

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 561

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 (4) There shall be no liability incurred by the State of
8 Nebraska or any law enforcement agency or its officers, employees,
9 or agents, whether or not those officers, employees, or agents are
10 public safety personnel, for damages incurred to an immobilized
11 vehicle, its contents, or the immediate area surrounding the
12 immobilized vehicle, caused by the removal of the vehicle under
13 this section.

14 (5) No law enforcement agency, the State of Nebraska,
15 or any other public safety agency or its officers, employees, or
16 agents shall be held responsible for any damages or claims that
17 may result from the failure to exercise any authority granted under
18 this section, if the agency and its officers, employees, or agents
19 act in good faith.

20 ~~(3)~~ (6) Any person violating subsection (1) or (2) of
21 this section shall be is guilty of a Class II misdemeanor. If
22 such person has had one or more convictions under this section
23 in the twelve years prior to the date of the current conviction
24 under this section, such person shall be is guilty of a Class
25 I misdemeanor. As part of any sentence, suspended sentence, or

1 judgment of conviction under this section, the court shall order
2 the defendant not to drive any motor vehicle for any purpose in the
3 State of Nebraska for a period of one year from the date ordered by
4 the court.

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

7 60-6,164 (1) No person shall stop, park, or leave
8 standing any vehicle, whether attended or unattended, upon a
9 roadway outside of a business or residential district when it is
10 practicable to stop, park, or leave such vehicle off such part of
11 a highway, but in any event an unobstructed width of the roadway
12 opposite a standing vehicle shall be left for the free passage of
13 other vehicles and a clear view of such stopped vehicle shall be
14 available from a distance of two hundred feet in each direction
15 upon such highway. Such parking, stopping, or standing shall in no
16 event exceed twenty-four hours.

17 (2) No person shall stop, park, or leave standing any
18 vehicle on a freeway except in areas designated or unless so
19 directed by a peace officer, except that when a vehicle is disabled
20 or inoperable or the driver of the vehicle is ill or incapacitated,
21 such vehicle shall be permitted to park, stop, or stand on the
22 shoulder facing in the direction of travel with all wheels and
23 projecting parts of such vehicle completely clear of the traveled
24 lanes, but in no event shall such parking, standing, or stopping
25 upon the shoulder of a freeway exceed twelve hours.

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

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

12 ~~(4)~~ (5) This section shall does not apply to the driver
13 of any vehicle which is disabled while on the roadway in such
14 manner and to such extent that it is impossible to avoid stopping
15 and temporarily leaving such disabled vehicle in such position
16 until such time as it can be removed pursuant to subsection (4) of
17 this section.

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