

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 371**

Introduced by Erdman, 47; Groene, 42.

Read first time January 16, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,360,  
2 Reissue Revised Statutes of Nebraska, and sections 60-305,  
3 60-358.01, 60-6,355, and 60-6,356, Revised Statutes Cumulative  
4 Supplement, 2018; to change and eliminate provisions relating to  
5 all-terrain vehicles and utility-type vehicles; to repeal the  
6 original sections; and to outright repeal sections 60-6,357 and  
7 60-6,358, Reissue Revised Statutes of Nebraska.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-305, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 60-305 All-terrain vehicle means any motorized off-highway vehicle  
4 which (1) is fifty inches or less in width, (2) has a dry weight of  
5 twelve hundred pounds or less, (3) travels on three or more nonhighway  
6 tires, and (4) is designed for operator use only with no passengers or is  
7 specifically designed by the original manufacturer for the operator and  
8 one passenger. All-terrain vehicles which have been modified or  
9 retrofitted with after-market parts to include additional equipment not  
10 required by section 60-6,356 ~~sections 60-6,357 and 60-6,358~~ shall not be  
11 registered under the Motor Vehicle Registration Act, nor shall such  
12 modified or retrofitted vehicles be eligible for registration in any  
13 other category of vehicle defined in the act.

14 Sec. 2. Section 60-358.01, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 60-358.01 (1) Utility-type vehicle means any motorized off-highway  
17 vehicle which (a) is seventy-four inches in width or less, (b) is not  
18 more than one hundred eighty inches, including the bumper, in length, (c)  
19 has a dry weight of two thousand pounds or less, and (d) travels on four  
20 or more nonhighway tires. Utility-type vehicles which have been modified  
21 or retrofitted with after-market parts to include additional equipment  
22 not required by section 60-6,356 ~~sections 60-6,357 and 60-6,358~~ shall not  
23 be registered under the Motor Vehicle Registration Act, nor shall such  
24 modified or retrofitted vehicles be eligible for registration in any  
25 other category of vehicle defined in the act.

26 (2) Utility-type vehicle does not include all-terrain vehicles, golf  
27 car vehicles, or low-speed vehicles.

28 Sec. 3. Section 60-6,355, Revised Statutes Cumulative Supplement,  
29 2018, is amended to read:

30 60-6,355 (1) For purposes of sections 60-6,355 to 60-6,362:

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

1 which (i) is fifty inches or less in width, (ii) has a dry weight of  
2 twelve hundred pounds or less, (iii) travels on three or more nonhighway  
3 tires, and (iv) is designed for operator use only with no passengers or  
4 is specifically designed by the original manufacturer for the operator  
5 and one passenger.

6 (b)(i) Utility-type vehicle means any motorized off-highway vehicle  
7 which (A) is seventy-four inches in width or less, (B) is not more than  
8 one hundred eighty inches, including the bumper, in length, (C) has a dry  
9 weight of two thousand pounds or less, (D) travels on four or more  
10 nonhighway tires.

11 (ii) Utility-type vehicle does not include all-terrain vehicles,  
12 golf car vehicles, or low-speed vehicles.

13 (2) All-terrain vehicles and utility-type vehicles which have been  
14 modified or retrofitted with after-market parts to include additional  
15 equipment not required by section 60-6,356 ~~sections 60-6,357 and 60-6,358~~  
16 shall not be registered under the Motor Vehicle Registration Act, nor  
17 shall such modified or retrofitted vehicles be eligible for registration  
18 in any other category of vehicle defined in the act.

19 Sec. 4. Section 60-6,356, Revised Statutes Cumulative Supplement,  
20 2018, is amended to read:

21 60-6,356 (1) A person may operate an all-terrain vehicle or utility-  
22 type vehicle to make a direct crossing of any public road, including any  
23 controlled-access highway with more than two marked traffic lanes, but  
24 not one that is part of the National System of Interstate and Defense  
25 Highways. The crossing must be made at an angle of ninety degrees to the  
26 direction of the highway and at a place where no obstruction prevents a  
27 quick and safe crossing. Before attempting to cross a Nebraska roadway  
28 the operator shall first come to a full and complete stop and yield the  
29 right-of-way to any oncoming traffic that poses a hazard.

30 (2) A person may operate an all-terrain vehicle or utility-type  
31 vehicle on the roadway or shoulder of any public road, including any

1 controlled-access highway with more than two marked traffic lanes, but  
2 not one that is part of the National System of Interstate and Defense  
3 Highways.

4 (3) When crossing or operating an all-terrain vehicle or utility-  
5 type vehicle on a roadway, the operator shall possess a valid Class 0  
6 license and shall comply with the Motor Vehicle Safety Responsibility  
7 Act.

8 (4) Any person under the age of eighteen but at least twelve years  
9 of age that does not hold a valid Class 0 license may operate an all-  
10 terrain vehicle or utility-type vehicle on a roadway, and may cross a  
11 roadway, including any controlled-access highway with more than two  
12 marked traffic lanes which is not part of the National System of  
13 Interstate and Defense Highways, only if accompanied by an adult age  
14 twenty-one years or older who is in possession of a valid Class 0  
15 license.

16 (5) Every all-terrain vehicle and utility-type vehicle shall be  
17 equipped with a working headlight and taillight and a working braking  
18 device operated either by hand or foot.

19 ~~(1) An all-terrain vehicle or a utility-type vehicle shall not be~~  
20 ~~operated on any controlled access highway with more than two marked~~  
21 ~~traffic lanes. The crossing of any controlled-access highway with more~~  
22 ~~than two marked traffic lanes shall not be permitted except as provided~~  
23 ~~in subsection (9) of this section. Subsections (2), (3), and (5) through~~  
24 ~~(8) of this section authorize and apply to operation of an all-terrain~~  
25 ~~vehicle or a utility-type vehicle only on a highway other than a~~  
26 ~~controlled-access highway with more than two marked traffic lanes.~~

27 ~~(2) An all-terrain vehicle or a utility-type vehicle may be operated~~  
28 ~~in accordance with the operating requirements of subsection (3) of this~~  
29 ~~section:~~

30 ~~(a) Outside the corporate limits of a city, village, or~~  
31 ~~unincorporated village if incidental to the vehicle's use for~~

1 ~~agricultural purposes;~~

2 ~~(b) Within the corporate limits of a city or village if authorized~~  
3 ~~by the city or village by ordinance adopted in accordance with this~~  
4 ~~section; or~~

5 ~~(c) Within an unincorporated village if authorized by the county~~  
6 ~~board of the county in which the unincorporated village is located by~~  
7 ~~resolution in accordance with this section.~~

8 ~~(3) An all-terrain vehicle or a utility-type vehicle may be operated~~  
9 ~~as authorized in subsection (2) of this section when such operation~~  
10 ~~occurs only between the hours of sunrise and sunset. Any person operating~~  
11 ~~an all-terrain vehicle or a utility-type vehicle as authorized in~~  
12 ~~subsection (2) of this section shall have a valid Class 0 operator's~~  
13 ~~license or a farm permit as provided in section 60-4,126, shall have~~  
14 ~~liability insurance coverage for the all-terrain vehicle or a utility-~~  
15 ~~type vehicle while operating the all-terrain vehicle or a utility-type~~  
16 ~~vehicle on a highway, and shall not operate such vehicle at a speed in~~  
17 ~~excess of thirty miles per hour. The person operating the all-terrain~~  
18 ~~vehicle or a utility-type vehicle shall provide proof of such insurance~~  
19 ~~coverage to any peace officer requesting such proof within five days of~~  
20 ~~such a request. When operating an all-terrain vehicle or a utility-type~~  
21 ~~vehicle as authorized in subsection (2) of this section, the headlight~~  
22 ~~and taillight of the vehicle shall be on and the vehicle shall be~~  
23 ~~equipped with a bicycle safety flag which extends not less than five feet~~  
24 ~~above ground attached to the rear of such vehicle. The bicycle safety~~  
25 ~~flag shall be triangular in shape with an area of not less than thirty~~  
26 ~~square inches and shall be day-glow in color.~~

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

31 ~~(5) The crossing of a highway other than a controlled-access highway~~

1 ~~with more than two marked traffic lanes shall be permitted by an all-~~  
2 ~~terrain vehicle or a utility-type vehicle without complying with~~  
3 ~~subsection (3) of this section only if:~~

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

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

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

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

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

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

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

27 ~~(8) A county board may adopt a resolution authorizing the operation~~  
28 ~~of all-terrain vehicles and utility-type vehicles within any~~  
29 ~~unincorporated village within the county if the operation is in~~  
30 ~~accordance with subsection (3) of this section. The county may place~~  
31 ~~other restrictions on the operation of all-terrain vehicles and utility-~~

1 ~~type vehicles within the unincorporated village.~~

2 ~~(9) The crossing of a controlled access highway with more than two~~  
3 ~~marked traffic lanes shall be permitted by a utility-type vehicle if the~~  
4 ~~operation is in accordance with the operation requirements of subsection~~  
5 ~~(3) of this section and if the following requirements are met:~~

6 ~~(a) The crossing is made at an intersection that:~~

7 ~~(i) Is controlled by a traffic control signal; or~~

8 ~~(ii) For any intersection located outside the corporate limits of a~~  
9 ~~city or village, is controlled by stop signs;~~

10 ~~(b) The crossing at such intersection is made in compliance with the~~  
11 ~~traffic control signal or stop signs; and~~

12 ~~(c) The crossing at such intersection is specifically authorized as~~  
13 ~~follows:~~

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

16 ~~(ii) If such intersection is located within an unincorporated~~  
17 ~~village, by resolution of the county board of the county in which such~~  
18 ~~unincorporated village is located; or~~

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

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

25 60-6,360 All-terrain vehicles and utility-type vehicles  
26 participating in competitive events may be exempted from section 60-6,356  
27 and section sections 60-6,357 to 60-6,359 at the discretion of the  
28 Director of Motor Vehicles.

29 Sec. 6. Original section 60-6,360, Reissue Revised Statutes of  
30 Nebraska, and sections 60-305, 60-358.01, 60-6,355, and 60-6,356, Revised  
31 Statutes Cumulative Supplement, 2018, are repealed.

1           Sec. 7.    The following sections are outright repealed: Sections  
2   60-6,357 and 60-6,358, Reissue Revised Statutes of Nebraska.