

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 190

FINAL READING

Introduced by La Grone, 49.

Read first time January 11, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Department of Transportation; to amend
2 sections 3-104, 3-158, 60-6,102, 60-6,103, 60-6,107, and 60-6,175,
3 Revised Statutes Cumulative Supplement, 2018; to change and
4 eliminate provisions relating to rules and regulations; to provide
5 and eliminate provisions relating to school bus loading area warning
6 signs; to repeal the original sections; and to outright repeal
7 section 60-6,176, Revised Statutes Cumulative Supplement, 2018.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 3-104, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 3-104 (1) There is hereby created the Nebraska Aeronautics
4 Commission which shall consist of five members, who shall be appointed by
5 the Governor. The terms of office of the members of the commission
6 initially appointed shall expire on March 1 of the years 1946, 1947,
7 1948, 1949, and 1950, as designated by the Governor in making the
8 respective appointments. As the terms of members expire, the Governor
9 shall, on or before March 1 of each year, appoint a member of the
10 commission for a term of five years to succeed the member whose term
11 expires. Each member shall serve until the appointment and qualification
12 of his or her successor. In case of a vacancy occurring prior to the
13 expiration of the term of a member, the appointment shall be made only
14 for the remainder of the term. All members of the commission shall be
15 citizens and bona fide residents of the state and, in making such an
16 appointment, the Governor shall take into consideration the interest or
17 training of the appointee in some one or all branches of aviation. The
18 commission shall, in December of each year, select a chairperson for the
19 ensuing year. The Director of Aeronautics shall serve as secretary as set
20 forth in section 3-127. Three members shall constitute a quorum, and no
21 action shall be taken by less than a majority of the commission.

22 (2) The commission shall meet upon the written call of the
23 chairperson, the director, or any two members of the commission. Regular
24 meetings shall be held at the office of the division but, whenever the
25 convenience of the public or of the parties may be promoted or delay or
26 expense may be prevented, the commission may hold meetings or proceedings
27 at any other place designated by it. All meetings of the commission shall
28 be open to the public. No member shall receive any salary for his or her
29 service, but each shall be reimbursed for actual and necessary expenses
30 incurred by him or her in the performance of his or her duties as
31 provided in sections 81-1174 to 81-1177.

1 (3)(a) Until December 31, 2017, it shall be the duty of the
2 commission to advise the Governor relative to the appointment of the
3 Director of Aeronautics, and the commission shall report to the Governor
4 whenever it feels that the Director of Aeronautics is not properly
5 fulfilling his or her duties.

6 (b) Beginning January 1, 2018, the commission shall advise the
7 Director-State Engineer relative to the appointment of the Director of
8 Aeronautics, and the commission shall report to the Director-State
9 Engineer whenever the commission feels that the Director of Aeronautics
10 is not properly fulfilling his or her duties. The commission shall also
11 advise the Governor on the general status and state of aviation in
12 Nebraska.

13 (c) The commission shall further act in an advisory capacity to the
14 Director of Aeronautics and Director-State Engineer.

15 (4) The commission shall have, in addition, the following specific
16 duties: (a) To allocate state funds and approve the use of federal funds
17 to be spent for the construction or maintenance of airports; (b) to
18 designate the locations and approve sites of airports; (c) to arrange and
19 authorize the purchase of aircraft upon behalf of the state; (d) to
20 select and approve pilots to be employed by the state, if any; and (e) to
21 assist the Director of Aeronautics in formulating the regulations and
22 policies to be carried out by the division under the terms of the State
23 Aeronautics Act. The commission may allocate state funds for the
24 promotion of aviation as defined for the purpose of this section by the
25 ~~division by rule and regulation~~. The director may designate one or more
26 members of the commission to represent the division in conferences with
27 officials of the federal government, of other states, of other agencies
28 or municipalities of this state, or of persons owning privately owned
29 public use airports.

30 Sec. 2. Section 3-158, Revised Statutes Cumulative Supplement, 2018,
31 is amended to read:

1 3-158 Any person who in the ordinary course of his or her business
2 rents an aircraft to another person shall deliver to the renter a written
3 notice stating the nature and extent of insurance coverage provided, if
4 any, for the renter against loss of or damage to the hull of the aircraft
5 or liability arising out of the ownership, maintenance, or use of the
6 aircraft. The notice shall contain the name of the person giving the
7 ~~notice and shall be in the form prescribed by rule or regulation which~~
8 ~~the division shall adopt and promulgate.~~

9 Sec. 3. Section 60-6,102, Revised Statutes Cumulative Supplement,
10 2018, is amended to read:

11 60-6,102 In the case of a driver who dies within four hours after
12 being in a motor vehicle accident, including a motor vehicle accident in
13 which one or more persons in addition to such driver is killed, and of a
14 pedestrian sixteen years of age or older who dies within four hours after
15 being struck by a motor vehicle, the coroner or other official performing
16 the duties of coroner shall examine the body and cause such tests to be
17 made as are necessary to determine the amount of alcohol or drugs in the
18 body of such driver or pedestrian. Such information shall be included in
19 each report submitted pursuant to sections 60-6,101 to 60-6,104 and shall
20 be tabulated on a monthly basis by the Department of Transportation. Such
21 information, including the identity of the deceased and any such amount
22 of alcohol or drugs, shall be public information and may be released or
23 disclosed as provided ~~by in rules and regulations~~ of the department.

24 Sec. 4. Section 60-6,103, Revised Statutes Cumulative Supplement,
25 2018, is amended to read:

26 60-6,103 Any surviving driver or pedestrian sixteen years of age or
27 older who is involved in a motor vehicle accident in which a person is
28 killed shall be requested, if he or she has not otherwise been directed
29 by a peace officer to submit to a chemical test under section 60-6,197,
30 to submit to a chemical test of blood, urine, or breath as the peace
31 officer directs for the purpose of determining the amount of alcohol or

1 drugs in his or her body fluid. The results of such test shall be
2 reported in writing to the Director-State Engineer who shall tabulate
3 such results on a monthly basis. Such information, including the identity
4 of such driver or pedestrian and any such amount of alcohol or drugs,
5 shall be public information and may be released or disclosed as provided
6 ~~by in rules and regulations~~ of the Department of Transportation. The
7 provisions of sections 60-6,199, 60-6,200, and 60-6,202 shall, when
8 applicable, apply to the tests provided for in this section.

9 Sec. 5. Section 60-6,107, Revised Statutes Cumulative Supplement,
10 2018, is amended to read:

11 60-6,107 (1) Except as provided in subsection (2) of this section,
12 the Department of Health and Human Services shall adopt necessary rules
13 and regulations for the administration of the provisions of sections
14 60-6,101 to 60-6,106.

15 (2) The Department of Transportation ~~shall~~ may adopt and promulgate
16 rules and regulations which ~~shall~~ provide for the release and disclosure
17 of the results of tests conducted under sections 60-6,102 and 60-6,103.

18 Sec. 6. Section 60-6,175, Revised Statutes Cumulative Supplement,
19 2018, is amended to read:

20 60-6,175 (1) Upon meeting or overtaking, from the front or rear, any
21 school bus on which the yellow warning signal lights are flashing, the
22 driver of a motor vehicle shall reduce the speed of such vehicle to not
23 more than twenty-five miles per hour, shall bring such vehicle to a
24 complete stop when the school bus is stopped, the stop signal arm is
25 extended, and the flashing red signal lights are turned on, and shall
26 remain stopped until the flashing red signal lights are turned off, the
27 stop signal arm is retracted, and the school bus resumes motion. This
28 section shall not apply to approaching traffic in the opposite direction
29 on a divided highway or to approaching traffic when there is displayed a
30 sign as provided in subsection (8) of this section directing traffic to
31 proceed. Any person violating this subsection shall be guilty of a Class

1 IV misdemeanor, shall be fined five hundred dollars, and shall be
2 assessed points on his or her motor vehicle operator's license pursuant
3 to section 60-4,182.

4 (2) Except as provided in subsection (8) of this section, the driver
5 of any school bus, when stopping to receive or discharge pupils, shall
6 turn on flashing yellow warning signal lights at a distance of not less
7 than three hundred feet when inside the corporate limits of any city or
8 village and not less than five hundred feet nor more than one thousand
9 feet in any area outside the corporate limits of any city or village from
10 the point where such pupils are to be received or discharged from the
11 bus. At the point of receiving or discharging pupils, the bus driver
12 shall bring the school bus to a stop, extend a stop signal arm, and turn
13 on the flashing red signal lights. After receiving or discharging pupils,
14 the bus driver shall turn off the flashing red signal lights, retract the
15 stop signal arm, and then proceed on the route.

16 (3)(a) Except as provided in subdivision (b) of this subsection, no
17 school bus shall stop to load or unload pupils outside of the corporate
18 limits of any city or village or on any part of the state highway system
19 within the corporate limits of a city or village, unless there is at
20 least four hundred feet of clear vision in each direction of travel.

21 (b) If four hundred feet of clear vision in each direction of travel
22 is not possible as determined by the school district, a school bus may
23 stop to load or unload pupils if there is proper signage installed
24 indicating that a school bus stop is ahead.

25 (4) All pupils shall be received and discharged from the right front
26 entrance of every school bus. If such pupils must cross a roadway, the
27 bus driver shall instruct such pupils to cross in front of the school bus
28 and the bus driver shall keep such school bus halted with the flashing
29 red signal lights turned on and the stop signal arm extended until such
30 pupils have reached the opposite side of such roadway.

31 (5) The driver of a vehicle upon a divided highway need not stop

1 upon meeting or passing a school bus which is on a different roadway or
2 when upon a freeway and such school bus is stopped in a loading zone
3 which is a part of or adjacent to such highway and where pedestrians are
4 not permitted to cross the roadway.

5 (6) Every school bus shall bear upon the front and rear thereof
6 plainly visible signs containing the words school bus in letters not less
7 than eight inches high.

8 (7) When a school bus is being operated upon a highway for purposes
9 other than the actual transportation of children either to or from school
10 or school-sponsored activities, all markings thereon indicating school
11 bus shall be covered or concealed. The stop signal arm and system of
12 flashing yellow warning signal lights and flashing red signal lights
13 shall not be operable through the usual controls.

14 (8) When a school bus is (a) parked in a designated school bus
15 loading area which is out of the flow of traffic and which is adjacent to
16 a school site or (b) parked on a roadway which possesses more than one
17 lane of traffic flowing in the same direction and which is adjacent to a
18 school site, the bus driver shall engage only the hazard warning flasher
19 lights when receiving or discharging pupils if a school bus loading area
20 warning sign is displayed. Such signs shall not be directly attached to
21 any school bus but shall be free standing and placed at the rear of a
22 parked school bus or line of parked school buses. No school district
23 shall utilize a school bus loading area warning sign unless such sign
24 complies with the manual. The manual shall include the requirements for
25 size, material, construction, and required wording. The cost of any sign
26 shall be an obligation of the school district ~~requirements of section~~
27 ~~60-6,176.~~

28 Sec. 7. Original sections 3-104, 3-158, 60-6,102, 60-6,103,
29 60-6,107, and 60-6,175, Revised Statutes Cumulative Supplement, 2018, are
30 repealed.

31 Sec. 8. The following section is outright repealed: Section

1 60-6,176, Revised Statutes Cumulative Supplement, 2018.