operation or control of the moped or the view of the operator.

(4) Any moped which carries a passenger shall be equipped with footrests for such passenger.

(5) No person who rides upon a moped shall attach himself or the moped to any vehicle on a roadway.

(Ref. 60-6,312 RS Neb.)

**5-805 MOPEDS; OPERATING ON ROADWAYS LANED FOR TRAFFIC; PROHIBITED ACTS.**

(1) A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of forty-five (45) miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two (2) abreast in a single lane.

(2) No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

(3) Mopeds shall not be operated more than two (2) abreast in a single lane.

(4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five (45) miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.

(5) No person who rides on a moped shall attach himself, herself, or the moped to any other vehicle on the roadway.

(6) Mopeds shall not be operated on sidewalks.

(7) Notwithstanding the maximum speed limits in excess of twenty-five miles per hour established in section 60-6,186 RRS NE, no person shall operate any moped at a speed in excess of thirty (30) miles per hour.

(Ref. 60-6,313 RS Neb.)

**5-806 MOPEDS; PROTECTIVE HELMETS REQUIRED.** A person shall not operate or be a passenger on a moped on any highway in the State of Nebraska unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the use by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 CFR 571.218, for moped helmets. (Ref. 60-6,278 through 60-6,282 RS Neb.)