

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 154

Introduced by Dubas, 34; Howard, 9.

Read first time January 11, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-6,378, Reissue Revised Statutes of Nebraska;
3 to redefine a term relating to drivers' duties regarding
4 road assistance vehicles; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,378, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,378 (1)(a) A driver in a vehicle on a controlled-
4 access highway approaching or passing a stopped authorized emergency
5 vehicle or road assistance vehicle which makes use of proper audible
6 or visual signals shall proceed with due care and caution as
7 described in subdivision (b) of this subsection.

8 (b) On a controlled-access highway with at least two
9 adjacent lanes of travel in the same direction on the same side of
10 the highway where a stopped authorized emergency vehicle or road
11 assistance vehicle is using proper audible or visual signals, the
12 driver of the vehicle shall proceed with due care and caution and
13 yield the right-of-way by moving into a lane at least one moving lane
14 apart from the stopped authorized emergency vehicle or road
15 assistance vehicle unless directed otherwise by a peace officer or
16 other authorized emergency personnel. If moving into another lane is
17 not possible because of weather conditions, road conditions, or the
18 immediate presence of vehicular or pedestrian traffic or because the
19 controlled-access highway does not have two available adjacent lanes
20 of travel in the same direction on the same side of the highway where
21 such a stopped authorized emergency vehicle or road assistance
22 vehicle is located, the driver of the approaching or passing vehicle
23 shall reduce his or her speed, maintain a safe speed with regard to
24 the location of the stopped authorized emergency vehicle or road
25 assistance vehicle, the weather conditions, the road conditions, and

1 vehicular or pedestrian traffic, and proceed with due care and
2 caution or proceed as directed by a peace officer or other authorized
3 emergency personnel or road assistance personnel.

4 (c) Any person who violates this subsection is guilty of
5 a traffic infraction for a first offense and Class IIIA misdemeanor
6 for a second or subsequent offense.

7 (2) The Department of Roads shall erect and maintain or
8 cause to be erected and maintained signs giving notice of subsection
9 (1) of this section along controlled-access highways.

10 (3) Enforcement of subsection (1) of this section shall
11 not be accomplished using simulated situations involving an
12 authorized emergency vehicle or a road assistance vehicle.

13 (4) This section does not relieve the driver of an
14 authorized emergency vehicle or a road assistance vehicle from the
15 duty to drive with due regard for the safety of all persons using the
16 highway.

17 (5) For purposes of this section, road assistance vehicle
18 includes a vehicle operated by the Department of Roads, a Nebraska
19 State Patrol motorist assistance vehicle, ~~and~~ a United States
20 Department of Transportation registered towing or roadside assistance
21 vehicle, and a utility service vehicle operated by a utility company.

22 A road assistance vehicle shall emit a warning signal utilizing
23 properly displayed emergency indicators such as strobe, rotating, or
24 oscillating lights when stopped along a highway.

25 Sec. 2. Original section 60-6,378, Reissue Revised

1 Statutes of Nebraska, is repealed.