

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 561**

FINAL READING

Introduced by Fischer, 43

Read first time January 17, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to  
2 amend section 60-6,164, Reissue Revised Statutes of  
3 Nebraska, and section 60-696, Revised Statutes Cumulative  
4 Supplement, 2006; to change provisions relating to the  
5 removal of disabled or immobilized vehicles; and to  
6 repeal the original sections.

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

1           Section 1. Section 60-696, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           60-696 (1) Except as provided in subsection (2) of this  
4 section, the driver of any vehicle involved in an accident ~~either~~  
5 upon a public highway, private road, or private drive, resulting  
6 in damage to property, shall (a) immediately stop such vehicle at  
7 the scene of such accident and (b) give his or her name, address,  
8 telephone number, and operator's license number to the owner of the  
9 property struck or the driver or occupants of any other vehicle  
10 involved in the collision.

11           (2) The driver of any vehicle involved in an accident  
12 ~~either~~ upon a public highway, private road, or private drive,  
13 resulting in damage to an unattended vehicle or property, shall  
14 immediately stop such vehicle and leave in a conspicuous place  
15 in or on the unattended vehicle or property a written notice  
16 containing the information required by subsection (1) of this  
17 section. In addition, such driver shall, without unnecessary delay,  
18 report the collision, by telephone or otherwise, to an appropriate  
19 peace officer.

20           (3)(a) A peace officer may remove or cause to be  
21 removed from a roadway, without the consent of the driver or  
22 owner, any vehicle, cargo, or other property which is obstructing  
23 the roadway creating or aggravating an emergency situation or  
24 otherwise endangering the public safety. Any vehicle, cargo, or  
25 other property obstructing a roadway shall be removed by the most

1 expeditious means available to clear the obstruction, giving due  
2 regard to the protection of the property removed.

3 (b) This subsection does not apply if an accident results  
4 in or is believed to involve the release of hazardous materials,  
5 hazardous substances, or hazardous wastes, as those terms are  
6 defined in section 75-362.

7 ~~(3)~~ (4) Any person violating subsection (1) or (2) of  
8 this section shall be is guilty of a Class II misdemeanor. If  
9 such person has had one or more convictions under this section  
10 in the twelve years prior to the date of the current conviction  
11 under this section, such person shall be is guilty of a Class  
12 I misdemeanor. As part of any sentence, suspended sentence, or  
13 judgment of conviction under this section, the court shall order  
14 the defendant not to drive any motor vehicle for any purpose in the  
15 State of Nebraska for a period of one year from the date ordered by  
16 the court.

17 Sec. 2. Section 60-6,164, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 60-6,164 (1) No person shall stop, park, or leave  
20 standing any vehicle, whether attended or unattended, upon a  
21 roadway outside of a business or residential district when it is  
22 practicable to stop, park, or leave such vehicle off such part of  
23 a highway, but in any event an unobstructed width of the roadway  
24 opposite a standing vehicle shall be left for the free passage of  
25 other vehicles and a clear view of such stopped vehicle shall be

1 available from a distance of two hundred feet in each direction  
2 upon such highway. Such parking, stopping, or standing shall in no  
3 event exceed twenty-four hours.

4 (2) No person shall stop, park, or leave standing any  
5 vehicle on a freeway except in areas designated or unless so  
6 directed by a peace officer, except that when a vehicle is disabled  
7 or inoperable or the driver of the vehicle is ill or incapacitated,  
8 such vehicle shall be permitted to park, stop, or stand on the  
9 shoulder facing in the direction of travel with all wheels and  
10 projecting parts of such vehicle completely clear of the traveled  
11 lanes, but in no event shall such parking, standing, or stopping  
12 upon the shoulder of a freeway exceed twelve hours.

13 (3) No person, except law enforcement, fire department,  
14 emergency management, public or private ambulance, or authorized  
15 Department of Roads or local authority personnel, shall loiter or  
16 stand or park any vehicle upon any bridge, highway, or structure  
17 which is located above or below or crosses over or under the  
18 roadway of any highway or approach or exit road thereto.

19 (4) Whenever a vehicle is disabled or inoperable in a  
20 roadway or for any reason obstructs the regular flow of traffic for  
21 reasons other than an accident, the driver shall move or cause the  
22 vehicle to be moved as soon as practical so as to not obstruct the  
23 regular flow of traffic.

24 ~~(4)~~ (5) This section shall does not apply to the driver  
25 of any vehicle which is disabled while on the roadway in such

1 manner and to such extent that it is impossible to avoid stopping  
2 and temporarily leaving such disabled vehicle in such position  
3 until such time as it can be removed pursuant to subsection (4) of  
4 this section.

5           Sec. 3. Original section 60-6,164, Reissue Revised  
6 Statutes of Nebraska, and section 60-696, Revised Statutes  
7 Cumulative Supplement, 2006, are repealed.