

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 109

Introduced by Rogert, 16.

Read first time January 09, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-471,
2 60-501, 60-520, 60-547, 60-6,357, 60-6,358, 60-6,359,
3 60-6,360, and 60-6,361, Reissue Revised Statutes of
4 Nebraska, and sections 60-462, 60-463, 60-6,355, and
5 60-6,356, Revised Statutes Cumulative Supplement, 2008;
6 to authorize the operation of low-speed vehicles on
7 highways as prescribed; to require certain equipment
8 for such vehicles; to prohibit certain modifications; to
9 provide for an exemption; to provide accident reporting
10 as prescribed; to harmonize provisions; and to repeal the
11 original sections.

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

1 Section 1. Section 60-462, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-462 Sections 60-462 to 60-4,188 and section 3 of this
4 act shall be known and may be cited as the Motor Vehicle Operator's
5 License Act.

6 Sec. 2. Section 60-463, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 60-463 For purposes of the Motor Vehicle Operator's
9 License Act, the definitions found in sections 60-463.01 to 60-478
10 and section 3 of this act shall be used.

11 Sec. 3. Low-speed vehicle means a vehicle that (1) cannot
12 travel more than twenty-five miles per hour on a paved, level
13 surface, (2) complies with 49 C.F.R. part 571, as such part existed
14 on January 1, 2009, or (3) is designated by the manufacturer as an
15 off-road or low-speed vehicle.

16 Sec. 4. Section 60-471, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-471 Motor vehicle means all vehicles propelled by any
19 power other than muscular power except (1) self-propelled chairs
20 used by persons who are disabled, (2) farm tractors, (3) farm
21 tractors used occasionally outside general farm usage, (4) road
22 rollers, (5) vehicles which run only on rails or tracks, (6)
23 electric personal assistive mobility devices as defined in section
24 60-618.02, and (7) off-road vehicles, including, but not limited
25 to, golf carts, go-carts, riding lawn mowers, garden tractors,

1 all-terrain vehicles as defined in section 60-6,355, low-speed
2 vehicles, minibikes as defined in section 60-636, and snowmobiles
3 as defined in section 60-663.

4 Sec. 5. Section 60-501, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-501 For purposes of the Motor Vehicle Safety
7 Responsibility Act, unless the context otherwise requires:

8 (1) Department means the Department of Motor Vehicles;

9 (2) Judgment means any judgment which shall have become
10 final by the expiration of the time within which an appeal might
11 have been perfected without being appealed, or by final affirmation
12 on appeal, rendered by a court of competent jurisdiction of any
13 state or of the United States, (a) upon a cause of action arising
14 out of the ownership, maintenance, or use of any motor vehicle for
15 damages, including damages for care and loss of services, because
16 of bodily injury to or death of any person or for damages because
17 of injury to or destruction of property, including the loss of
18 use thereof, or (b) upon a cause of action on an agreement of
19 settlement for such damages;

20 (3) License means any license issued to any person under
21 the laws of this state pertaining to operation of a motor vehicle
22 within this state;

23 (4) Low-speed vehicle means a vehicle that (a) cannot
24 travel more than twenty-five miles per hour on a paved, level
25 surface, (b) complies with 49 C.F.R. part 571, as such part existed

1 on January 1, 2009, or (c) is designated by the manufacturer as an
2 off-road or low-speed vehicle;

3 ~~(4)~~ (5) Motor vehicle means any self-propelled vehicle
4 which is designed for use upon a highway, including trailers
5 designed for use with such vehicles, except (a) mopeds as defined
6 in section 60-637, (b) traction engines, (c) road rollers, (d)
7 farm tractors, (e) tractor cranes, (f) power shovels, (g) well
8 drillers, (h) every vehicle which is propelled by electric power
9 obtained from overhead wires but not operated upon rails, (i)
10 electric personal assistive mobility devices as defined in section
11 60-618.02, and (j) off-road designed vehicles, including, but
12 not limited to, golf carts, go-carts, riding lawnmowers, garden
13 tractors, all-terrain vehicles as defined in section 60-6,355,
14 low-speed vehicles, minibikes as defined in section 60-636, and
15 snowmobiles as defined in section 60-663;

16 ~~(5)~~ (6) Nonresident means every person who is not a
17 resident of this state;

18 ~~(6)~~ (7) Nonresident's operating privilege means the
19 privilege conferred upon a nonresident by the laws of this state
20 pertaining to the operation by him or her of a motor vehicle or the
21 use of a motor vehicle owned by him or her in this state;

22 ~~(7)~~ (8) Operator means every person who is in actual
23 physical control of a motor vehicle;

24 ~~(8)~~ (9) Owner means a person who holds the legal title of
25 a motor vehicle, or in the event (a) a motor vehicle is the subject

1 of an agreement for the conditional sale or lease thereof with the
2 right of purchase upon performance of the conditions stated in the
3 agreement and with an immediate right of possession vested in the
4 conditional vendee or lessee or (b) a mortgagor of a vehicle is
5 entitled to possession, then such conditional vendee or lessee or
6 mortgagor shall be deemed the owner for the purposes of the act;

7 ~~(9)~~ (10) Person means every natural person, firm,
8 partnership, limited liability company, association, or
9 corporation;

10 ~~(10)~~ (11) Proof of financial responsibility means
11 evidence of ability to respond in damages for liability, on account
12 of accidents occurring subsequent to the effective date of such
13 proof, arising out of the ownership, maintenance, or use of a
14 motor vehicle, (a) in the amount of twenty-five thousand dollars
15 because of bodily injury to or death of one person in any one
16 accident, (b) subject to such limit for one person, in the amount
17 of fifty thousand dollars because of bodily injury to or death of
18 two or more persons in any one accident, and (c) in the amount of
19 twenty-five thousand dollars because of injury to or destruction of
20 property of others in any one accident;

21 ~~(11)~~ (12) Registration means registration certificate or
22 certificates and registration plates issued under the laws of this
23 state pertaining to the registration of motor vehicles;

24 ~~(12)~~ (13) State means any state, territory, or possession
25 of the United States, the District of Columbia, or any province of

1 the Dominion of Canada; and

2 ~~(13)~~ (14) The forfeiture of bail, not vacated, or of
3 collateral deposited to secure an appearance for trial shall be
4 regarded as equivalent to conviction of the offense charged.

5 Sec. 6. Section 60-520, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-520 Judgments in excess of the amounts specified in
8 subdivision ~~(10)~~ (11) of section 60-501 shall, for the purpose
9 of sections ~~60-501 to 60-569~~ purposes of the Motor Vehicle Safety
10 Responsibility Act only, be deemed satisfied when payments in
11 the amounts so specified have been credited thereon, however, ~~+~~
12 ~~PROVIDED,~~ payments made in settlement of any claims because of
13 bodily injury, death, or property damage arising from a motor
14 vehicle accident shall be credited in reduction of the respective
15 amounts so specified.

16 Sec. 7. Section 60-547, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-547 Proof of financial responsibility may be evidenced
19 by the bond of a surety company duly authorized to transact
20 business within this state, or a bond with at least two individual
21 sureties who each own real estate within this state, which real
22 estate shall be scheduled in the bond approved by a judge of a
23 court of record. The ~~said~~ bond shall be conditioned for the payment
24 of the amounts specified in ~~subsection (10)~~ subdivision (11) of
25 section 60-501. ~~It~~ The bond shall be filed with the department and

1 shall not be cancelable except after ten days' written notice to
 2 the department. ~~Such~~ The bond shall constitute a lien in favor of
 3 the state upon the real estate so scheduled of any surety, which
 4 lien shall exist in favor of any holder of a final judgment against
 5 the person who has filed such bond, for damages, including damages
 6 for care and loss of services, because of bodily injury to or death
 7 of any person, or for damages because of injury to or destruction
 8 of property, including the loss of use thereof, resulting from the
 9 ownership, maintenance, use, or operation of a motor vehicle after
 10 such bond was filed, upon the filing of notice to that effect by
 11 the department in the office of the register of deeds of the county
 12 where such real estate shall be is located.

13 Sec. 8. Section 60-6,355, Revised Statutes Cumulative
 14 Supplement, 2008, is amended to read:

15 60-6,355 (1) For purposes of sections 60-6,355 to
 16 60-6,362: ~~7~~ all-terrain

17 (a) All-terrain vehicle shall mean means any motorized
 18 off-highway vehicle which ~~(1)~~ (i) is fifty inches or less in width,
 19 ~~(2)~~ (ii) has a dry weight of nine hundred pounds or less, ~~(3)~~ (iii)
 20 travels on three or more low-pressure tires, ~~(4)~~ (iv) is designed
 21 for operator use only with no passengers or is ~~specifically~~
 22 designed by the original manufacturer for the operator and one
 23 passenger, ~~(5)~~ has a seat or saddle designed to be straddled by
 24 the operator, and ~~(6)~~ no more than three passengers, and (v) has
 25 handlebars or any other steering assembly for steering control;

1 and-

2 (b) Low-speed vehicle means a vehicle that (i) cannot
3 travel more than twenty-five miles per hour on a paved, level
4 surface, (ii) complies with 49 C.F.R. part 571, as such part
5 existed on January 1, 2009, or (iii) is designated by the
6 manufacturer as an off-road or a low-speed vehicle, except that
7 low-speed vehicle does not include a go-cart, a riding lawnmower,
8 a garden tractor, a self-propelled chair used by a person who is
9 disabled, or an electric personal assistive mobility device.

10 (2) All-terrain vehicles or low-speed vehicles which
11 have been modified to include additional equipment not required
12 by sections 60-6,357 and 60-6,358 shall not be required to be
13 registered under the Motor Vehicle Registration Act.

14 Sec. 9. Section 60-6,356, Revised Statutes Cumulative
15 Supplement, 2008, is amended to read:

16 60-6,356 (1) An all-terrain vehicle, a low-speed vehicle,
17 a mini truck, or a golf cart shall not be operated on any
18 controlled-access highway with more than two marked traffic lanes,
19 and the crossing of any controlled-access highway with more than
20 two marked traffic lanes shall not be permitted. Subsections (2),
21 (3), and (5) through (8) of this section authorize and apply
22 to operation of an all-terrain vehicle, a low-speed vehicle, a
23 mini truck, or a golf cart only on a highway other than a
24 controlled-access highway with more than two marked traffic lanes.

25 (2) An all-terrain vehicle, a low-speed vehicle, a mini

1 truck, or a golf cart may be operated in accordance with the
2 operating requirements of subsection (3) of this section:

3 (a) Outside the corporate limits of a city, village,
4 or unincorporated village if incidental to the vehicle's use for
5 agricultural purposes;

6 (b) Within the corporate limits of a city or village
7 if authorized by the city or village by ordinance adopted in
8 accordance with this section; or

9 (c) Within an unincorporated village if authorized by the
10 county board of the county in which the unincorporated village is
11 located by resolution in accordance with this section.

12 (3) An all-terrain vehicle, a low-speed vehicle, a mini
13 truck, or a golf cart may be operated as authorized in subsection
14 (2) of this section when such operation occurs only between the
15 hours of sunrise and sunset. Any person operating an all-terrain
16 vehicle, a low-speed vehicle, a mini truck, or a golf cart
17 as authorized in subsection (2) of this section shall have a
18 valid Class O operator's license or a farm permit as provided
19 in section 60-4,126, shall have liability insurance coverage for
20 the all-terrain vehicle, low-speed vehicle, mini truck, or golf
21 cart while operating the all-terrain vehicle, low-speed vehicle,
22 mini truck, or golf cart on a highway, and shall not operate
23 such vehicle at a speed in excess of thirty miles per hour. The
24 person operating the all-terrain vehicle, low-speed vehicle, mini
25 truck, or golf cart shall provide proof of such insurance coverage

1 to any peace officer requesting such proof within five days of
2 such a request. When operating an all-terrain vehicle, a low-speed
3 vehicle, a mini truck, or a golf cart as authorized in subsection
4 (2) of this section, the headlight and taillight of the vehicle
5 shall be on and the vehicle shall be equipped with a bicycle safety
6 flag which extends not less than five feet above ground attached
7 to the rear of such vehicle. The bicycle safety flag shall be
8 triangular in shape with an area of not less than thirty square
9 inches and shall be day-glow in color.

10 (4) All-terrain vehicles, low-speed vehicles, mini
11 trucks, or golf carts may be operated without complying with
12 subsection (3) of this section on highways in parades which have
13 been authorized by the State of Nebraska or any department, board,
14 commission, or political subdivision of the state.

15 (5) Subject to subsection (1) of this section, the
16 crossing of a highway shall be permitted by an all-terrain vehicle,
17 a low-speed vehicle, a mini truck, or a golf cart without complying
18 with subsection (3) of this section only if:

19 (a) The crossing is made at an angle of approximately
20 ninety degrees to the direction of the highway and at a place where
21 no obstruction prevents a quick and safe crossing;

22 (b) The vehicle is brought to a complete stop before
23 crossing the shoulder or roadway of the highway;

24 (c) The operator yields the right-of-way to all oncoming
25 traffic that constitutes an immediate potential hazard;

1 (d) In crossing a divided highway, the crossing is made
2 only at an intersection of such highway with another highway; and

3 (e) Both the headlight and taillight of the vehicle are
4 on when the crossing is made.

5 (6) All-terrain vehicles, low-speed vehicles, mini
6 trucks, or golf carts may be operated outside the corporate limits
7 of any municipality by electric utility personnel within the course
8 of their employment in accordance with the operation requirements
9 of subsection (3) of this section, except that the operation of
10 the vehicle pursuant to this subsection need not be limited to the
11 hours between sunrise and sunset.

12 (7) A city or village may adopt an ordinance authorizing
13 the operation of all-terrain vehicles, low-speed vehicles, mini
14 trucks, or golf carts within the corporate limits of the city or
15 village if the operation is in accordance with subsection (3) of
16 this section. The city or village may place other restrictions
17 on the operation of all-terrain vehicles, low-speed vehicles, mini
18 trucks, or golf carts within its corporate limits.

19 (8) A county board may adopt a resolution authorizing the
20 operation of all-terrain vehicles, low-speed vehicles, mini trucks,
21 or golf carts within any unincorporated village within the county
22 if the operation is in accordance with subsection (3) of this
23 section. The county may place other restrictions on the operation
24 of all-terrain vehicles, low-speed vehicles, mini trucks, or golf
25 carts within the unincorporated village.

1 Sec. 10. Section 60-6,357, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,357 Every all-terrain vehicle, low-speed vehicle,
4 mini truck, or golf cart shall display a lighted headlight and
5 taillight during the period of time from sunset to sunrise and at
6 any time when visibility is reduced due to insufficient light or
7 unfavorable atmospheric conditions.

8 Sec. 11. Section 60-6,358, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-6,358 Every all-terrain vehicle, low-speed vehicle,
11 mini truck, or golf cart shall be equipped with:

12 (1) A brake system maintained in good operating
13 condition;

14 (2) An adequate muffler system in good working condition;
15 and

16 (3) A United States Forest Service qualified spark
17 arrester.

18 Sec. 12. Section 60-6,359, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 60-6,359 No person shall:

21 (1) Equip the exhaust system of an all-terrain vehicle,
22 a low-speed vehicle, a mini truck, or a golf cart with a cutout,
23 bypass, or similar device;

24 (2) Operate an all-terrain vehicle, a low-speed vehicle,
25 a mini truck, or a golf cart with an exhaust system so modified; or

1 (3) Operate an all-terrain vehicle, a low-speed vehicle,
2 a mini truck, or a golf cart with the spark arrester removed or
3 modified except for use in closed-course competition events.

4 Sec. 13. Section 60-6,360, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-6,360 All-terrain vehicles, low-speed vehicles, mini
7 trucks, or golf carts participating in competitive events may be
8 exempted from sections 60-6,357 to 60-6,359 at the discretion of
9 the Director of Motor Vehicles.

10 Sec. 14. Section 60-6,361, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-6,361 If an accident results in the death of any
13 person or in the injury of any person which requires the treatment
14 of the person by a physician, the operator of each all-terrain
15 vehicle, low-speed vehicle, mini truck, or golf cart involved in
16 the accident shall give notice of the accident in the same manner
17 as provided in section 60-699.

18 Sec. 15. Original sections 60-471, 60-501, 60-520,
19 60-547, 60-6,357, 60-6,358, 60-6,359, 60-6,360, and 60-6,361,
20 Reissue Revised Statutes of Nebraska, and sections 60-462, 60-463,
21 60-6,355, and 60-6,356, Revised Statutes Cumulative Supplement,
22 2008, are repealed.