

## LEGISLATIVE BILL 873

Approved by the Governor February 28, 1974

Introduced by Public Works Committee, Kremer, 34, Chrn.; Wiltse, 1; Goodrich, 20; Warner, 25; Hasebroock, 18; R. Lewis, 38; Moylan, 6; for the Governor

AN ACT to amend sections 39-662 and 39-666, Revised Statutes Supplement, 1973, and section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 590, Eighty-third Legislature, Second Session, 1974, relating to rules of the road; to decrease certain maximum speed limits in compliance with the Emergency Highway Energy Conservation Act; to provide for termination of such decreases; to provide for an increase as prescribed; to change the number of points assessed for speeding offenses; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-662, Revised Statutes Supplement, 1973, be amended to read as follows:

39-662. (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Any person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits set forth in sections 39-601 to 39-6,122 shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Seventy-five miles per hour upon any freeway in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour upon any freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, seventy-five miles per hour upon any freeway;

(d) Sixty-five miles per hour upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway. In compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty-five miles per hour upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway; and

(e) Fifty miles per hour upon any highway or road that is not dustless-surfaced and not part of the state highway system.

(3) The maximum speed limits set forth in this section may be altered as set forth in sections 39-601 to 39-6,122.

(4) The Department of Roads and local authorities may erect and maintain suitable signs along highways under their respective jurisdictions in such number and at such locations as they shall deem necessary to give adequate notice of the speed limit upon such highways.

Sec. 2. That section 39-666, Revised Statutes Supplement, 1973, be amended to read as follows:

39-666. (1) Notwithstanding the maximum speed limits established in sections 39-601 to 39-612, no person shall operate any truck, truck-tractor, or any freight-carrying vehicle, if the gross weight of such freight-carrying vehicle including any load thereon is more than five tons, in excess of the following maximum speed limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Sixty-five miles per hour upon any freeway in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour upon any freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty-five miles per hour upon any freeway;

(d) Sixty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless surfaced highway other than a freeway in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless surfaced highway other than a freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless surfaced highway other than a freeway;



(e) ~~Sixty miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway, or any dustless-surfaced highway other than a freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway; and~~

(f) Fifty miles per hour upon any highway that is not dustless-surfaced and not a part of the state highway system.

(2) Notwithstanding the maximum speed limits established in sections 39-601 to 39-6,122, no person shall operate any motor vehicle when towing a camping trailer or travel trailer in excess of the following maximum speed limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

~~(c) Sixty-five miles per hour upon any freeway in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour upon any freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty-five miles per hour upon any freeway;~~

~~(d) Sixty-five miles per hour during the daytime upon any part of the state highway system other than a~~

freeway or any dustless-surfaced highway other than a freeway in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway;

(e) Sixty miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway; and

(f) Fifty miles per hour upon any highway that is not dustless-surfaced and not a part of the state highway system.

(3) No person shall operate any motor vehicle when towing a mobile home at a rate of speed in excess of fifty miles per hour.

(4) Notwithstanding the maximum speed limits established in sections 39-601 to 39-612, no person shall operate any school bus carrying any school child at a speed in excess of the following maximum limits:



(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Sixty-five-miles-per-hour-upon-any-freeway in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour upon any freeway. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty-five miles per hour upon any freeway;

(d) Sixty-miles-per-hour-on-any-part-of-the-state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the daytime in compliance with HR 11372 adopted by the 93rd Congress of the United States, referred to as the Emergency Highway Energy Conservation Act, and until the date the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first, fifty-five miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the daytime. At such time and after the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or on and after June 30, 1975, whichever date occurs first, sixty miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the daytime;

(e) Fifty-five miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the nighttime;

(f) Forty-five miles per hour on any highway or road that is not dustless-surfaced and not a part of the state highway system during the daytime; and

(g) Forty miles per hour on any highway or road that is not dustless-surfaced and not a part of the state highway system during the nighttime.

(5) Notwithstanding the maximum speed limits established in sections 39-601 to 39-6,122, no person shall operate any vehicle which carries unbaled livestock forage at a speed in excess of the following maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district; and

(c) Thirty miles per hour while loaded or fifty miles per hour while unloaded upon any highway other than a freeway outside of a business or residential district during the daytime.

(6) Any vehicle which carries unbaled livestock forage exceeding a total outside width of eight feet shall not be operated on a freeway nor on any highway during the nighttime.

(7) The maximum speed limits in business and residence districts declared for specific vehicles in subsections (1), (2), (4), and (5) of this section may be altered by the Department of Roads or local authorities as provided in sections 39-601 to 39-6,122.

(8) During the nighttime no person shall operate upon a roadway any motor-driven cycle at a speed in excess of thirty-five miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps capable of revealing a person or vehicle in such roadway three hundred feet ahead, and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such motor vehicle. Such motor-driven cycle shall not be operated at a speed in excess of twenty-five miles per hour if such headlamp or lamps are not sufficient to reveal a person or vehicle in such roadway at least two hundred feet ahead, and not in excess of twenty miles per hour if such headlamp or lamps do not reveal a person or vehicle in such roadway at least one hundred feet. If the headlamp or lamps do not reveal a person or vehicle in such roadway at least one hundred feet ahead, such motor-driven cycle shall not be driven upon the roadways during the nighttime.

(9) No person shall operate any vehicle which is equipped with solid rubber tires on any highway at a speed greater than ten miles per hour.

(10) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in subsection (11) of this section.

(11) The Department of Roads or a local authority may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction and if it finds that such structure cannot safely withstand vehicles traveling at the speed otherwise permissible under sections 39-601 to 39-6,122, the Department of Roads or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand and shall cause suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(12) Upon the trial of any person charged with a violation of subsection (10) of this section, proof of such determination of the maximum speed by the Department of Roads or local authority and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on such bridge or structure.

(13) When the Department of Roads or local authority determines by an investigation that certain vehicles in addition to those specified in this section cannot with safety travel at the speeds provided in sections 39-601 to 39-6,122, the Department of Roads or local authority may restrict such vehicles' speed limit on highways under their respective jurisdictions and post proper and adequate signs.

Sec. 3. In the event that the Congress of the United States shall, while the Legislature is not in session, amend the Emergency Highway Energy Conservation Act to change the maximum speed limit required for compliance with the act, the Governor shall alter the speed limit to comply with the amendment to the Emergency Highway Energy Conservation Act. Such action by the Governor shall be effective only until the Legislature shall next convene and within thirty legislative days thereafter either affirm or alter the action taken by the Governor during the legislative adjournment.

If the Legislature shall fail to act within thirty legislative days after convening, it will be deemed to have affirmed the action of the Governor in altering the speed limit to comply with the amendment to the Emergency Highway Energy Conservation Act. Such



authority vested in the Governor to alter the speed limits shall exist only until the President of the United States declares there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, whichever date occurs first.

Sec. 4. That section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 590, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

39-7,128. In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the Director of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of a felony in the commission of which a motor vehicle was used -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-727, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(3) Third offense reckless driving or willful reckless driving, or any combination of the two, in violation of any city or village ordinance or sections 39-7,107 to 39-7,107.05, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(4) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another -- 12 points;

(5) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 6 points, and for purposes of this subdivision a telephone call or other notification to the appropriate peace officers shall be deemed to be a report;

(6) Driving a motor vehicle while under the influence of alcoholic liquor or any drug in violation of any city or village ordinance or of section 39-727 -- 6 points;

(7) Willful reckless driving in violation of any city or village ordinance or of section 39-7,107.02 or 39-7,107.04 -- 6 points;

(8) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

(9) Negligent driving in violation of any city or village ordinance -- 3 points;

(10) Reckless driving in violation of any city or village ordinance or of section 39-7,107 -- 5 points;

(11) Speeding in violation of any city or village ordinance or of section 39-662, 39-663, or 39-666: (a) Not more than five miles per hour over the speed limit -- 1 point; (b) more than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; (c) more than ten miles per hour over the speed limit -- 3 points; Provided, that until the President of the United States declares that there is no fuel shortage requiring the application of the Emergency Highway Energy Conservation Act or until June 30, 1975, only one point shall be assessed upon conviction of exceeding by not more than ten miles per hour the speed limits provided for in subdivision (2)(c) or (d) of section 39-662 or subdivision (1)(c), (d), or (e), (2)(c), (d), or (e), or (4)(c) or (d) of section 39-666; and

(12) All other traffic violations involving the operation of motor vehicles by the operator, for which reports to the Department of Motor Vehicles are required under sections 39-794 and 39-795, not including parking violations, muffler violations, or overloading of trucks -- 2 points.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had.

In all cases, the forfeiture of bail, not vacated, shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

Sec. 5. That original sections 39-662 and 39-666, Revised Statutes Supplement, 1973, and section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 590, Eighty-third Legislature, Second Session, 1974, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after  
808

its passage and approval, according to law.