

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 174

Introduced by Friesen, 34.

Read first time January 08, 2021

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to transportation; to amend sections 39-1316,
2 39-2301.01, 39-2302, 39-2306, 39-2307, 39-2501, 39-2503, 39-2511,
3 39-2513, 60-511, 60-512, 60-513, 60-514, 60-550.01, 60-554, and
4 60-6,336, Reissue Revised Statutes of Nebraska, and sections
5 39-2106, 39-2107, 39-2304, 39-2308, 39-2308.01, 39-2308.03, 39-2502,
6 39-2504, 39-2505, 39-2512, 39-2514, 39-2515, 60-507, 60-695, 60-699,
7 and 60-6,138, Revised Statutes Cumulative Supplement, 2020; to
8 change provisions relating to the state highway system, the Board of
9 Public Roads Classifications and Standards, licensure under the
10 County Highway and City Street Superintendents Act, incentive
11 payments, distribution of highway funds, county highway
12 superintendents, city street superintendents, and the Board of
13 Examiners for County Highway and City Street Superintendents; to
14 redefine terms; to change provisions of the Motor Vehicle Safety
15 Responsibility Act; to change provisions relating to accident
16 reports and the Nebraska Rules of the Road regarding roundabouts and
17 snowmobiles; to harmonize provisions; and to repeal the original
18 sections.
19 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1316, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 39-1316 The department shall be responsible for the preparation and
4 adoption of plans and specifications for the establishment, construction,
5 and maintenance of the state highway system. Such plans and
6 specifications may be amended, from time to time, as the department deems
7 advisable. Such plans and specifications should conform, as closely as
8 practicable, to those adopted by the American Association of State
9 Highway and Transportation Officials.

10 Sec. 2. Section 39-2106, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 39-2106 (1) To assist in developing the functional classification
13 system, there is hereby established the Board of Public Roads
14 Classifications and Standards which shall consist of eleven members to be
15 appointed by the Governor with the approval of the Legislature.

16 (2) Of the members of such board:

17 (a) Two ~~, two~~ shall be representatives of the Department of
18 Transportation;

19 (b) Three ~~, three~~ shall be representatives of the counties. One ~~,~~
20 one of such members ~~whom~~ shall be a licensed county highway
21 superintendent licensed pursuant to the County Highway and City Street
22 Superintendents Act in good standing and two of such members ~~whom~~ shall
23 be county board members;

24 (c) Three ~~, three~~ shall be representatives of the municipalities.
25 Each of such members ~~who~~ shall be a city engineer, village engineer,
26 either public works director, city manager, city administrator, street
27 commissioner, directors or licensed city street superintendent licensed
28 pursuant to the County Highway and City Street Superintendents Act; and

29 (d) Three ~~superintendents in good standing,~~ and three shall be lay
30 citizens, with one representing each of who shall represent the three
31 congressional districts of the state.

1 (3) The county members on the board shall represent the various
2 classes of counties, as defined in section 23-1114.01, in the following
3 manner:

4 (a) One shall be a representative from either a Class 1 or Class 2
5 county;

6 (b) ~~One~~ shall be a representative from either a Class 3 or Class
7 4 county; and

8 (c) ~~One~~ shall be a representative from either a Class 5, Class
9 6, or Class 7 county.

10 (4) The municipal members of the board shall represent
11 municipalities of the following sizes by population, as determined by the
12 most recent federal decennial census or the most recent revised certified
13 count by the United States Bureau of the Census:

14 (a) One shall be a representative from a municipality of less than
15 two thousand five hundred inhabitants ~~as determined by the most recent~~
16 ~~federal decennial census or the most recent revised certified count by~~
17 ~~the United States Bureau of the Census;~~

18 (b) ~~One~~ shall be a representative from a municipality of two
19 thousand five hundred to fifty thousand inhabitants ~~as determined by the~~
20 ~~most recent federal decennial census or the most recent revised certified~~
21 ~~count by the United States Bureau of the Census;~~ and

22 (c) ~~One~~ shall be a representative from a municipality of over
23 fifty thousand inhabitants ~~as determined by the most recent federal~~
24 ~~decennial census or the most recent revised certified count by the United~~
25 ~~States Bureau of the Census.~~

26 (5) In making such appointments, the Governor shall consult with the
27 Director-State Engineer and with the appropriate county and municipal
28 officials and may consult with organizations representing such officials
29 or representing counties or municipalities as may be appropriate.

30 (6) At the expiration of the existing term, one member from the
31 county representatives, the municipal representatives, and the lay

1 citizens shall be appointed for a term of two years; and two members from
2 the county representatives, the municipal representatives, and the lay
3 citizens shall be appointed for terms of four years. One representative
4 from the department shall be appointed for a two-year term and the other
5 representative shall be appointed for a four-year term. Thereafter, all
6 such appointments shall be for terms of four years each.

7 (7) Members of such board shall receive no compensation for their
8 services as such, except that the lay members shall receive the same
9 compensation as members of the State Highway Commission, and all members
10 shall be reimbursed for expenses incurred in the performance of their
11 official duties as provided in sections 81-1174 to 81-1177. All expenses
12 of such board shall be paid by the department.

13 Sec. 3. Section 39-2107, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 39-2107 The Department of Transportation shall furnish the Board of
16 Public Roads Classifications and Standards with necessary office space,
17 furniture, equipment, and supplies as well as necessary professional,
18 technical, and clerical assistance ~~assistants~~.

19 Sec. 4. Section 39-2301.01, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 39-2301.01 For purposes of the County Highway and City Street
22 Superintendents Act, unless the context otherwise requires:

23 (1) Board of examiners means the Board of Examiners for County
24 Highway and City Street Superintendents;

25 (2) City street superintendent means a person who engages in the
26 practice of street superintending for an incorporated municipality;

27 (3) County highway superintendent means a person who engages in the
28 practice of highway superintending for a county; and

29 (4) Street or highway superintending means assisting an incorporated
30 municipality or a county in the following:

31 (a) Developing and annually updating long-range plans or programs

1 based on needs and coordinated with adjacent local governmental units;

2 (b) Developing annual programs for design, construction, and
3 maintenance;

4 (c) Developing annual budgets based on programmed projects and
5 activities;

6 (d) Implementing the capital improvements and maintenance activities
7 provided in the approved plans, programs, and budgets; and

8 (e) Managing personnel, contractors, and equipment in support of
9 such planning, programming, budgeting, and implementation operations.

10 Sec. 5. Section 39-2302, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 39-2302 No person shall be appointed ~~employed~~ by any county as a
13 county highway superintendent or by any municipality as a city street
14 superintendent to qualify for the incentive payments provided in sections
15 39-2501 to 39-2505 for counties and municipal counties or sections
16 39-2511 to 39-2515 for municipalities and municipal counties ~~39-2520~~
17 unless he or she has been licensed under the County Highway and City
18 Street Superintendents Act or is exempt from such licensure requirement
19 as provided in section 39-2504 or 39-2514.

20 Sec. 6. Section 39-2304, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 39-2304 (1) The Board of Examiners for County Highway and City
23 Street Superintendents is created. The board shall consist of seven
24 members to be appointed by the Governor. ~~Four~~ Four of such members ~~whom~~
25 shall be county representatives, ~~and three of such members whom~~ shall be
26 municipal representatives.

27 (2)(a) Immediately preceding appointment to the board, each county
28 and municipal representative shall hold a ~~current license as a~~ county
29 highway ~~and~~ or city street superintendent license pursuant to the County
30 Highway and City Street Superintendents Act.

31 (b) Of the county representatives, no more than one member shall be

1 appointed from each class of county as defined in section 23-1114.01.

2 ~~(c) Of , and of the municipal representatives; , no~~

3 ~~(i) No more than one shall be appointed from each congressional~~
4 ~~district; , one of whom shall be a representative of a city of the~~
5 ~~metropolitan or primary class, one~~

6 ~~(ii) One of whom shall be a representative of a city of the~~
7 ~~metropolitan class, primary class, or first class; , and one of whom~~

8 ~~(iii) One shall be a representative of a city of the second class;~~
9 ~~and~~

10 ~~(iv) One shall be a representative of or a village.~~

11 ~~(3) In making such appointments, the Governor may give consideration~~
12 ~~to the following lists of persons licensed pursuant to the County Highway~~
13 ~~and City Street Superintendents Act:~~

14 ~~(a) A a list of licensed county highway engineers, county highway~~
15 ~~superintendents, and county surveyors submitted by the Nebraska~~
16 ~~Association of County Officials; and~~

17 ~~(b) A to a list of licensed city street superintendents, city~~
18 ~~managers, city administrators, or street commissioners, city engineers,~~
19 ~~village engineers, and public works directors submitted by the League of~~
20 ~~Nebraska Municipalities.~~

21 ~~(4) Two county representatives shall initially be appointed for~~
22 ~~terms of two years each, and two county representatives shall initially~~
23 ~~be appointed for terms of four years each. One municipal representative~~
24 ~~shall initially be appointed for a term of two years, and two municipal~~
25 ~~representatives shall initially be appointed for terms of four years~~
26 ~~each. Thereafter, all such appointments shall be for terms of four years~~
27 ~~each.~~

28 ~~(5) In the event a county or municipal representative loses his or~~
29 ~~her license as a county highway and or city street superintendent~~
30 ~~license, such person shall no longer be qualified to serve on the board~~
31 ~~and such seat shall be vacant. In the event of a vacancy occurring on the~~

1 board for any reason, such vacancy shall be filled by appointment by the
2 Governor for the remainder of the unexpired term. Such appointed person
3 shall meet the same requirements and qualifications as the member whose
4 vacancy he or she is filling.

5 (6) Members of the board shall receive no compensation for their
6 services as members of the board but shall be reimbursed for expenses
7 incurred while engaged in the performance of their official duties as
8 provided in sections 81-1174 to 81-1177.

9 Sec. 7. Section 39-2306, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 39-2306 (1) Any person desiring to be issued a Class B license under
12 section 39-2308 shall apply ~~make application therefor~~ to the board of
13 examiners upon forms prescribed and furnished by the board. The
14 ~~application shall include the applicant's social security number.~~ Such
15 application shall be accompanied by an application fee of twenty-five
16 dollars.

17 (2) Any professional engineer licensed pursuant to the Engineers and
18 Architects Regulation Act shall be entitled to a Class B license under
19 section 39-2308 without examination.

20 Sec. 8. Section 39-2307, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-2307 The board of examiners shall, twice each year, conduct
23 examinations of applicants for Class B licenses under section 39-2308.
24 Such examinations shall be designed to test the qualifications of
25 applicants for the position of county highway superintendent or city
26 street superintendent and shall cover the ability to assist in:

27 (1) Developing ~~Develop~~ and annually updating ~~update~~ long-range plans
28 or programs based on needs and coordinated with adjacent local
29 governmental units;

30 (2) Developing ~~Develop~~ annual programs for design, construction, and
31 maintenance;

1 (3) Developing ~~Develop~~ annual budgets based on programmed projects
2 and activities; and

3 (4) Implementing ~~Implement~~ the capital improvements and maintenance
4 activities provided in the approved plans, programs, and budgets. ~~;~~ and

5 ~~(5) Understand principles pertaining to highway, road, and street
6 operations and to management of personnel, contractors, and equipment.~~

7 Sec. 9. Section 39-2308, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 39-2308 Any person satisfactorily completing the examination
10 required by section 39-2307 or exempt from such examination under ~~the~~
11 ~~provisions of~~ subsection (2) of section 39-2306 shall be issued a Class B
12 license as a county highway and ~~or~~ city street superintendent. Such
13 license shall be valid for a period of three years and shall be renewable
14 upon the payment of a fee of thirty dollars. ~~If the holder of a Class B
15 license that is up for renewal also holds a Class A license that is not
16 then up for renewal, the renewal of the Class B license shall be extended
17 to coincide with the three year renewal cycle of the Class A license. Any
18 person holding a license on January 1, 2004, shall be deemed to be
19 holding a Class B license under this section.~~

20 Sec. 10. Section 39-2308.01, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 39-2308.01 Any person holding a Class B license issued pursuant to
23 section 39-2308 may apply to the board of examiners for a Class A license
24 upon forms prescribed and furnished by the board upon submitting evidence
25 that (1) he or she has been employed and appointed by one or more county
26 or counties or municipality or municipalities as a county highway or city
27 street superintendent on at least a half-time basis for at least two
28 years within the past six years or (2) he or she has at least four years'
29 experience in work comparable to street or highway superintending, on at
30 least a half-time basis, within the past eight years. Such application
31 shall be accompanied by a fee of seventy-five dollars. A Class A license

1 shall be valid for a period of three years and shall be renewable for
2 three years as provided in section 39-2308.02 upon payment of a fee of
3 fifty dollars.

4 Sec. 11. Section 39-2308.03, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 39-2308.03 (1) Beginning on the effective date of this act: The
7 ~~holder of a county highway superintendent's license shall be entitled to~~
8 ~~hold a city street superintendent's license of the same or a lower level~~
9 ~~upon payment of the application fee for that additional license. The~~
10 ~~holder of a city street superintendent's license shall be entitled to~~
11 ~~hold a county highway superintendent's license of the same or a lower~~
12 ~~level upon payment of the application fee for that additional license. A~~
13 ~~second license shall be placed on the same three-year renewal cycle as~~
14 ~~the license holder's initial license.~~

15 (a) A county highway superintendent license or city street
16 superintendent license, whether of Class A or Class B, issued prior to
17 the effective date of this act is deemed to be a county highway and city
18 street superintendent license;

19 (b) The holder of any Class A license or licenses shall have such
20 license or licenses reissued as a single Class A county highway and city
21 street superintendent license;

22 (c) The holder of any Class A license and any Class B license shall
23 have such licenses reissued as a single Class A county highway and city
24 street superintendent license; and

25 (d) The holder of any Class B license or licenses who does not hold
26 any Class A license shall have such Class B license or licenses reissued
27 as a single Class B county highway and city street superintendent
28 license.

29 (2) A license reissued under subsection (1) of this section shall
30 remain on the same triennial renewal cycle as the license or licenses
31 replaced.

1 Sec. 12. Section 39-2501, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 39-2501 Before distributing the February portion ~~making distribution~~
4 of funds under sections 39-2508 and 66-4,148 ~~allocated to the counties or~~
5 ~~municipal counties for road purposes~~, incentive payments shall first be
6 made as provided in sections 39-2502 to 39-2505.

7 Sec. 13. Section 39-2502, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 39-2502 An incentive payment shall be made to each county having
10 appointed and employed ~~in its employ~~ a county highway superintendent
11 licensed under the County Highway and City Street Superintendents Act,
12 during the calendar year preceding the year in which payment is made. For
13 purposes of sections 39-2501 to 39-2505 ~~39-2510~~, county highway
14 superintendent means a person who assists the county with ~~actually~~
15 ~~performs~~ the following ~~duties~~:

16 (1) Developing and annually updating a long-range plan or program
17 based on needs and coordinated with adjacent local governmental units;

18 (2) Developing an annual program for design, construction, and
19 maintenance;

20 (3) Developing an annual budget based on programmed projects and
21 activities;

22 (4) Submitting such plans, programs, and budgets to the local
23 governing body for approval; and

24 (5) Implementing the capital improvements and maintenance activities
25 provided in the approved plans, programs, and budgets.

26 Sec. 14. Section 39-2503, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 39-2503 Except as provided in section 39-2504, ~~the~~ The incentive
29 payment to the various counties and municipal counties shall be based on
30 the class level ~~level~~ of license of the county highway superintendent appointed
31 and employed by the county and on the rural population of each county or

1 municipal county, as determined by the most recent federal census,
2 according to the following table:

3 Rural Population	Class B License	Class A License
	4 Payment	Payment
5 Not more than 3,000	\$4,500.00	\$9,000.00
6 3,001 to 5,000	\$4,875.00	\$9,750.00
7 5,001 to 10,000	\$5,250.00	\$10,500.00
8 10,001 to 20,000	\$5,625.00	\$11,250.00
9 20,001 to 30,000	\$6,000.00	\$12,000.00
10 30,001 and more	\$6,375.00	\$12,750.00

11 Sec. 15. Section 39-2504, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 39-2504 (1) A reduced incentive payment shall be made to any county
14 or municipal county having appointed and employed ~~in its employ~~ either
15 (a) a licensed county highway superintendent for only a portion of the
16 calendar year preceding the year in which the payment is made or (b) two
17 or more successive licensed county highway superintendents for the
18 calendar year preceding the year in which the payment is made. Such
19 reduced payment shall be in the proportion of the payment amounts listed
20 in section 39-2503 as the number of full months each such licensed
21 superintendent was appointed and employed is of twelve.

22 (2) Any county or municipal county that contracts for the services
23 of and appoints a consulting engineer licensed under the County Highway
24 and City Street Superintendents Act or any other person licensed under
25 the act to perform the duties outlined in section 39-2502 rather than
26 appointing and employing a licensed county highway superintendent shall
27 be entitled to an incentive payment equal to two-thirds the payment
28 amount provided in section 39-2503 or two-thirds of the reduced incentive
29 payment provided in subsection (1) of this section, as determined by the
30 Department of Transportation pursuant to section 39-2505.

31 (3) Any county or municipal county that contracts with another

1 county or municipal county or with any city or village for the services
2 of and appoints a licensed county highway superintendent as provided in
3 section 39-2114 shall be entitled to the incentive payment provided in
4 section 39-2503 or the reduced incentive payment provided in subsection
5 (1) of this section.

6 (4) Beginning in calendar year 2022, any county or municipal county
7 having a total population of sixty thousand or more inhabitants, as
8 determined by the most recent official United States census, shall
9 receive the full twelve-month Class A incentive payment amount provided
10 in section 39-2503 applicable to such county's or municipal county's
11 rural population as determined by the most recent federal census.

12 (5) Beginning in calendar year 2022, a county or municipal county
13 having a total population of less than sixty thousand inhabitants, as
14 determined by the most recent official United States census, may appoint
15 and employ a professional engineer, who is licensed pursuant to the
16 Engineers and Architects Regulation Act but is not licensed under the
17 County Highway and City Street Superintendents Act, to perform the duties
18 of county highway superintendent outlined in section 39-2502. In such
19 case, the professional engineer's license under the Engineers and
20 Architects Regulation Act shall serve as a Class A license for purposes
21 of incentive payments under sections 39-2502 to 39-2505. This subsection
22 only applies to a professional engineer in the direct employ of a county
23 or municipal county and does not apply to an engineer serving as a
24 contractor or consultant.

25 Sec. 16. Section 39-2505, Revised Statutes Cumulative Supplement,
26 2020, is amended to read:

27 39-2505 (1) By December 31 of each year, each county or municipal
28 county shall certify to the Department of Transportation, using the
29 certification process developed by the department:

30 (a) The name of any appointed county highway superintendent;

31 (b) Such superintendent's class of license, if applicable; and

1 (c) The type of appointment:

2 (i) Employed;

3 (ii) Contract consultant; or

4 (iii) Contract interlocal agreement with another municipality,
5 county, or municipal county.

6 (2) The Department of Transportation shall, in January of each year
7 commencing in 1970, determine and certify to the State Treasurer the
8 amount of each incentive payment to be made under the provisions of
9 sections 39-2501 to 39-2505. The State Treasurer shall, on or before
10 February 15, make the incentive payments in accordance with such
11 certification.

12 Sec. 17. Section 39-2511, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 39-2511 Before distributing the February portion ~~making distribution~~
15 of funds under sections 39-2518 and 66-4,148 allocated to the
16 municipalities or municipal counties for street purposes, incentive
17 payments shall first be made as provided in sections 39-2512 to 39-2515.

18 Sec. 18. Section 39-2512, Revised Statutes Cumulative Supplement,
19 2020, is amended to read:

20 39-2512 An incentive payment shall be made to each municipality or
21 municipal county having appointed and employed ~~in its employ~~ a city
22 street superintendent licensed under the County Highway and City Street
23 Superintendents Act, during the calendar year preceding the year in which
24 payment is made. For purposes of sections 39-2511 to ~~39-2115~~ 39-2520,
25 city street superintendent means a person who assists the municipality or
26 municipal county with ~~actually performs~~ the following duties:

27 (1) Developing and annually updating a long-range plan or program
28 based on needs and coordinated with adjacent local governmental units;

29 (2) Developing an annual program for design, construction, and
30 maintenance;

31 (3) Developing an annual budget based on programmed projects and

1 activities;

2 (4) Submitting such plans, programs, and budgets to the local
3 governing body for approval; and

4 (5) Implementing the capital improvements and maintenance activities
5 provided in the approved plans, programs, and budgets.

6 Sec. 19. Section 39-2513, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 39-2513 Except as provided in section 39-2514, the The incentive
9 payment to the various municipalities or municipal counties shall be
10 based on the class level of license of the city street superintendent
11 appointed and employed by the municipality or municipal counties and on
12 the population of each municipality or urbanized area of each municipal
13 county, as determined by the most recent federal census figures certified
14 by the Tax Commissioner as provided in section 77-3,119, according to the
15 following table:

16	Population	Class B License	Class A License
17		Payment	Payment
18	Not more than 500	\$300.00	\$600.00
19	501 to 1,000	\$500.00	\$1,000.00
20	1,001 to 2,500	\$1,500.00	\$3,000.00
21	2,501 to 5,000	\$2,000.00	\$4,000.00
22	5,001 to 10,000	\$3,000.00	\$6,000.00
23	10,001 to 20,000	\$3,500.00	\$7,000.00
24	20,001 to 40,000	\$3,750.00	\$7,500.00
25	40,001 to 200,000	\$4,000.00	\$8,000.00
26	200,001 and more	\$4,250.00	\$8,500.00

27 Sec. 20. Section 39-2514, Revised Statutes Cumulative Supplement,
28 2020, is amended to read:

29 39-2514 (1) A reduced incentive payment shall be made to any
30 municipality or municipal county having appointed and employed ~~in its~~
31 ~~employ~~ either (a) a licensed city street superintendent for only a

1 portion of the calendar year preceding the year in which the payment is
2 made or (b) two or more successive licensed city street superintendents
3 for the calendar year preceding the year in which the payment is made.
4 Such reduced payment shall be in the proportion of the payment amounts
5 listed in section 39-2513 as the number of full months each such licensed
6 superintendent was appointed and employed is of twelve.

7 (2) Any municipality or municipal county that contracts for the
8 services of and appoints a consulting engineer licensed under the County
9 Highway and City Street Superintendents Act or any other person licensed
10 under the act to perform the duties outlined in section 39-2512 rather
11 than appointing and employing a licensed city street superintendent shall
12 be entitled to an incentive payment as provided in section 39-2513 or to
13 the reduced incentive payment provided in subsection (1) of this section,
14 as determined by the Department of Transportation pursuant to section
15 39-2515.

16 (3) Any municipality or municipal county that contracts with another
17 municipality, county, or municipal county for the services of and
18 appoints a licensed city street superintendent as provided in section
19 39-2114 shall be entitled to the incentive payment provided in section
20 39-2513 or the reduced incentive payment provided in subsection (1) of
21 this section.

22 (4) Beginning in calendar year 2022, a municipality or municipal
23 county may appoint and employ a professional engineer who is licensed
24 pursuant to the Engineers and Architects Regulation Act but is not
25 licensed under the County Highway and City Street Superintendents Act and
26 who is serving as city engineer, village engineer, public works director,
27 city manager, city administrator, or street commissioner to perform the
28 duties of city street superintendent outlined in section 39-2512. In such
29 case, the professional engineer's license under the Engineers and
30 Architects Regulation Act shall serve as a Class A license for purposes
31 of incentive payments under sections 39-2512 to 39-2515. This subsection

1 only applies to a professional engineer in the direct employ of a
2 municipality or municipal county and does not apply to an engineer
3 servicing as a contractor or consultant.

4 Sec. 21. Section 39-2515, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 39-2515 (1) By December 31 of each year, each municipality or
7 municipal county shall certify to the Department of Transportation, using
8 the certification process developed by the department:

9 (a) The name of any appointed city street superintendent;

10 (b) Such superintendent's class of license, if applicable; and

11 (c) The type of appointment:

12 (i) Employed;

13 (ii) Contract consultant; or

14 (iii) Contract interlocal agreement with another municipality,
15 county, or municipal county.

16 (2) The Department of Transportation shall, in January of each year
17 commencing in 1970, determine and certify to the State Treasurer the
18 amount of each incentive payment to be made under the provisions of
19 sections 39-2511 to 39-2515 ~~39-2520~~. The State Treasurer shall, on or
20 before February 15, make the incentive payments in accordance with such
21 certification.

22 Sec. 22. Section 60-507, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 60-507 (1)(a) ~~(1)~~ Within ninety days after the receipt by the
25 Department of Transportation of a report of a motor vehicle accident
26 within this state which has resulted in bodily injury or death, or damage
27 to the property of any one person, including such operator, to an
28 apparent extent ~~in excess of one thousand~~ five hundred dollars or more,
29 the Department of Motor Vehicles shall suspend (a) the license of each
30 operator of a motor vehicle in any manner involved in such accident and
31 (b) the privilege, if such operator is a nonresident, of operating a

1 motor vehicle within this state, unless such operator deposits security
2 in a sum which shall be sufficient, in the judgment of the Department of
3 Motor Vehicles, to satisfy any judgment or judgments for damages
4 resulting from such accident which may be recovered against such operator
5 and unless such operator gives proof of financial responsibility. Notice
6 of such suspension shall be sent by the Department of Motor Vehicles by
7 regular United States mail to such operator not less than twenty days
8 prior to the effective date of such suspension at his or her last-known
9 mailing address as shown by the records of the department and shall state
10 the amount required as security and the requirement of proof of financial
11 responsibility.

12 (b) In the event a person involved in a motor vehicle accident
13 within this state fails to make a report to the Department of Motor
14 Vehicles indicating the extent of his or her injuries or the damage to
15 his or her property within thirty days after the accident, and the
16 department does not have sufficient information on which to base an
17 evaluation of such injury or damage, the department, after reasonable
18 notice to such person, may not require any deposit of security for the
19 benefit or protection of such person.

20 (c) If the operator fails to respond to the notice on or before
21 twenty days after the date of the notice, the director shall summarily
22 suspend the operator's license or privilege and issue an order of
23 suspension.

24 (2) The order of suspension provided for in subsection (1) of this
25 section shall not be entered by the Department of Motor Vehicles if the
26 department determines that in its judgment there is no reasonable
27 possibility of a judgment being rendered against such operator.

28 (3) In determining whether there is a reasonable possibility of
29 judgment being rendered against such operator, the department shall
30 consider all reports and information filed in connection with the
31 accident.

1 (4) The order of suspension provided for in subsection (1) of this
2 section shall advise the operator that he or she has a right to appeal
3 the order of suspension in accordance with ~~the provisions set forth in~~
4 section 60-503.

5 (5) The order of suspension provided for in subsection (1) of this
6 section shall be sent by regular United States mail to the operator's
7 ~~person's~~ last-known mailing address as shown by the records of the
8 department.

9 Sec. 23. Section 60-511, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-511 The license and registration and nonresident's operating
12 privilege suspended as provided in this section and section ~~sections~~
13 ~~60-507 and 60-511,~~ shall remain so suspended, and not be renewed nor
14 shall any such license or registration be issued to such person until:

15 (1) Such person shall deposit and file or there shall be deposited
16 and filed on his or her behalf the security and proof required under this
17 section and section ~~sections~~ 60-507 ~~and 60-511;~~

18 (2) A supersedeas bond is filed and approved to insure payment of
19 any judgment recovered against such person in a court of competent
20 jurisdiction arising out of the accident on account of which such license
21 and registration was suspended and such person files proof of financial
22 responsibility;

23 (3) Three years ~~shall~~ have elapsed following the date of such
24 accident and evidence satisfactory to the department has been filed with
25 it that during such period no action for damages arising out of such
26 accident has been instituted and such person files proof of financial
27 responsibility;

28 (4) Evidence satisfactory to the department has been filed with it
29 of a release from liability, and proof of financial responsibility or a
30 final adjudication of nonliability, or a warrant for confession of
31 judgment, or a duly acknowledged written agreement, in accordance with

1 subdivision (4) of section 60-510 and proof of financial responsibility.
2 ~~If ; Provided, in the event there is shall be~~ any default in the payment
3 of any installment under any confession of judgment ~~then, upon notice of~~
4 ~~such default,~~ the department, upon notice of such default, shall
5 ~~forthwith~~ suspend the license and registration or nonresident's operating
6 privilege of such person defaulting which shall not be restored unless
7 and until the entire amount provided for in the ~~said~~ confession of
8 judgment has been paid and proof of financial responsibility has been
9 filed. ~~If ; and provided further, that in the event there is shall be~~ any
10 default in the payment of any installment under any duly acknowledged
11 written agreement ~~then, upon notice of such default,~~ the department, upon
12 notice of such default, shall ~~forthwith~~ suspend the license and
13 registration or nonresident's operating privilege of such person
14 defaulting which shall not be restored unless and until (a) such person
15 deposits and maintains ~~shall maintain~~ security as required under section
16 60-507, in such amount as the department determines ~~may then determine,~~
17 and files proof of financial responsibility or (b) one year has ~~shall~~
18 ~~have~~ elapsed following the date when such security was required and
19 during such period no action upon such agreement has been instituted in a
20 court in this state and such person gives proof of financial
21 responsibility; or

22 (5) In the event any insurance carrier of any motor vehicle operator
23 makes settlement with the operator of another motor vehicle involved in
24 the accident, such settlement shall, for the purpose of the Motor Vehicle
25 Safety Responsibility Act ~~sections 60-501 to 60-569,~~ be construed as a
26 release to the operators of all motor vehicles involved in the accident,
27 and be sufficient to satisfy subdivision (4) of this section.

28 Sec. 24. Section 60-512, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 60-512 (1) In case the operator or the owner of a motor vehicle
31 involved in an accident within this state has no license or registration,

1 ~~such operator or owner~~ he shall not be allowed a license or registration
2 until he ~~or she~~ has complied with the requirements of the Motor Vehicle
3 Safety Responsibility Act ~~sections 60-501 to 60-569~~ to the same extent
4 that would be necessary if, at the time of the accident, he ~~or she~~ had
5 held a license and registration.

6 (2) When a nonresident's operating privilege is suspended pursuant
7 to section 60-507 or 60-511, the department shall transmit a certified
8 copy of the record of such action to the official in charge of the
9 issuance of licenses and registration certificates in the state in which
10 such nonresident resides, if the law of such other state provides for
11 action in relation thereto similar to that provided for in subsection (3)
12 of this section.

13 (3) Upon receipt of certification that the operating privilege of a
14 resident of this state has been suspended or revoked in any ~~such~~ other
15 state pursuant to a law providing for its suspension or revocation for
16 failure to deposit security for the payment of judgments arising out of a
17 motor vehicle accident, or for failure to deposit both security and proof
18 of financial responsibility, under circumstances which would require the
19 department to suspend a nonresident's operating privilege had the
20 accident occurred in this state, the department shall suspend the license
21 ~~of such resident~~ and ~~all of his~~ registrations of such resident. Such
22 suspension shall continue until such resident furnishes evidence of ~~his~~
23 compliance with the law of ~~the such~~ other state relating to the deposit
24 of ~~such~~ security, and until such resident files proof of financial
25 responsibility if required by the such law of the other state.

26 Sec. 25. Section 60-513, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-513 The security required by the Motor Vehicle Safety
29 Responsibility Act shall be in such form and in such amount as the
30 department may require but in no case less than one thousand five hundred
31 dollars nor in excess of the limits specified in section 60-509. The

1 person depositing security shall specify in writing the person or persons
2 on whose behalf the deposit is made and, at any time while such deposit
3 is in the custody of the department or State Treasurer, the person
4 depositing it may, in writing, amend the specification of the person or
5 persons on whose behalf the deposit is made to include an additional
6 person or persons, except that a single deposit of security shall be
7 applicable only on behalf of persons required to furnish security because
8 of the same accident. The department may increase or reduce the amount of
9 security ordered in any case at any time after the date of the accident
10 if, in the judgment of the director, the amount ordered is inadequate or
11 excessive. In case the security originally ordered has been deposited,
12 the excess deposited over the reduced amount ordered shall be returned to
13 the depositor or his or her personal representative immediately,
14 notwithstanding ~~the provisions of~~ section 60-514. If any additional
15 security ordered is not deposited within ten days, the department
16 ~~Department of Motor Vehicles~~ shall proceed under ~~the provisions of~~
17 section 60-507.

18 Sec. 26. Section 60-514, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 60-514 The security deposited, in compliance with the Motor Vehicle
21 Safety Responsibility Act ~~requirements of sections 60-501 to 60-569,~~
22 shall be placed by the department in the custody of the State Treasurer
23 and shall be applicable only to the payment of a judgment or judgments
24 rendered against the person or persons on whose behalf the deposit was
25 made, for damages arising out of the accident in question in an action at
26 law, begun not later than two years after the date of such accident, or
27 within two years after the date of deposit of any security under
28 subdivision (4) of section 60-511. The ~~, and such~~ deposit or any balance
29 of the deposit thereof shall be returned to the depositor or his or her
30 personal representative (1) when evidence satisfactory to the department
31 has been filed with the department ~~it~~ that there has been a release from

1 liability, ~~or~~ a final adjudication of nonliability, ~~or~~ a supersedeas bond
2 to insure payment of judgment ~~has been~~ filed and approved as set forth in
3 ~~provided by~~ subdivision (2) of section 60-511, ~~or~~ a warrant for
4 confession of judgment, or a duly acknowledged agreement, in accordance
5 with subdivision (4) of section 60-510, or (2) whenever, after the
6 expiration of two years from the date of the accident, or within two
7 years after the date of deposit of any security under subdivision (4) of
8 section 60-511, the department shall be given reasonable evidence that
9 there is no such action pending and no judgment rendered in such action
10 left unpaid.

11 Sec. 27. Section 60-550.01, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-550.01 Upon receipt by the department ~~Department of Motor~~
14 ~~Vehicles~~ of a certified copy of a final judgment secured against a
15 depositor, such judgment having been granted for damages arising out of
16 the accident which caused the depositing of security under the Motor
17 Vehicle Safety Responsibility Act , ~~as provided in sections 60-501 to~~
18 ~~60-569~~, the department shall, by voucher addressed to the Director of
19 Administrative Services, cause the payment of the deposited security to
20 the judgment creditor in accordance with the terms of the judgment and,
21 if it ~~then~~ appears there is no further liability to any persons arising
22 out of such accident, the department shall, upon its voucher to the
23 Director of Administrative Services, cause the balance remaining, if any,
24 to be returned to the depositor or his or her personal representative.

25 Sec. 28. Section 60-554, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-554 (1) The department shall upon request consent to the
28 immediate cancellation of any bond or certificate of insurance, or the
29 department shall direct and the State Treasurer shall return to the
30 person entitled thereto any money or securities, deposited pursuant to
31 the Motor Vehicle Safety Responsibility Act ~~sections 60-501 to 60-569~~ as

1 proof of financial responsibility, or the department shall waive the
2 requirement of filing proof, in any of the following events:

3 (a) ~~(1)~~ At any time after three years from the date such proof was
4 required when, during the three-year period preceding the request, the
5 department has not received record of a conviction or a forfeiture of
6 bail which would require or permit the suspension or revocation of the
7 license, registration, or nonresident's operating privilege of the person
8 by or for whom such proof was furnished;

9 (b) ~~(2)~~ In the event of the death of the person on whose behalf such
10 proof was filed or the permanent incapacity of such person to operate a
11 motor vehicle; or

12 (c) ~~(3)~~ In the event the person who has given proof surrenders his
13 or her license and registration to the department, except ; ~~Provided,~~
14 that the department shall not consent to the cancellation of any bond or
15 the return of any money or securities in the event any action for
16 damages, upon a liability covered by such proof, is then pending or a
17 judgment upon any such liability is then unsatisfied, or in the event the
18 person who has filed such bond or deposited such money or securities has,
19 within two years immediately preceding such request, been involved as an
20 operator or owner in any motor vehicle accident resulting in injury or
21 damage to the person or property of others. An affidavit of the applicant
22 as to the nonexistence of such facts, or that the applicant ~~he~~ has been
23 released from all of his or her liability, or has been finally
24 adjudicated not to be liable, for such injury or damage, shall be
25 sufficient evidence thereof in the absence of evidence to the contrary in
26 the records of the department.

27 (2) Whenever any person, whose proof has been canceled or returned
28 under subdivision ~~(1)(c)~~ ~~(3)~~ of this section applies for a license or
29 registration within a period of three years from the date such proof was
30 originally required, any such application shall be refused unless the
31 applicant shall reestablish such proof for the remainder of such three-

1 year period.

2 Sec. 29. Section 60-695, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

4 60-695 ~~Any~~ It shall be the duty of any peace officer who
5 investigates any traffic accident in the performance of his or her
6 official duties shall, in all instances of an accident resulting in
7 injury or death to any person or in which estimated damage equals or
8 exceeds one thousand five hundred dollars to the property of any one
9 person, ~~to~~ submit an original report of such investigation to the
10 ~~Accident Records Bureau of the~~ Department of Transportation within ten
11 days after each such accident. The department shall have authority to
12 collect accident information it deems necessary and shall prescribe and
13 furnish appropriate forms for reporting.

14 Sec. 30. Section 60-699, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 60-699 (1) The operator of any vehicle involved in an accident
17 resulting in injuries or death to any person or damage to the property of
18 any one person, including such operator, to an apparent extent that
19 equals or exceeds ~~of more than~~ one thousand five hundred dollars shall
20 within ten days forward a report of such accident to the Department of
21 Transportation. Such report shall not be required if the accident is
22 investigated by a peace officer. If the operator is physically incapable
23 of making the report, the owner of the motor vehicle involved in the
24 accident shall, within ten days from the time he or she learns of the
25 accident, report the matter in writing to the Department of
26 Transportation. The Department of Transportation or Department of Motor
27 Vehicles may require operators involved in accidents to file supplemental
28 reports of accidents upon forms furnished by it whenever the original
29 report is insufficient in the opinion of either department. The operator
30 or the owner of the motor vehicle shall make such other and additional
31 reports relating to the accident as either department requires. Such

1 records shall be retained for the period of time specified by the State
2 Records Administrator pursuant to the Records Management Act.

3 (2) The report of accident required by this section shall be in two
4 parts. Part I shall be in such form as the Department of Transportation
5 may prescribe and shall disclose full information concerning the
6 accident. Part II shall be in such form as the Department of Motor
7 Vehicles may prescribe and shall disclose sufficient information to
8 disclose whether or not the financial responsibility requirements of the
9 Motor Vehicle Safety Responsibility Act are met through the carrying of
10 liability insurance.

11 (3) Upon receipt of a report of accident, the Department of
12 Transportation shall determine the reportability and classification of
13 the accident and enter all information into a computerized data base.
14 Upon completion, the Department of Transportation shall electronically
15 send Part II of the report to the Department of Motor Vehicles for
16 purposes of section 60-506.01.

17 (4) Such reports shall be without prejudice. Except as provided in
18 section 84-712.05, a report regarding an accident ~~All reports made by a~~
19 ~~peace officer officers, made to or filed with a peace officer in the~~
20 ~~peace officer's office or department officers in their respective offices~~
21 ~~or departments, or filed with or made by or to any other law enforcement~~
22 agency of the state shall be open to public inspection, but an accident
23 report reports filed by the operator or owner of a motor vehicle pursuant
24 to this section shall not be open to public inspection. Date of birth and
25 operator's license number information of an operator or owner included in
26 any report required under this section shall be confidential and shall
27 not be a public record under section 84-712.01. The fact that a report by
28 an operator or owner has been so made shall be admissible in evidence
29 solely to prove compliance with this section, but no such report or any
30 part of or statement contained in the report shall be admissible in
31 evidence for any other purpose in any trial, civil or criminal, arising

1 out of such accidents nor shall the report be referred to in any way or
2 be any evidence of the negligence or due care of either party at the
3 trial of any action at law to recover damages.

4 (5) The failure by any person to report an accident as provided in
5 this section or to correctly give the information required in connection
6 with the report shall be a Class V misdemeanor.

7 Sec. 31. Section 60-6,138, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 60-6,138 (1) The Department of Transportation and local authorities
10 with respect to highways under their respective jurisdictions may
11 designate any highway, roadway, part of a roadway, or specific lanes upon
12 which vehicular traffic shall proceed in one direction at all times or at
13 such times as shall be indicated by traffic control devices.

14 (2) Except for emergency vehicles, no vehicle shall be operated,
15 backed, pushed, or otherwise caused to move in a direction which is
16 opposite to the direction designated by competent authority on any
17 deceleration lane, acceleration lane, access ramp, shoulder, or roadway.

18 (3) A vehicle which passes around a roundabout ~~rotary traffic island~~
19 shall be driven only to the right of the central island while on the
20 circulatory roadway in such roundabout ~~such island~~.

21 Sec. 32. Section 60-6,336, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-6,336 Nothing in sections 60-6,320 to 60-6,346 shall prohibit the
24 use of snowmobiles within the right-of-way of any highway in any
25 international or other sponsored contest. When the proposed use of the
26 right-of-way of any highway is for an international or other sponsored
27 contest:

28 (1) The sponsoring person or organization shall obtain prior written
29 permission from the governing body having jurisdiction over the highway
30 when such highway is not part of the state highway system; and

31 (2) The sponsoring person or organization shall comply with

1 subsection (2) of section 39-1359 when such highway is part of the state
2 highway system.

3 ~~Nothing in sections 60-6,320 to 60-6,346 shall prohibit the use of~~
4 ~~snowmobiles within the right-of-way of any highway in any international~~
5 ~~or other sponsored contest, except that prior written permission for such~~
6 ~~contests shall first be obtained by the sponsoring persons or group from~~
7 ~~the official or board having jurisdiction over the highway upon which the~~
8 ~~contest is to be held. Any person holding a snowmobile contest on any~~
9 ~~right-of-way of a highway without first obtaining written permission~~
10 ~~therefor shall be guilty of a misdemeanor and shall, upon conviction~~
11 ~~thereof, be punished as provided by section 60-6,343. In permitting such~~
12 ~~contest, the official or board having jurisdiction may prescribe such~~
13 ~~restrictions or conditions as may be deemed advisable.~~

14 Sec. 33. Original sections 39-1316, 39-2301.01, 39-2302, 39-2306,
15 39-2307, 39-2501, 39-2503, 39-2511, 39-2513, 60-511, 60-512, 60-513,
16 60-514, 60-550.01, 60-554, and 60-6,336, Reissue Revised Statutes of
17 Nebraska, and sections 39-2106, 39-2107, 39-2304, 39-2308, 39-2308.01,
18 39-2308.03, 39-2502, 39-2504, 39-2505, 39-2512, 39-2514, 39-2515, 60-507,
19 60-695, 60-699, and 60-6,138, Revised Statutes Cumulative Supplement,
20 2020, are repealed.