

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 84

Introduced by Schumacher, 22.

Read first time January 10, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-6,356, Reissue Revised Statutes of Nebraska;
3 to change provisions relating to the operation of
4 utility-type vehicles; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,356, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,356 (1) An all-terrain vehicle or a utility-type
4 vehicle shall not be operated on any controlled-access highway with
5 more than two marked traffic lanes, and, except as provided in
6 subsection (9) of this section, the crossing of any controlled-access
7 highway with more than two marked traffic lanes shall not be
8 permitted. Subsections (2), (3), and (5) through (8) of this section
9 authorize and apply to operation of an all-terrain vehicle or a
10 utility-type vehicle only on a highway other than a controlled-access
11 highway with more than two marked traffic lanes.

12 (2) An all-terrain vehicle or a utility-type vehicle may
13 be operated in accordance with the operating requirements of
14 subsection (3) of this section:

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

18 (b) Within the corporate limits of a city or village if
19 authorized by the city or village by ordinance adopted in accordance
20 with this section; or

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

24 (3) An all-terrain vehicle or a utility-type vehicle may
25 be operated as authorized in subsection (2) of this section when such

1 operation occurs only between the hours of sunrise and sunset. Any
2 person operating an all-terrain vehicle or a utility-type vehicle as
3 authorized in subsection (2) of this section shall have a valid Class
4 O operator's license or a farm permit as provided in section
5 60-4,126, shall have liability insurance coverage for the all-terrain
6 vehicle or a utility-type vehicle while operating the all-terrain
7 vehicle or a utility-type vehicle on a highway, and shall not operate
8 such vehicle at a speed in excess of thirty miles per hour. The
9 person operating the all-terrain vehicle or a utility-type vehicle
10 shall provide proof of such insurance coverage to any peace officer
11 requesting such proof within five days of such a request. When
12 operating an all-terrain vehicle or a utility-type vehicle as
13 authorized in subsection (2) of this section, the headlight and
14 taillight of the vehicle shall be on and the vehicle shall be
15 equipped with a bicycle safety flag which extends not less than five
16 feet above ground attached to the rear of such vehicle. The bicycle
17 safety flag shall be triangular in shape with an area of not less
18 than thirty square inches and shall be day-glow in color.

19 (4) All-terrain vehicles and utility-type vehicles may be
20 operated without complying with subsection (3) of this section on
21 highways in parades which have been authorized by the State of
22 Nebraska or any department, board, commission, or political
23 subdivision of the state.

24 (5) Subject to subsection (1) of this section, the
25 crossing of a highway shall be permitted by an all-terrain vehicle or

1 a utility-type vehicle without complying with subsection (3) of this
2 section only if:

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

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

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

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

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

14 (6) All-terrain vehicles and utility-type vehicles may be
15 operated outside the corporate limits of any municipality by electric
16 utility personnel within the course of their employment in accordance
17 with the operation requirements of subsection (3) of this section,
18 except that the operation of the vehicle pursuant to this subsection
19 need not be limited to the hours between sunrise and sunset.

20 (7) A city or village may adopt an ordinance authorizing
21 the operation of all-terrain vehicles and utility-type vehicles
22 within the corporate limits of the city or village if the operation
23 is in accordance with subsection (3) of this section. The city or
24 village may place other restrictions on the operation of all-terrain
25 vehicles and utility-type vehicles within its corporate limits.

1 (8) A county board may adopt a resolution authorizing the
2 operation of all-terrain vehicles and utility-type vehicles within
3 any unincorporated village within the county if the operation is in
4 accordance with subsection (3) of this section. The county may place
5 other restrictions on the operation of all-terrain vehicles and
6 utility-type vehicles within the unincorporated village.

7 (9) The crossing of a controlled-access highway with more
8 than two marked traffic lanes shall be permitted by a utility-type
9 vehicle without complying with subsection (3) of this section only
10 if:

11 (a) Both the headlight and taillight of the utility-type
12 vehicle are on when the crossing is made;

13 (b) The crossing is made at an intersection that is
14 controlled by a traffic control signal; and

15 (c) The crossing at such intersection is specifically
16 authorized as follows:

17 (i) If such intersection is located within the corporate
18 limits of a city or village, by ordinance of such city or village;

19 (ii) If such intersection is located within an
20 unincorporated village, by resolution of the county board of the
21 county in which such unincorporated village is located; or

22 (iii) If such intersection is located outside the
23 corporate limits of a city or village and outside any unincorporated
24 village, by resolution of the county board of the county in which
25 such intersection is located.

1 Sec. 2. Original section 60-6,356, Reissue Revised
2 Statutes of Nebraska, is repealed.