



**Hundredth Legislature - First Session - 2007  
Committee Statement  
LB 561**

---

**Hearing Date:** February 6, 2007  
**Committee On:** Transportation and Telecommunications

**Introducer(s):** (Fischer)  
**Title:** Change provisions relating to removal of disabled or immobilized vehicles

---

**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
- 

**Vote Results:**

8	Yes	Senators Schimek, Hudkins, Louden , Stuthman, Aguilar, Fischer, Mines and Pedersen
	No	
	Present, not voting	
	Absent	

---

**Proponents:**

Dusty Vaughan, Introducer  
Bryan Tuma  
Mike Hybl

**Representing:**

Senator Deb Fischer, District #43  
Nebraska State Patrol  
Nebraska Trucking Association

**Opponents:**

Paul O’Hara

**Representing:**

Nebraska Association of Trial Lawyers

**Neutral:**

Loy Todd

**Representing:**

Nebraska New Car & Truck Dealers Association

---

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

LB 561 authorizes a peace officer to remove or cause to be removed any vehicle or property that is obstructing the roadway or endangering the public safety. Consent of the driver or owner is not required. The vehicle or property shall be removed in the quickest way possible and due regard shall be given to the protection of the property removed. This bill does not apply to accidents involving hazardous materials.

There is no liability for the state or any law enforcement agency for damage incurred to a moved vehicle. In addition, the state or law enforcement agency won’t be held responsible for any

---

damages that may result from the failure to exercise the authority under this bill, if the agency acts in good faith.

The bill also states that whenever a vehicle is disabled or inoperable in a roadway or obstructs the flow of traffic for reasons other than an accident, the driver shall move the vehicle as soon as practical. This section doesn't apply if it is impossible to move the vehicle, until such time as it becomes possible.

**Explanation of amendments, if any:**

The committee amendment, AM531, strikes subsections (4) and (5) of Section 1, concerning the state or law enforcement agency's immunity from liability.

---

**Senator Deb Fischer, Chairperson**