

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 222

Introduced by McKinney, 11.

Read first time January 14, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to law enforcement; to amend sections 60-683
2 and 81-2005, Reissue Revised Statutes of Nebraska, and section
3 60-601, Revised Statutes Cumulative Supplement, 2024; to change
4 provisions relating to stopping or detaining the operator of a
5 vehicle under the Nebraska Rules of the Road; to change duties of
6 peace officers, the Superintendent of Law Enforcement and Public
7 Safety, and certain officers of the Nebraska State Patrol; to
8 harmonize provisions; to repeal the original sections; and to
9 declare an emergency.
10 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 60-601, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 60-601 Sections 60-601 to 60-6,383 and sections 3 and 4 of this act
4 shall be known and may be cited as the Nebraska Rules of the Road.

5 **Sec. 2.** Section 60-683, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 60-683 (1) All peace officers are hereby specifically directed and
8 authorized and it shall be deemed and considered a part of the official
9 duties of each of such officers to enforce the provisions of the Nebraska
10 Rules of the Road, including the specific enforcement of maximum speed
11 limits, and any other law regulating the operation of vehicles or the use
12 of the highways.

13 (2) To perform the official duties imposed by this section, the
14 Superintendent of Law Enforcement and Public Safety and all officers of
15 the Nebraska State Patrol shall have the powers stated in section
16 81-2005.

17 (3) Except as provided in sections 3 and 4 of this act, all ~~All~~
18 other peace officers shall have the power:

19 (a) ~~(1)~~ To make arrests upon view and without warrant for any
20 violation committed in their presence of any of the provisions of the
21 Motor Vehicle Operator's License Act or of any other law regulating the
22 operation of vehicles or the use of the highways, if and when designated
23 or called upon to do so as provided by law;

24 (b) ~~(2)~~ To make arrests upon view and without warrant for any
25 violation committed in their presence of any provision of the laws of
26 this state relating to misdemeanors or felonies, if and when designated
27 or called upon to do so as provided by law;

28 (c) ~~(3)~~ At all times to direct all traffic in conformity with law
29 or, in the event of a fire or other emergency or in order to expedite
30 traffic or insure safety, to direct traffic as conditions may require;

31 (d) ~~(4)~~ When in uniform, to require the driver of a vehicle to stop

1 and exhibit his or her operator's license and registration certificate
2 issued for the vehicle and submit to an inspection of such vehicle and
3 the license plates and registration certificate for the vehicle and to
4 require the driver of a motor vehicle to present the vehicle within five
5 days for correction of any defects revealed by such motor vehicle
6 inspection as may lead the inspecting officer to reasonably believe that
7 such motor vehicle is being operated in violation of the statutes of
8 Nebraska or the rules and regulations of the Director of Motor Vehicles;

9 (e) ~~(5)~~ To inspect any vehicle of a type required to be registered
10 according to law in any public garage or repair shop or in any place
11 where such a vehicle is held for sale or wrecking;

12 (f) ~~(6)~~ To serve warrants relating to the enforcement of the laws
13 regulating the operation of vehicles or the use of the highways; and

14 (g) ~~(7)~~ To investigate traffic accidents for the purpose of carrying
15 on a study of traffic accidents and enforcing motor vehicle and highway
16 safety laws.

17 **Sec. 3.** (1) For purposes of this section, immediate, serious threat
18 to the safety of the operator or any other person means that, based on
19 the totality of the circumstances, it is reasonable for an objective
20 observer to believe that an equipment failure on the vehicle could cause
21 immediate, serious injury to the operator or any other person in the
22 vicinity of the vehicle.

23 (2) A peace officer shall not stop or detain an operator of a
24 vehicle to enforce any of the following violations:

25 (a) Any nonmoving traffic violation;

26 (b) Driving while such operator's license is suspended or revoked
27 under section 60-4,100 or 60-4,108; or

28 (c) Any warrant for a misdemeanor, other than a warrant for a
29 misdemeanor;

30 (i) Under section 28-306, 60-498.01, 60-698, 60-6,196, 60-6,197, or
31 60-6,198;

1 (ii) Under subdivision (4), (5), (6), (7), (8), (9), or (10) of
2 section 60-6,197.03;

3 (iii) For a violation of a protection order; or

4 (iv) For violation of a civil court order.

5 (3)(a) A peace officer shall not stop or detain an operator of a
6 vehicle if the primary reason for such stop or detention is an equipment
7 failure violation unless such violation:

8 (i) Relates to the vehicle operated by the operator; and

9 (ii) Poses an immediate, serious threat to the safety of the
10 operator or any other person.

11 (b) Prior to stopping or detaining the operator of the vehicle under
12 this subsection, the peace officer shall log digitally or notify dispatch
13 of the primary reason for the stop before initiating the stop or
14 detainment, including a detailed description of the immediate, serious
15 threat to the safety of the operator or any other person.

16 (c) Upon first contact with the operator of the vehicle during a
17 stop or detainment under this subsection, the peace officer shall inform
18 the operator of the reason for the stop or detainment, and shall not
19 request a consent search under section 4 of this act of the operator, any
20 passenger, or the vehicle.

21 (d) The peace officer shall not question the operator or any
22 passenger of the vehicle on a subject other than the equipment failure
23 violation that initiated the stop, unless the peace officer observes
24 evidence in plain view that establishes reasonable suspicion sufficient
25 to question the operator or any passenger about an independent criminal
26 offense.

27 **Sec. 4.** (1) For purposes of this section, authorized person means
28 the operator of the vehicle.

29 (2) Prior to searching any vehicle, a peace officer shall obtain a
30 warrant or written consent to search such vehicle from an authorized
31 person.

1 (3) To obtain such written consent, the peace officer shall provide
2 the authorized person:

3 (a) An oral explanation of the reason for and effects of providing
4 written consent; and

5 (b) A written consent form that explains the purpose of the search,
6 that the search is voluntary, that such authorized person may ask to
7 speak with an attorney prior to consenting to such search, and that such
8 authorized person may choose not to consent to the search or may revoke
9 consent to the search at any point.

10 (4) The written form provided under this section shall state plainly
11 and explicitly that such authorized person shall not be punished or
12 suffer retaliation for not consenting to be searched or revoking such
13 consent.

14 (5) Such written form shall be:

15 (a) Available in the English and Spanish languages; and

16 (b) Explained orally to any authorized person who is unable to read
17 the form. An interpreter service shall be used when necessary.

18 (6) Any evidence observed or seized during a stop, detention, or
19 search made in violation of this section is inadmissible in any criminal
20 proceeding.

21 **Sec. 5.** Section 81-2005, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 81-2005 On and after July 20, 2002, the Superintendent of Law
24 Enforcement and Public Safety and all officers of the Nebraska State
25 Patrol, except all carrier enforcement officers assigned to the carrier
26 enforcement division, and except as provided in sections 3 and 4 of this
27 act, shall have the power:

28 (1) Of peace officers for the purpose of enforcing the Motor Vehicle
29 Operator's License Act, the Motor Vehicle Registration Act, the Nebraska
30 Rules of the Road, and any other law regulating the registration or
31 operation of vehicles or the use of the highways;

1 (2) To make arrests upon view and without warrant for any violation
2 committed in their presence of any of the provisions of the Motor Vehicle
3 Operator's License Act, the Motor Vehicle Registration Act, the Nebraska
4 Rules of the Road, or any other law regulating the operation of vehicles
5 or the use of the highways, if and when designated or called upon to do
6 so as provided by law;

7 (3) To make arrests upon view and without warrant for any violation
8 committed in their presence of any provision of the laws of the state
9 relating to misdemeanors or felonies, if and when designated or called
10 upon to do so as provided by law;

11 (4) At all times to direct all traffic in conformity with law or, in
12 the event of a fire or other emergency or in order to expedite traffic or
13 insure safety, to direct traffic as conditions may require
14 notwithstanding the provisions of law;

15 (5) When in uniform, to require the driver of a vehicle to stop and
16 exhibit his or her operator's license and registration card issued for
17 the vehicle and submit to an inspection of such vehicle and the license
18 plates and registration card thereon and to require the drivers of motor
19 vehicles to present such vehicles within five days for correction of any
20 defects revealed by such motor vehicle inspection as may lead the
21 inspecting officer to reasonably believe that such motor vehicle is being
22 operated in violation of the statutes of Nebraska or the rules and
23 regulations of the Director of Motor Vehicles;

24 (6) To inspect any vehicle of a type required to be registered under
25 the Motor Vehicle Registration Act in any public garage or repair shop or
26 in any place where such vehicles are held for sale or wrecking;

27 (7) To serve warrants relating to the enforcement of the laws
28 regulating the operation of vehicles or the use of the highways;

29 (8) To investigate traffic accidents for the purpose of carrying on
30 a study of traffic accidents and enforcing motor vehicle and highway
31 safety laws; and

1 (9) To operate weighing stations and portable scales and to perform
2 carrier enforcement powers and duties prescribed in sections 60-1301 to
3 60-1309.

4 Carrier enforcement officers appointed to the carrier enforcement
5 division before July 20, 2002, shall have the powers and duties
6 prescribed in sections 60-1301 to 60-1309.

7 **Sec. 6.** Original sections 60-683 and 81-2005, Reissue Revised
8 Statutes of Nebraska, and section 60-601, Revised Statutes Cumulative
9 Supplement, 2024, are repealed.

10 **Sec. 7.** Since an emergency exists, this act takes effect when
11 passed and approved according to law.