

AMENDMENTS TO LB 1155

Introduced by Brasch

1 1. Insert the following new sections:

2 Section 1. Section 23-187, Revised Statutes Supplement,
3 2011, is amended to read:

4 23-187 (1) In addition to the powers granted by section
5 23-104, a county may, in the manner specified by sections 23-187 to
6 23-193, regulate the following subjects by ordinance:

7 (a) Parking of motor vehicles on public roads, highways,
8 and rights-of-way as it pertains to snow removal for and access by
9 emergency vehicles to areas within the county;

10 (b) Motor vehicles as defined in section 60-339 that are
11 abandoned on public or private property;

12 (c) Low-speed vehicles as described and operated pursuant
13 to section 60-6,380;

14 (d) Golf car vehicles as described and operated pursuant
15 to section 21 of this act;

16 ~~(d)~~ (e) Graffiti on public or private property;

17 ~~(e)~~ (f) False alarms from electronic security systems
18 that result in requests for emergency response from law enforcement
19 or other emergency responders; and

20 ~~(f)~~ (g) Violation of the public peace and good order of
21 the county by disorderly conduct, lewd or lascivious behavior, or
22 public nudity.

23 (2) For the enforcement of any ordinance authorized by

1 this section, a county may impose fines, forfeitures, or penalties
2 and provide for the recovery, collection, and enforcement of such
3 fines, forfeitures, or penalties. A county may also authorize
4 such other measures for the enforcement of ordinances as may be
5 necessary and proper. A fine enacted pursuant to this section shall
6 not exceed five hundred dollars for each offense.

7 Sec. 2. Section 60-101, Revised Statutes Supplement,
8 2011, is amended to read:

9 60-101 Sections 60-101 to 60-197 and section 4 of
10 this act shall be known and may be cited as the Motor Vehicle
11 Certificate of Title Act.

12 Sec. 3. Section 60-102, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 60-102 For purposes of the Motor Vehicle Certificate of
15 Title Act, unless the context otherwise requires, the definitions
16 found in sections 60-103 to 60-136.01 and section 4 of this act
17 shall be used.

18 Sec. 4. Golf car vehicle means a vehicle that has at
19 least four wheels, has a maximum level ground speed of less than
20 twenty miles per hour, has a maximum payload capacity of one
21 thousand two hundred pounds, has a maximum gross vehicle weight of
22 two thousand five hundred pounds, has a maximum passenger capacity
23 of not more than four persons, and is designed and manufactured for
24 operation on a golf course for sporting and recreational purposes.

25 Sec. 5. Section 60-123, Revised Statutes Supplement,
26 2011, is amended to read:

27 60-123 Motor vehicle means any vehicle propelled by

1 any power other than muscular power. Motor vehicle does not
2 include (1) mopeds, (2) farm tractors, (3) self-propelled equipment
3 designed and used exclusively to carry and apply fertilizer,
4 chemicals, or related products to agricultural soil and crops,
5 agricultural floater-spreader implements, and other implements of
6 husbandry designed for and used primarily for tilling the soil
7 and harvesting crops or feeding livestock, (4) power unit hay
8 grinders or a combination which includes a power unit and a hay
9 grinder when operated without cargo, (5) vehicles which run only
10 on rails or tracks, (6) off-road designed vehicles not authorized
11 by law for use on a highway, including, but not limited to,
12 ~~golf carts,~~ car vehicles, go-carts, riding lawnmowers, garden
13 tractors, all-terrain vehicles, utility-type vehicles, snowmobiles
14 registered or exempt from registration under sections 60-3,207 to
15 60-3,219, and minibikes, (7) road and general-purpose construction
16 and maintenance machinery not designed or used primarily for the
17 transportation of persons or property, including, but not limited
18 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,
19 leveling graders, earthmoving carryalls, power shovels, earthmoving
20 equipment, and crawler tractors, (8) self-propelled chairs used
21 by persons who are disabled, and (9) electric personal assistive
22 mobility devices.

23 Sec. 6. Section 60-135.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-135.01 (1) Utility-type vehicle means any motorized
26 off-highway device which (a) is not less than forty-eight inches
27 nor more than seventy-four inches in width, (b) is not more

1 than one hundred thirty-five inches, including the bumper, in
2 length, (c) has a dry weight of not less than nine hundred pounds
3 nor more than two thousand pounds, (d) travels on four or more
4 low-pressure tires, and (e) is equipped with a steering wheel and
5 bench or bucket-type seating designed for at least two people to
6 sit side-by-side.

7 (2) Utility-type vehicle does not include golf ~~earts~~ car
8 vehicles or low-speed vehicles.

9 Sec. 7. Section 60-301, Revised Statutes Supplement,
10 2011, is amended to read:

11 60-301 Sections 60-301 to 60-3,222 and section 9 of
12 this act shall be known and may be cited as the Motor Vehicle
13 Registration Act.

14 Sec. 8. Section 60-302, Revised Statutes Supplement,
15 2011, is amended to read:

16 60-302 For purposes of the Motor Vehicle Registration
17 Act, unless the context otherwise requires, the definitions found
18 in sections 60-302.01 to 60-360 and section 9 of this act shall be
19 used.

20 Sec. 9. Golf car vehicle means a vehicle that has at
21 least four wheels, has a maximum level ground speed of less than
22 twenty miles per hour, has a maximum payload capacity of one
23 thousand two hundred pounds, has a maximum gross vehicle weight of
24 two thousand five hundred pounds, has a maximum passenger capacity
25 of not more than four persons, and is designed and manufactured for
26 operation on a golf course for sporting and recreational purposes.

27 Sec. 10. Section 60-339, Revised Statutes Supplement,

1 2011, is amended to read:

2 60-339 Motor vehicle means any vehicle propelled by
3 any power other than muscular power. Motor vehicle does not
4 include (1) mopeds, (2) farm tractors, (3) self-propelled equipment
5 designed and used exclusively to carry and apply fertilizer,
6 chemicals, or related products to agricultural soil and crops,
7 agricultural floater-spreader implements, and other implements of
8 husbandry designed for and used primarily for tilling the soil
9 and harvesting crops or feeding livestock, (4) power unit hay
10 grinders or a combination which includes a power unit and a hay
11 grinder when operated without cargo, (5) vehicles which run only
12 on rails or tracks, (6) off-road designed vehicles not authorized
13 by law for use on a highway, including, but not limited to,
14 ~~golf carts,~~ car vehicles, go-carts, riding lawnmowers, garden
15 tractors, all-terrain vehicles, utility-type vehicles, snowmobiles
16 registered or exempt from registration under sections 60-3,207 to
17 60-3,219, and minibikes, (7) road and general-purpose construction
18 and maintenance machinery not designed or used primarily for the
19 transportation of persons or property, including, but not limited
20 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,
21 leveling graders, earthmoving carryalls, power shovels, earthmoving
22 equipment, and crawler tractors, (8) self-propelled chairs used
23 by persons who are disabled, and (9) electric personal assistive
24 mobility devices.

25 Sec. 11. Section 60-358.01, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 60-358.01 (1) Utility-type vehicle means any motorized

1 off-highway vehicle which (a) is not less than forty-eight inches
2 nor more than seventy-four inches in width, (b) is not more
3 than one hundred thirty-five inches, including the bumper, in
4 length, (c) has a dry weight of not less than nine hundred pounds
5 nor more than two thousand pounds, (d) travels on four or more
6 low-pressure tires, and (e) is equipped with a steering wheel and
7 bench or bucket-type seating designed for at least two people to
8 sit side-by-side.

9 (2) Utility-type vehicle does not include golf ~~earts~~ car
10 vehicles or low-speed vehicles.

11 Sec. 12. Section 60-471, Revised Statutes Supplement,
12 2011, is amended to read:

13 60-471 Motor vehicle means all vehicles propelled by any
14 power other than muscular power. Motor vehicle does not include
15 (1) self-propelled chairs used by persons who are disabled, (2)
16 farm tractors, (3) farm tractors used occasionally outside general
17 farm usage, (4) road rollers, (5) vehicles which run only on rails
18 or tracks, (6) electric personal assistive mobility devices as
19 defined in section 60-618.02, and (7) off-road designed vehicles
20 not authorized by law for use on a highway, including, but not
21 limited to, ~~gelf earts~~, go-carts, riding lawn mowers, garden
22 tractors, all-terrain vehicles and utility-type vehicles as defined
23 in section 60-6,355, minibikes as defined in section 60-636, and
24 snowmobiles as defined in section 60-663.

25 Sec. 13. Section 60-501, Revised Statutes Supplement,
26 2011, is amended to read:

27 60-501 For purposes of the Motor Vehicle Safety

1 Responsibility Act, unless the context otherwise requires:

2 (1) Department means Department of Motor Vehicles;

3 (2) Golf car vehicle means a vehicle that has at least
4 four wheels, has a maximum level ground speed of less than twenty
5 miles per hour, has a maximum payload capacity of one thousand two
6 hundred pounds, has a maximum gross vehicle weight of two thousand
7 five hundred pounds, has a maximum passenger capacity of not more
8 than four persons, and is designed and manufactured for operation
9 on a golf course for sporting and recreational purposes;

10 ~~(2)~~ (3) Judgment means any judgment which shall have
11 become final by the expiration of the time within which an
12 appeal might have been perfected without being appealed, or by
13 final affirmation on appeal, rendered by a court of competent
14 jurisdiction of any state or of the United States, (a) upon a cause
15 of action arising out of the ownership, maintenance, or use of any
16 motor vehicle for damages, including damages for care and loss of
17 services, because of bodily injury to or death of any person or for
18 damages because of injury to or destruction of property, including
19 the loss of use thereof, or (b) upon a cause of action on an
20 agreement of settlement for such damages;

21 ~~(3)~~ (4) License means any license issued to any person
22 under the laws of this state pertaining to operation of a motor
23 vehicle within this state;

24 ~~(4)~~ (5) Low-speed vehicle means a four-wheeled motor
25 vehicle (a) whose speed attainable in one mile is more than twenty
26 miles per hour and not more than twenty-five miles per hour on a
27 paved, level surface, (b) whose gross vehicle weight rating is less

1 than three thousand pounds, and (c) that complies with 49 C.F.R.
2 part 571, as such part existed on January 1, 2011;

3 ~~(5)~~ (6) Minitruck means a foreign-manufactured import
4 vehicle or domestic-manufactured vehicle which (a) is powered by
5 an internal combustion engine with a piston or rotor displacement
6 of one thousand cubic centimeters or less, (b) is sixty-seven
7 inches or less in width, (c) has a dry weight of four thousand
8 two hundred pounds or less, (d) travels on four or more tires,
9 (e) has a top speed of approximately fifty-five miles per hour,
10 (f) is equipped with a bed or compartment for hauling, (g)
11 has an enclosed passenger cab, (h) is equipped with headlights,
12 taillights, turnsignals, windshield wipers, a rearview mirror,
13 and an occupant protection system, and (i) has a four-speed,
14 five-speed, or automatic transmission;

15 ~~(6)~~ (7) Motor vehicle means any self-propelled vehicle
16 which is designed for use upon a highway, including trailers
17 designed for use with such vehicles, minitrucks, and low-speed
18 vehicles. Motor vehicle does not include (a) mopeds as defined
19 in section 60-637, (b) traction engines, (c) road rollers, (d)
20 farm tractors, (e) tractor cranes, (f) power shovels, (g) well
21 drillers, (h) every vehicle which is propelled by electric power
22 obtained from overhead wires but not operated upon rails, (i)
23 electric personal assistive mobility devices as defined in section
24 60-618.02, and (j) off-road designed vehicles, including, but not
25 limited to, ~~golf carts,~~ car vehicles, go-carts, riding lawnmowers,
26 garden tractors, all-terrain vehicles and utility-type vehicles
27 as defined in section 60-6,355, minibikes as defined in section

1 60-636, and snowmobiles as defined in section 60-663;

2 ~~(7)~~ (8) Nonresident means every person who is not a
3 resident of this state;

4 ~~(8)~~ (9) Nonresident's operating privilege means the
5 privilege conferred upon a nonresident by the laws of this state
6 pertaining to the operation by him or her of a motor vehicle or the
7 use of a motor vehicle owned by him or her in this state;

8 ~~(9)~~ (10) Operator means every person who is in actual
9 physical control of a motor vehicle;

10 ~~(10)~~ (11) Owner means a person who holds the legal title
11 of a motor vehicle, or in the event (a) a motor vehicle is the
12 subject of an agreement for the conditional sale or lease thereof
13 with the right of purchase upon performance of the conditions
14 stated in the agreement and with an immediate right of possession
15 vested in the conditional vendee or lessee or (b) a mortgagor of a
16 vehicle is entitled to possession, then such conditional vendee or
17 lessee or mortgagor shall be deemed the owner for the purposes of
18 the act;

19 ~~(11)~~ (12) Person means every natural person, firm,
20 partnership, limited liability company, association, or
21 corporation;

22 ~~(12)~~ (13) Proof of financial responsibility means
23 evidence of ability to respond in damages for liability, on account
24 of accidents occurring subsequent to the effective date of such
25 proof, arising out of the ownership, maintenance, or use of a
26 motor vehicle, (a) in the amount of twenty-five thousand dollars
27 because of bodily injury to or death of one person in any one

1 accident, (b) subject to such limit for one person, in the amount
2 of fifty thousand dollars because of bodily injury to or death of
3 two or more persons in any one accident, and (c) in the amount of
4 twenty-five thousand dollars because of injury to or destruction of
5 property of others in any one accident;

6 ~~(13)~~ (14) Registration means registration certificate or
7 certificates and registration plates issued under the laws of this
8 state pertaining to the registration of motor vehicles;

9 ~~(14)~~ (15) State means any state, territory, or possession
10 of the United States, the District of Columbia, or any province of
11 the Dominion of Canada; and

12 ~~(15)~~ (16) The forfeiture of bail, not vacated, or of
13 collateral deposited to secure an appearance for trial shall be
14 regarded as equivalent to conviction of the offense charged.

15 Sec. 14. Section 60-520, Revised Statutes Supplement,
16 2011, is amended to read:

17 60-520 Judgments in excess of the amounts specified in
18 subdivision ~~(12)~~ (13) of section 60-501 shall, for the purpose
19 of the Motor Vehicle Safety Responsibility Act only, be deemed
20 satisfied when payments in the amounts so specified have been
21 credited thereon. Payments made in settlement of any claims because
22 of bodily injury, death, or property damage arising from a motor
23 vehicle accident shall be credited in reduction of the respective
24 amounts so specified.

25 Sec. 15. Section 60-547, Revised Statutes Supplement,
26 2011, is amended to read:

27 60-547 Proof of financial responsibility may be evidenced

1 by the bond of a surety company duly authorized to transact
2 business within this state, or a bond with at least two individual
3 sureties who each own real estate within this state, which real
4 estate shall be scheduled in the bond approved by a judge of a
5 court of record. The bond shall be conditioned for the payment of
6 the amounts specified in subdivision ~~(12)~~ (13) of section 60-501.
7 It shall be filed with the department and shall not be cancelable
8 except after ten days' written notice to the department. Such bond
9 shall constitute a lien in favor of the state upon the real estate
10 so scheduled of any surety, which lien shall exist in favor of any
11 holder of a final judgment against the person who has filed such
12 bond, for damages, including damages for care and loss of services,
13 because of bodily injury to or death of any person, or for damages
14 because of injury to or destruction of property, including the loss
15 of use thereof, resulting from the ownership, maintenance, use, or
16 operation of a motor vehicle after such bond was filed, upon the
17 filing of notice to that effect by the department in the office of
18 the register of deeds of the county where such real estate shall be
19 located.

20 Sec. 16. Section 60-601, Revised Statutes Supplement,
21 2011, is amended to read:

22 60-601 Sections 60-601 to 60-6,380 and sections 18 and 21
23 of this act shall be known and may be cited as the Nebraska Rules
24 of the Road.

25 Sec. 17. Section 60-605, Revised Statutes Supplement,
26 2011, is amended to read:

27 60-605 For purposes of the Nebraska Rules of the Road,

1 the definitions found in sections 60-606 to 60-676 and section 18
2 of this act shall be used.

3 Sec. 18. Golf car vehicle means a vehicle that has at
4 least four wheels, has a maximum level ground speed of less than
5 twenty miles per hour, has a maximum payload capacity of one
6 thousand two hundred pounds, has a maximum gross vehicle weight of
7 two thousand five hundred pounds, has a maximum passenger capacity
8 of not more than four persons, is designed and manufactured for
9 operation on a golf course for sporting and recreational purposes,
10 and is not being operated within the boundaries of a golf course.

11 Sec. 19. Section 60-6,348, Revised Statutes Supplement,
12 2011, is amended to read:

13 60-6,348 Minibikes and all off-road designed vehicles not
14 authorized by law for use on a highway, including, but not limited
15 to, ~~golf carts~~, go-carts, riding lawnmowers, garden tractors,
16 and snowmobiles, shall be exempt from the provisions of sections
17 60-678, 60-6,351 to 60-6,353, and 60-6,380 and section 21 of this
18 act during any public emergency or while being used in parades
19 by regularly organized units of any recognized charitable, social,
20 educational, or community service organization.

21 Sec. 20. Section 60-6,349, Revised Statutes Supplement,
22 2011, is amended to read:

23 60-6,349 All minibikes and similar two-wheeled,
24 three-wheeled, and four-wheeled miniature vehicles offered for sale
25 in this state shall bear the following notice to the customer and
26 user: This vehicle as manufactured or sold is for off-road use
27 only. This section shall not apply to a golf car vehicle or a

1 low-speed vehicle, as applicable to its design, or to an electric
2 personal assistive mobility device.

3 Sec. 21. (1) A city or village may adopt an ordinance
4 authorizing the operation of golf car vehicles within the corporate
5 limits of the city or village if the operation is on streets
6 adjacent and contiguous to a golf course.

7 (2) A county board may adopt a resolution authorizing the
8 operation of golf car vehicles within the county if the operation
9 is on roads adjacent and contiguous to a golf course.

10 (3) Any person operating a golf car vehicle as authorized
11 under this section shall have a valid Class O operator's license
12 and the owner of the golf car vehicle shall have liability
13 insurance coverage for the golf car vehicle. The Department
14 of Roads may prohibit the operation of golf car vehicles on
15 any highway under its jurisdiction if it determines that the
16 prohibition is necessary in the interest of public safety.

17 (4) For purposes of this section:

18 (a) Road means a public way for the purposes of vehicular
19 travel, including the entire area within the right-of-way; and

20 (b) Street means a public way for the purposes of
21 vehicular travel in a city or village and includes the entire area
22 within the right-of-way.

23 Sec. 22. Section 60-6,355, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-6,355 (1) For purposes of sections 60-6,355 to
26 60-6,362:

27 (a) All-terrain vehicle means any motorized off-highway

1 vehicle which (i) is fifty inches or less in width, (ii) has a
2 dry weight of nine hundred pounds or less, (iii) travels on three
3 or more low-pressure tires, (iv) is designed for operator use only
4 with no passengers or is specifically designed by the original
5 manufacturer for the operator and one passenger, (v) has a seat
6 or saddle designed to be straddled by the operator, and (vi) has
7 handlebars or any other steering assembly for steering control; and

8 (b) (i) Utility-type vehicle means any motorized
9 off-highway vehicle which (A) is not less than forty-eight inches
10 nor more than seventy-four inches in width, (B) is not more
11 than one hundred thirty-five inches, including the bumper, in
12 length, (C) has a dry weight of not less than nine hundred pounds
13 nor more than two thousand pounds, (D) travels on four or more
14 low-pressure tires, and (E) is equipped with a steering wheel and
15 bench or bucket-type seating designed for at least two people to
16 sit side-by-side.

17 (ii) Utility-type vehicle does not include golf carts car
18 vehicles or low-speed vehicles.

19 (2) All-terrain vehicles and utility-type vehicles which
20 have been modified to include additional equipment not required
21 by sections 60-6,357 and 60-6,358 shall not be required to be
22 registered under the Motor Vehicle Registration Act.

23 2. Correct the operative date and repealer sections so
24 that the sections added by this amendment become operative on
25 January 1, 2013.

26 3. Renumber the remaining sections and correct internal
27 references accordingly.