

LEGISLATIVE BILL 370

Approved by the Governor April 6, 1993

Introduced by Kristensen, 37

AN ACT relating to highways and vehicles; to amend sections 2-32,100, 13-1208, 28-109, 29-120, 29-422, 29-428, 29-431, 29-3604, 39-601, 39-604 to 39-618.02, 39-618.04, 39-620 to 39-648, 39-650 to 39-662, 39-663, 39-664, 39-665, 39-667, 39-669 to 39-669.05, 39-669.10, 39-669.13, 39-669.18, 39-669.21, 39-669.25, 39-669.29, 39-669.33, 39-669.38, 39-670 to 39-694, 39-697, 39-698, 39-699, 39-699.01, 39-6,101, 39-6,102, 39-6,103.02, 39-6,103.03, 39-6,104 to 39-6,105, 39-6,107, 39-6,108, 39-6,109, 39-6,111, 39-6,112, 39-6,115, 39-6,116, 39-6,118, 39-6,119, 39-6,120, 39-6,121, 39-6,123 to 39-6,130.01, 39-6,131, 39-6,131.08, 39-6,131.09, 39-6,132, 39-6,133, 39-6,135, 39-6,137, 39-6,138.01, 39-6,139, 39-6,140, 39-6,141, 39-6,142, 39-6,147, 39-6,148, 39-6,150, 39-6,152, 39-6,154, 39-6,155, 39-6,156, 39-6,160 to 39-6,166, 39-6,169, 39-6,170, 39-6,172, 39-6,178, 39-6,179, 39-6,179.01, 39-6,180.01, 39-6,180.02, 39-6,181, 39-6,181.01, 39-6,182 to 39-6,186, 39-6,188 to 39-6,191.01, 39-6,193, 39-6,196 to 39-6,200, 39-6,205, 39-6,206, 39-6,207, 39-6,209 to 39-6,214, 39-703 to 39-707, 39-712.01, 39-714.01, 39-715, 39-717, 39-892, 39-1302, 39-1367, 39-1801, 39-2113, 44-515, 48-1902, 53-1,120, 60-119, 60-122, 60-302.03, 60-311.02, 60-311.21, 60-331, 60-331.04, 60-335, 60-501, 60-505.03, 60-505.04, 60-1001, 60-1001.01, 60-1004, 60-1005, 60-1006, 60-1201, 60-1202, 60-1307, 60-1417, 60-2001 to 60-2011, 60-2012.01 to 60-2023, 60-2102, 60-2103, 60-2106, 60-2107, 60-2201 to 60-2212, 60-2301, 60-2302, 60-2305, 60-2306, 60-2307, 60-2507, 60-2801, 60-2803 to 60-2808, 81-805, 81-1010, 81-2005, and 81-2006, Reissue Revised Statutes of Nebraska, 1943, and sections 13-910, 18-1737, 28-306, 29-119, 39-603, 39-619, 39-619.01, 39-666, 39-668, 39-669.06, 39-669.07, 39-669.08, 39-669.09, 39-669.11, 39-669.12, 39-669.14, 39-669.15, 39-669.16, 39-669.17, 39-669.19, 39-669.20, 39-669.22, 39-669.23, 39-669.24, 39-669.26, 39-669.27, 39-669.28, 39-669.30, 39-669.37, 39-669.39, 39-6,100, 39-6,103.01, 39-6,103.05, 39-6,103.06, 39-6,103.07, 39-6,103.08, 39-6,110, 39-6,114.01, 39-6,122, 39-6,134, 39-6,136 to 39-6,136.05, 39-6,138, 39-6,149, 39-6,151, 39-6,171, 39-6,177, 39-6,180, 39-6,192, 60-102, 60-301, 60-311.15, 60-462, 60-463, 60-471, 60-474, 60-479, 60-496, 60-497, 60-498, 60-4,122, 60-4,127, 60-4,129,

60-4,130, 60-4,163, 60-4,167, 60-4,168, 60-1411.02, 60-2101.01, 60-2104, 60-2105, 60-2108, 60-2303, 60-2304, 60-2802, 71-1907, 77-1238, 79-488.07, 81-8,219, 81-1822, and 89-187, Revised Statutes Supplement, 1992; to define and redefine terms; to change, transfer, and eliminate provisions relating to rules of the road, liability for certain damages and injuries, highways, signs, penalties, odometers, motor vehicle operator's licenses, vehicle equipment, restrictions on size, weight, and load of vehicles, powers and duties of law enforcement personnel and certain state agencies, off-duty requirements for motor carriers, and state-owned motor vehicles; to eliminate provisions relating to the applicability of certain law to cases pending in 1976, the operation of motor vehicles by persons under sixteen, the disposition of certain fines and forfeitures, and the name of an act; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; and to repeal the original sections, and also sections 39-649, 39-669.36, 39-695, 39-696, 39-6,112.01, 39-6,114, 39-6,117, 39-6,130.02, 39-6,131.10, 39-6,138.02, 39-6,153, 39-6,159, 39-6,176, 39-6,179.02, 39-6,181.02, 39-6,187, 39-6,201 to 39-6,204, 39-6,208, and 39-714.02, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,106.01, Revised Statutes Supplement, 1992.

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

Section 1. That section 2-32,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-32,100. A district may adopt and promulgate rules and regulations governing vehicle traffic in a recreation area as provided in ~~Chapter 39, article 6~~ the Nebraska Rules of the Road. Any person who violates any such rule or regulation shall be guilty of a Class V misdemeanor.

Sec. 2. That section 13-910, Revised Statutes Supplement, 1992, be amended to read as follows:

13-910. The Political Subdivisions Tort Claims Act and sections 16-727, 16-728, 23-175, 39-809, and 79-489 shall not apply to:

(1) Any claim based upon an act or omission of an employee of a political subdivision, exercising due care, in the execution of a statute, ordinance, or officially adopted resolution, rule, or regulation, whether or not such statute, ordinance, resolution, rule, or regulation is valid;

(2) Any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of the political subdivision or an employee of the political subdivision, whether or not the discretion is abused;

(3) Any claim based upon the failure to make an inspection

or making an inadequate or negligent inspection of any property other than property owned by or leased to such political subdivision to determine whether the property complies with or violates any statute, ordinance, rule, or regulation or contains a hazard to public health or safety unless the political subdivision had reasonable notice of such hazard or the failure to inspect or inadequate or negligent inspection constitutes a reckless disregard for public health or safety;

(4) Any claim based upon the issuance, denial, suspension, or revocation of or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, or order;

(5) Any claim arising with respect to the assessment or collection of any tax or fee or the detention of any goods or merchandise by any law enforcement officer;

(6) Any claim caused by the imposition or establishment of a quarantine by the state or a political subdivision, whether such quarantine relates to persons or property;

(7) Any claim arising out of assault, battery, false arrest, false imprisonment, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(8) Any claim by an employee of the political subdivision which is covered by the Nebraska Workers' Compensation Act;

(9) Any claim arising out of the malfunction, destruction, or unauthorized removal of any traffic or road sign, signal, or warning device unless it is not corrected by the political subdivision responsible within a reasonable time after actual or constructive notice of such malfunction, destruction, or removal. Nothing in this subdivision shall give rise to liability arising from an act or omission of any political subdivision in placing or removing any traffic or road signs, signals, or warning devices when such placement or removal is the result of a discretionary act of the political subdivision;

(10) Any claim arising out of snow or ice conditions or other temporary conditions caused by nature on any highway as defined in section ~~39-602~~ 120 of this act, bridge, public thoroughfare, or other public place due to weather conditions. Nothing in this subdivision shall be construed to limit a political subdivision's liability for any claim arising out of the operation of a motor vehicle by an employee of the political subdivision while acting within the course and scope of his or her employment by the political subdivision;

(11) Any claim arising out of the plan or design for the construction of or an improvement to any highway as defined in such section ~~39-602~~ or bridge, either in original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the political subdivision or some other body or employee exercising discretionary authority to give such approval; or

(12) Any claim arising out of the alleged insufficiency or want of repair of any highway as defined in such section, ~~39-602~~, bridge, or other public thoroughfare. Insufficiency or want of repair shall

be construed to refer to the general or overall condition and shall not refer to a spot or localized defect. A political subdivision shall be deemed to waive its immunity for a claim due to a spot or localized defect only if the political subdivision has had actual or constructive notice of the defect within a reasonable time to allow repair prior to the incident giving rise to the claim.

Sec. 3. That section 13-1208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-1208. (1) Any municipality, county, or qualified public-purpose organization may lease, purchase, construct, own, maintain, operate, or contract for the operation of public transportation, including special transportation for the elderly or handicapped, and apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or any public or private sources for the purpose of providing a public transportation system.

Any special transportation system for the elderly or handicapped shall include transportation of necessary personal escorts of such elderly or handicapped riders.

(2) Any municipality or county in providing public transportation for the elderly under subsection (1) of this section may contract with the school board or board of education of a public school district for the use of a school bus at times other than during the normal school day or on days when school is not in session if all costs incurred by such municipality or county are paid for with money generated from passenger fees or federal or state funds. The contract shall provide that such municipality or county shall be liable for costs of maintenance, operation, insurance, and other reasonable expenses incurred in the use of such bus. No district shall be liable for any damages to any person riding in a school bus under a contract entered into pursuant to this subsection unless such damage is proximately caused by the gross negligence of the district. No district shall be required to modify or alter any school bus because of a contract entered into pursuant to this subsection. Any municipality or county when using a school bus upon a highway under a contract entered into pursuant to this subsection shall cover or conceal all school bus markings on such bus as required by section ~~39-660~~ 271 of this act.

(3) Any municipality or county may contract with the school board or board of education of any public school district for the use of school buses for emergency evacuation of members of the public by qualified law enforcement personnel during emergency or crisis situations that pose a threat to the health, safety, or well-being of the individuals to be evacuated. The contract shall provide that such municipality or county shall be liable for the costs of maintenance, operation, insurance, and other reasonable expenses incurred in the use of such buses. No district shall be liable for any damages to any person riding in a school bus under a contract entered into pursuant to this subsection unless such damage is proximately caused by the gross negligence of the district. No district shall

be required to modify or alter any school bus because of a contract entered into pursuant to this subsection.

Sec. 4. That section 18-1737, Revised Statutes Supplement, 1992, be amended to read as follows:

18-1737. (1) Any city or village and any person in lawful possession of any offstreet parking facility may designate stalls or spaces in such facility owned or operated by the city or village or person for the exclusive use of handicapped or disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14, such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city or village, whose vehicles display the identification specified in section 18-1739, and such other motor vehicles, as certified by the city or village, which display such identification. Such designation shall be made by posting immediately adjacent to and visible from each stall or space a sign which is in conformance with the ~~nineteenth edition of the Manual on Uniform Traffic Control Devices for Streets and Highways issued by the Federal Highway Administration~~ adopted pursuant to section 214 of this act.

(2) The owner or person in lawful possession of an offstreet parking facility, after notifying the police or sheriff's department, as the case may be, and any city or village providing onstreet parking or owning, operating, or providing an offstreet parking facility may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying proper identification or the distinguishing license plates specified in this section if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(3) A person who parks a vehicle in any onstreet parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space in any offstreet parking facility, without properly displaying the proper identification or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued is not being transported shall be guilty of a traffic infraction as defined in section ~~39-602~~ 168 of this act and shall be subject to the penalties and procedures set forth in section ~~39-6-112~~ 185 of this act. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section. In the case of a privately owned offstreet parking facility, a city or village shall not require the owner or person in lawful

possession of such facility to inform the city or village of a violation of this section prior to the city or village issuing the violator a traffic infraction citation.

Sec. 5. That section 39-6,191, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,191.~~ The owner or operator of a motor vehicle shall not be liable for any damages to any passenger or person related to such owner or operator as spouse or within the second degree of consanguinity or affinity who is riding in such motor vehicle as a guest or by invitation and not for hire, unless such damage is caused by (1) the driver of such motor vehicle being under the influence of intoxicating liquor; or (2) the gross negligence of the owner or operator in the operation of such motor vehicle.

For the purpose of this section, the term guest is hereby defined as being a person who accepts a ride in any motor vehicle without giving compensation therefor; but shall not be construed to apply to or include any such passenger in a motor vehicle being demonstrated to such passenger as a prospective purchaser. Relationship by consanguinity or affinity within the second degree shall include parents, grandparents, children, grandchildren, and brothers and sisters. Should the marriage of the driver or owner be terminated by death or dissolution, the affinal relationship with the blood kindred of his or her spouse shall be deemed to continue.

Sec. 6. That section 39-6,191.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,191.01. Sections—39-6,191—and—39-6,191.01~~
Section 5 of this act shall apply only to injuries or deaths occurring on or after August 30, 1981.

Sec. 7. That section 39-6,193, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,193.~~ The owner of any leased truck, truck-tractor, whether with or without trailer, or trailer shall be jointly and severally liable with the lessee and the operator thereof for any injury to or the death of any person or persons, or damage to or the destruction of any property resulting from the operation thereof in this state.

Sec. 8. That section 28-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~28-109. As used in this code~~ For purposes of the Nebraska Criminal Code, unless the context otherwise requires:

(1) Act shall mean a bodily movement, and includes words and possession of property;

(2) Aid or assist shall mean knowingly to give or lend money or credit to be used for, or to make possible or available, or to further activity thus aided or assisted;

(3) Benefit shall mean any gain or advantage to the beneficiary including any gain or advantage to another person pursuant to the desire or consent of the beneficiary;

(4) Bodily injury shall mean physical pain, illness, or any

impairment of physical condition;

(5) Conduct shall mean an action or omission and its accompanying state of mind, or, where relevant, a series of acts and omissions;

(6) Deadly physical force shall mean force, the intended, natural, and probable consequence of which is to produce death, or which does, in fact, produce death;

(7) Deadly weapon shall mean any firearm, knife, bludgeon, or other device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury;

(8) Deface shall mean to alter the appearance of something by removing, distorting, adding to, or covering all or a part of the thing;

(9) Dwelling shall mean a building or other thing which is used, intended to be used, or usually used by a person for habitation;

(10) Government shall mean the United States, any state, county, municipality, or other political unit, any branch, department, agency, or subdivision of any of the foregoing, and any corporation or other entity established by law to carry out any governmental function;

(11) Governmental function shall mean any activity which a public servant is legally authorized to undertake on behalf of government;

(12) Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled ~~invalid~~ invalid chairs used by persons who are disabled;

(13) Omission shall mean a failure to perform an act as to which a duty of performance is imposed by law;

(14) Peace officer shall mean any officer or employee of the state or a political subdivision authorized by law to make arrests, and shall include members of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder;

(15) Pecuniary benefit shall mean benefit in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain;

(16) Person shall mean any natural person and where relevant a corporation or an unincorporated association;

(17) Public place shall mean a place to which the public or a substantial number of the public has access, and includes but is not limited to highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities;

(18) Public servant shall mean any officer or employee of government, whether elected or appointed, and any person participating as an advisor, consultant, process server, or otherwise in performing a governmental function, but the term does not include witnesses;

(19) Recklessly shall mean acting with respect to a material element of an offense when any person disregards a substantial and unjustifiable risk that the material element exists or will result from his or

her conduct. The risk must be of such a nature and degree that, considering the nature and purpose of the actor's conduct and the circumstances known to ~~him~~ the actor, its disregard involves a gross deviation from the standard of conduct that a law-abiding person would observe in the actor's situation;

(20) Serious bodily injury shall mean bodily injury which involves a substantial risk of death, or which involves substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body;

(21) Tamper shall mean to interfere with something improperly or to make unwarranted alterations in its condition;

(22) Thing of value shall mean real property, tangible and intangible personal property, contract rights, choses in action, services, and any rights of use or enjoyment connected therewith; and

(23) Voluntary act shall mean an act performed as a result of effort or determination, and includes the possession of property if the actor was aware of his or her physical possession or control thereof for a sufficient period to have been able to terminate it.

Sec. 9. That section 28-306, Revised Statutes Supplement, 1992, be amended to read as follows:

28-306. (1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide.

(2) Except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor.

(3)(a) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section ~~39-669.01 or 39-669.03~~ 309 or 310 of this act, motor vehicle homicide is a Class IV felony.

(b) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section ~~39-669.07~~ 292 of this act, motor vehicle homicide is a Class IV felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.

Sec. 10. That section 29-119, Revised Statutes Supplement, 1992, be amended to read as follows:

29-119. For purposes of sections 23-1201, 29-119, 29-120, and 29-2261, unless the context otherwise requires:

(1) A plea agreement shall mean that as a result of a discussion between the defense counsel and the prosecuting attorney:

(a) A charge is to be dismissed or reduced; or

(b) A defendant, if he or she pleads guilty to a charge, may receive less than the maximum penalty permitted by law; and

(2) Victim shall mean a person who, as a result of a

homicide as defined in sections 28-302 to 28-306, a first degree sexual assault as defined in section 28-319, a first degree assault as defined in section 28-308, a sexual assault of a child as defined in section 28-320.01, a second degree assault as defined in section 28-309, a first degree false imprisonment as defined in section 28-314, a second degree sexual assault as defined in section 28-320, or a robbery as defined in section 28-324, has had a personal confrontation with the offender and shall also include a person who has suffered serious bodily injury as defined in ~~subdivision (20) of section 28-109~~ as a result of a motor vehicle accident when the driver was charged with a Class W misdemeanor as provided in section ~~39-669.07 or 39-669.08~~ 292 or 293 of this act or with violation of a city or village ordinance enacted in conformance with either of such sections. In the case of a homicide, victim shall mean at least one family representative but shall not include the alleged perpetrator of the homicide. In the case of a sexual assault of a child, victim shall mean the child victim and the parents, guardians, or duly appointed legal representative of the child victim but shall not include the alleged perpetrator of the sexual assault.

Sec. 11. That section 29-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-120. Prior to reaching a plea agreement with defense counsel, a prosecuting attorney, prosecuting a violation of a city or village ordinance enacted in conformance with ~~either section 39-669.07 or 39-669.08~~ section 292 or 293 of this act, shall consult with or make a good faith effort to consult with the victim regarding the content of and reasons for such plea agreement.

Sec. 12. That section 29-422, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-422. It is hereby declared to be the policy of the State of Nebraska to issue citations in lieu of arrest or continued custody to the maximum extent consistent with the effective enforcement of the law and the protection of the public. In furtherance of that policy, except as provided in sections 42-928 and 42-929, any peace officer shall be authorized to issue a citation in lieu of arrest or continued custody for any offense which is a traffic infraction, any other infraction, or a misdemeanor and for any violation of a city or village ordinance. Such authorization shall be carried out in the manner specified in sections ~~29-422 to 29-429, 39-6,105, 39-6,107, 39-6,108, and 39-6,112~~ and sections 180 to 182 of this act.

Sec. 13. That section 29-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-428. Nothing in sections 29-422 to 29-429, ~~39-6,105, 39-6,107, 39-6,108, and 39-6,112~~ and sections 180 to 182 of this act shall be construed to affect the rights, lawful procedures, or responsibilities of law enforcement agencies or peace officers using the citation procedure in lieu of the arrest or warrant procedure.

Sec. 14. That section 29-431, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-431. As used in sections 28-416, 29-422, 29-424, 29-425, and 29-431 to 29-434, unless the context otherwise requires, infraction shall mean the violation of any law, ordinance, order, rule, or regulation, not including those related to traffic, which is not otherwise declared to be a misdemeanor or a felony. Infraction shall include violations of section ~~39-6,403.01~~ 363 of this act.

Sec. 15. That section 29-3604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-3604. No person charged with a violation of section ~~39-669.07 or 39-669.08~~ 292 or 293 of this act shall be eligible for pretrial diversion under a program established pursuant to ~~Chapter 29, article 36~~ sections 29-3601 to 29-3603.

Sec. 16. For purposes of Chapter 39, unless the context otherwise requires:

(1) Alley shall mean a highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic;

(2) Divided highway shall mean a highway with separated roadways for traffic in opposite directions;

(3) Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(4) Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if there are no lateral curb lines, the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. When a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a highway shall not constitute an intersection;

(5) Mail shall mean to deposit in the United States mail properly addressed and with postage prepaid;

(6) Maintenance shall mean the act, operation, or continuous process of repair, reconstruction, or preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near or improving upon its original standard of usefulness and safety;

(7) Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except mopeds as defined in section 133 of this act and self-propelled chairs used by persons who are disabled;

(8) Park or parking shall mean the standing of a vehicle,

whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(9) Pedestrian shall mean any person afoot;

(10) Right-of-way shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other;

(11) Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively;

(12) Shoulder shall mean that part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway;

(13) Sidewalk shall mean that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians;

(14) Traffic shall mean pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel; and

(15) Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Sec. 17. That section 39-699, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-699. In order to promote public safety, and to preserve and protect state highways, and to prevent immoderate and destructive use of the same state highways, the Department of Roads may formulate, adopt, and promulgate rules and regulations in regard to the use of and travel upon the state highways. Such rules and regulations shall be consistent with Chapter 39 and the Nebraska Rules of the Road. Such rules and regulations shall be published and issued in pamphlet form by the Department of Roads, and shall be designated as the official state highway rules and regulations of the Department of Roads. Eight copies of the pamphlets shall be furnished to the Nebraska Publications Clearinghouse. Such pamphlets shall be available upon request to the general public free of charge. Such rules and regulations may include specifications, standards, limitations, conditions, requirements, definitions, enumerations, descriptions, procedures, prohibitions, restrictions, instructions, controls, guidelines, and classifications relative to the following:~~

~~(1) The issuance or denial of special permits for the travel of vehicles or objects exceeding statutory size and weight capacities upon the highways as authorized by section 39-6.18. 394 of this act;~~

(2) Qualification and prequalification of contractors, including, but not limited to, maximum and minimum qualifications, ratings, classifications, classes of contractors or classes of work, or both, and procedures to be followed;

(3) The setting of special load restrictions as provided in Chapter 39 and the Nebraska Rules of the Road;

(4) The placing, location, occupancy, erection, construction, or maintenance, upon any highway or area within the right-of-way, of any pole line, pipeline, or other utility located above, on, or under the level of the ground in such area;

(5) Protection and preservation of trees, shrubbery, plantings, buildings, structures, and all other things located upon any highway or any portion of the right-of-way of any highway by the department;

(6) Applications for the location of, and location of, private driveways, commercial approach roads, facilities, things, or appurtenances upon the right-of-way of state highways, including, but not limited to, procedures for applications for permits therefor and standards for the issuance or denial of such permits, based on highway traffic safety, and the foregoing may include reapplication for permits; and applications for permits for existing facilities, and; in any event, issuance of permits may also be conditioned upon approval of the design of such facilities;

(7) Outdoor advertising signs, displays, and devices in areas where the department is authorized by law to exercise such controls; and

(8) The Grade Crossing Protection Fund provided for in section 74-1317, including, but not limited to, authority for application, procedures on application, effect of application, ~~as well as~~ procedures ~~for~~ and effect of granting such applications, and standards and specifications governing the type of control thereunder.

This section shall not amend or derogate any other grant of power or authority to the ~~Department of Roads~~ department to make or promulgate rules and regulations; but shall be additional and supplementary thereto.

Sec. 18. That section 39-699.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-699.01. Any person or persons who shall operate who operates~~ a vehicle upon any highway in violation of the ~~duty~~ published rules and regulations of the Department of Roads governing the use of state highways shall be guilty of a Class III misdemeanor.

Sec. 19. That section 39-714.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-714.01. (1) No advertising signs shall (a) be placed along~~ be placed;

(1) Along or upon any ~~public road or~~ highway within three hundred feet of a railroad crossing or within three hundred feet of the intersection of any two crossroads of the ~~public~~ highway at grade; or

(2) Along ~~nor (b) be placed along~~ or upon any state highway at any other point without a written permit from the Department

of Roads.

~~(2) Permits, to be issued under the requirements of subsection (1) of this section;~~ Permits shall be numbered serially, and each sign shall bear upon it the permit number thus: State Permit No. The department is authorized to remove all advertising signs for which permits have not been duly obtained. It is authorized to charge a fee for such permits, such fee to be not less than twenty-five cents or not to exceed five dollars for each individual sign.

The department may, without stating any cause, revoke the permit for any sign along a state highway and remove the ~~same sign~~. If the sign so removed ~~shall have~~ has been erected less than three months at the time of such removal, the amount of the permit fee shall be returned to the owner of the sign.

No permit shall be issued for any sign of more than ten-square-foot surface. Printed sale bills shall not be deemed a sign ~~within the meaning of subsection (1) or (2) of~~ for purposes of this section.

~~Nothing in subsections (1) and (2) of this section or in section 39-714.02~~ this section shall apply to any incorporated city or village.

Any person who violates any provision of this section shall be guilty of a Class V misdemeanor.

Sec. 20. That section 39-618.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-618.02, 39-618.04, 39-634.01, 39-634.02,~~ 39-1302, 39-1320, 39-1320.06, 39-1320.07, and 39-1320.09 and sections 20 to 23 of this act, the erection or maintenance of any advertising sign, display, or device beyond six hundred sixty feet of the right-of-way of the National System of Interstate and Defense Highways and visible from the main-traveled way of such highway system is hereby prohibited.

(2) The following signs shall be permitted:

(+) (a) Directional and official signs to include, but not be limited to, signs and notices pertaining to natural wonders, scenic attractions, and historical attractions. Such signs shall comply with standards and criteria established by regulations of the Department of Roads as promulgated from time to time;

(2) (b) Signs, displays, and devices advertising the sale or lease of property upon which such media are located;

(3) (c) Signs, displays, and devices advertising activities conducted on the property on which such media are located; and

(4) (d) Signs in existence in accordance with sections 39-1320 to 39-1320.03 and 39-1320.06 to 39-1320.11, to include landmark signs, signs on farm structures, markers, and plaques of historical or artistic significance.

(3) For purposes of this section, visible shall mean the message or advertising content of an advertising sign, display, or device is capable of being seen without visual aid by a person of normal visual acuity. A sign shall be considered visible even though the message or

advertising content may be seen but not read.

Sec. 21. That section 39-618.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-618.04.~~ Just compensation shall be paid upon the removal of any advertising sign, display, or device lawfully erected or in existence prior to May 27, 1975, and not conforming to the provisions of sections ~~39-618.02, 39-618.04, 39-634.01, 39-634.02,~~ 39-1302, 39-1320, 39-1320.06, 39-1320.07, and 39-1320.09 and sections 20 to 23 of this act except as otherwise authorized by such sections. The Department of Roads shall not be required to expend any funds under the provisions of such sections unless and until federal-aid matching funds are made available for this purpose.

Sec. 22. That section 39-634.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-634.01.~~ (1) Signs, displays, and devices giving specific information of interest to the traveling public shall be erected by or at the direction of the Department of Roads and maintained within the right-of-way at appropriate distances from interchanges on the National System of Interstate and Defense Highways and from roads of the state primary system as shall conform with the rules and regulations adopted and promulgated by the ~~Department of Roads~~ department to carry out this section and section ~~39-634.02~~ 23 of this act. Such rules and regulations shall be consistent with national standards promulgated from time to time by the appropriate authority of the federal government pursuant to 23 U.S.C. 131f.

(2) For purposes of this section, specific information of interest to the traveling public shall mean only information about camping, lodging, food, and motor fuel and associated services, including trade names.

(3) The minimum service that is required to be available for each type of service shall include:

(a) Motor fuel services including:

(i) Vehicle services, which shall include fuel, oil, tire repair, and water;

(ii) Restroom facilities and drinking water;

(iii) Continuous operation of such services for at least sixteen hours per day, seven days per week, for freeways and expressways and continuous operation of such services for at least twelve hours per day, seven days per week, for conventional roads; and

(iv) Telephone services;

(b) Food services including:

(i) Licensing or approval of such services, when required;

(ii) Continuous operation of such services to serve three meals per day, seven days per week; and

(iii) Telephone services;

(c) Lodging services including:

(i) Licensing or approval of such services, when required;

(ii) Adequate sleeping accommodations; and

- (iii) Telephone services; and
- (d) Camping services including:
 - (i) Licensing or approval of such services, when required;
 - (ii) Adequate parking accommodations; and
 - (iii) Modern sanitary facilities and drinking water.

Sec. 23. That section 39-634.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-634.02.~~ (1) Applicants for business signs shall furnish business signs to the Department of Roads and shall pay to the department an annual fee for posting each business sign and the actual cost of material for, fabrication of, and erecting the specific information sign panels where specific information sign panels have not been installed.

(2) Upon receipt of the business signs and the annual fee, the ~~Department of Roads~~ department shall post or cause to be posted the business signs where specific information sign panels have been installed. The applicant shall not be required to remove any advertising device to qualify for a business sign except any advertising device which was unlawfully erected or in violation of section ~~39-618.02, 39-618.04, 39-634.01, 39-634.02, 39-634.03,~~ 39-1302, 39-1320, 39-1320.06, 39-1320.07, or 39-1320.09, section 20, 21, 22, 23, or 24 of this act, any rule or regulation of the ~~Department of Roads~~ department, or any federal rule or regulation relating to informational signs. The specific information sign panels and business signs shall conform to the requirements of the Federal Beautification Act and the Manual on Uniform Traffic Control Devices ~~as approved in Title 411, section 39-698, of the published rules and regulations of the Department of Roads~~ adopted pursuant to section 214 of this act.

(3) All revenue received for the posting or erecting of business signs or specific information sign panels pursuant to this section shall be deposited in the Highway Cash Fund, except that any revenue received from the annual fee and for posting or erecting such signs in excess of the state's costs shall be deposited in the General Fund.

(4) For purposes of this section, unless the context otherwise requires:

(a) Business sign shall mean a sign displaying a commercial brand, symbol, trademark, or name, or combination thereof, designating a motorist service. Business signs shall be mounted on a rectangular information panel; and

(b) Specific information sign panel shall mean a rectangular sign panel with:

- (i) The word gas, food, lodging, or camping;
- (ii) Directional information; and
- (iii) One or more business signs.

(5) The ~~Department of Roads~~ department shall provide notice of space available for business signs on any specific information sign panel at least ninety days prior to accepting or approving the posting of any business sign.

Sec. 24. That section 39-634.03, Reissue Revised Statutes

of Nebraska, 1943, be amended to read as follows:

~~39-634.03.~~ It is the intent of sections ~~39-634.01 and 39-634.02~~ 22 and 23 of this act to allow the erection of specific information sign panels on the right-of-way of the state highways under the following conditions:

(1) No state funds shall be used for the erection, maintenance, or servicing of such signs;

(2) Such signs shall be erected in accordance with federal standards and the rules and regulations adopted and promulgated by the Department of Roads;

(3) Such signs may be erected by the ~~Department of~~ Roads department or by a contractor selected through the competitive bidding process; and

(4) The ~~Department of Roads~~ department shall charge an annual fee in an amount equal to the fair market rental value of the sign site and any other cost to the state associated with the erection, maintenance, or servicing of specific information sign panels. If such sign is erected by a contractor, the annual fee shall be limited to the fair market rental value of the sign site.

Sec. 25. That section 39-703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-703.~~ ~~If any person shall injure or obstruct~~ Any person who injures or obstructs a public road by felling a tree or trees in, upon, or across the same, by placing or leaving any other obstruction thereon, by encroaching upon the same with any fence, by plowing or digging any ditch or other opening thereon, by diverting water onto or across such road so as to saturate, wash, or impair the maintenance, construction, or passability of such public road, or by allowing water to accumulate on the roadway or traveled surface of the road or ~~shall leave~~ who leaves the cutting of any hedge thereupon for more than five days, ~~such individual~~ shall, upon conviction thereof, be guilty of a Class V misdemeanor and, in case of placing any obstruction on the road, be charged an additional sum of not exceeding three dollars per day for every day he or she ~~shall allow~~ allows such obstruction to remain after being ordered to remove the same by the road overseer or other officer in charge of road work in the area where such obstruction is located, complaint to be made by any person feeling aggrieved.

~~This, except that this~~ section shall not apply to any person who ~~shall~~ lawfully ~~fell~~ fells any tree for use and will immediately remove the same out of the road nor to any person through whose land a public road may pass who ~~shall desire~~ desires to drain such land and ~~shall give~~ gives due notice of such intention to the road overseer or other officer in charge of road work nor when damage has been caused by a mechanical malfunction of any irrigation equipment, when a sprinkler irrigation system had been set so that under normal weather conditions no water would have been placed upon the right-of-way of any road, when the county board grants permission for the landowner to divert water from one area to another along a county

highway right-of-way, or when a municipality has granted permission along or across the right-of-way under its jurisdiction, ~~except that if~~ ~~—If~~ damage has been caused by a mechanical malfunction of irrigation equipment more than two times in one calendar year, the penalty provided in this section shall apply.

Any officer in charge of road work, after having given reasonable notice to the owners of the obstruction or person so obstructing or plowing or digging ditches upon such road, may remove any such fence or other obstruction, fill up any such ditch or excavation, and recover the necessary cost of such removal from such owner or other person obstructing such road, to be collected by such officer in an action in county court.

Any public roads which have not been worked and which have not been used or traveled by the public for the last fifteen years may be fenced by the owners of adjoining lands if written permission is first obtained from the county board of commissioners or supervisors and if adequate means of ingress and egress are provided by suitable gates.

Sec. 26. That section 39-703.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-703.01.~~ A sprinkler irrigation system which due to location or design diverts, or is capable of diverting, water onto or across a public road so as to saturate, wash, or impair the maintenance, construction, or passability of such public road; or allows water to accumulate on the roadway or traveled surface of the public road; shall be equipped with a device which will automatically shut off the endgun of the irrigation system causing such diversion or accumulation of water. Any person who fails to comply with this section shall, upon conviction thereof, be guilty of a Class IV misdemeanor, except that section ~~39-703~~ 25 of this act shall be controlling with respect to mechanical malfunctions and normal weather conditions.

Sec. 27. That section 39-704, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-704.~~ ~~If any person shall purposely destroy or injure~~ Any person who purposely destroys or injures any sidewalk, public or private bridge, culvert, or causeway, ~~or remove~~ removes any of the timber or plank thereof, or ~~obstruct~~ obstructs the same, ~~he shall forfeit a sum not less than three dollars nor more than one hundred dollars,~~ shall be guilty of a Class V misdemeanor and shall be liable for all damages occasioned thereby; and all necessary costs of rebuilding or repairing the same.

Sec. 28. That section 39-715, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-715.~~ Any person who shall willfully and maliciously ~~injure~~ injures any lawful public road in this state; or any bridge, gate, ~~or~~ milestone, or other fixture; on any such road; shall, for every such offense, ~~pay a fine not exceeding fifty dollars nor less than ten dollars; and, moreover,~~ be guilty of a Class V misdemeanor and be liable to any party injured in double damages.

Sec. 29. That section 39-706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-706. Whoever shall plow~~ Any person who plows up or upon any public highway without the consent or direction of the ~~road~~ road overseer ~~of roads~~ or the officer in charge of road work in the area where such road is located shall be ~~finned not less than five dollars nor more than twenty five dollars~~ guilty of a Class V misdemeanor.

Sec. 30. That section 39-707, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-707.~~ It is hereby made the duty of the road overseer or other officer in charge of road work in the area where such road is located to make complaint to the county attorney of any violation of section ~~39-706, and any~~ 29 of this act. Any willful neglect of this duty by a road overseer or other such officer shall be considered a Class V misdemeanor.

Sec. 31. That section 39-705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-705. Whoever shall build~~ Any person who builds a barbed wire fence across or in any plain traveled road or track in common use, either public or private, without first putting up sufficient guards to prevent either ~~man~~ human or beast from running into ~~said~~ the fence; shall be ~~finned not less than five dollars nor more than twenty five dollars;~~ guilty of a Class V misdemeanor and shall be liable for all damages that may accrue to the party damaged by reason of such barbed wire fence.

Sec. 32. That section 39-6,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,101.~~ It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub, or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard. When the Department of Roads or any local authority determines upon the basis of engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within ten days. Failure of the owner to remove such traffic hazard within ten days shall constitute ~~an offense punishable under sections 39-601 to 39-6,122~~ a Class V misdemeanor, and every day such owner ~~shall fail~~ fails to remove it shall be a separate offense.

Sec. 33. That section 39-717, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-717.~~ It shall be lawful for the owner or occupants of land bordering upon any public road to build sidewalks not to exceed six feet in width, ~~and~~ to plant shade and ornamental trees along and in such road at a distance not exceeding one-tenth of the legal width of a road from its margin, and ~~also~~ to erect and maintain a fence as long as it ~~shall be~~ is actually necessary for the purpose of raising a hedge on ~~said~~ the margin a distance of six feet from and within such marginal lines, ~~except~~ ; ~~PROVIDED,~~ that when, in the opinion of the county board, the hedge fence, trees, or undergrowth on any county road

~~interfere~~ interferes with the use of the right-of-way for road purposes or ~~present~~ presents a hazard to the traveling public, the county board may, in its discretion, remove, or cause to be removed, at county expense, the hedge fence, trees, or undergrowth from the road right-of-way.

Sec. 34. That section 39-6,190, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,190:~~ Any person who ~~shall deposit~~ deposits any wood, stone, or other kind of material on any part of any lawful public road in this state, inside of the ditches of such road or outside of the ditches, but so near thereto as to cause the banks thereof to break into the same or cause the accumulation of rubbish, or any kind of obstruction, shall upon conviction thereof be ~~finned in any sum not exceeding one hundred dollars and the cost of prosecution, or shall be imprisoned in the county jail for not more than thirty days~~ guilty of a Class IIIA misdemeanor.

Sec. 35. That section 39-683, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-683:~~ (1) No person shall throw or deposit upon any highway:

(a) Any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person or animal or damage any vehicle upon such highway;

(b) Materials that may make the highway unsightly, such as rubbish, sewage, garbage, paper, or any other material of such nature; or
(c) Any burning material.

(2) Any person who deposits or permits to be deposited upon any highway any destructive or injurious material shall immediately remove such or cause it to be removed.

(3) Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle.

(4) The Department of Roads or a local authority as defined in section 124 of this act may procure and place at reasonable intervals on the side of highways under ~~their~~ its respective ~~jurisdictions~~ jurisdiction appropriate signs showing the penalty for violating this section. Such signs shall be of such size and design as to be easily read by persons on such highways, but the absence of such a sign shall not excuse a violation of ~~subsections (1), (2), and (3) of~~ this section.

(5) It shall be the duty of all Nebraska State Patrol officers, ~~game wardens, deputy game wardens~~ conservation officers, deputy conservation officers, sheriffs, deputy sheriffs, and other law enforcement officers to enforce this section and to make prompt investigation of any violations of this section reported by any person.

(6) Any person who violates any provision of this section shall be guilty of a Class V misdemeanor.

Sec. 36. That section 39-712.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-712.01.~~ It shall be unlawful to camp on any state or county public highway, roadside area, park, or other property acquired for highway or roadside park purposes except at such places as are designated campsites by the Department of Roads or the county or other legal entity of government owning or controlling such places. This provision shall not apply to lands originally acquired for highway purposes which have been transferred or leased to the Game and Parks Commission or a natural resources district or to other lands owned or controlled by the Game and Parks Commission where camping shall be controlled by the provisions of section 81-805 or by a natural resources district where camping shall be controlled by the provisions of section 2-3292.

For the purposes of this section, camping ~~is defined as~~ shall mean temporary lodging out of doors and presupposes the occupancy of a shelter designed or used for such purposes, such as a sleeping bag, tent, trailer, station wagon, pickup camper, camper-bus, or other vehicle, and the use of camping equipment. ~~A camper is defined as~~ and camper shall mean an occupant of any such shelter.

Any person who ~~shall camp~~ camps on any state or county public highway, roadside area, park, or other property acquired for highway or roadside park purposes, which has not been properly designated as a campsite, or any person who violates any lawfully promulgated rules or regulations properly posted to regulate camping at designated campsites shall be guilty of a Class V misdemeanor and shall be ordered to pay any amount as determined by the court which may be necessary to reimburse the ~~Department of Roads~~ department or the county for the expense of repairing any damage to such campsite resulting from such violation.

Sec. 37. That section 39-685, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-685:~~ No person shall hunt, trap, or molest any predatory animal on or upon any portion of a freeway or approach or exit thereto except at locations designated for such purpose. No person shall shoot from the roadway onto or across the land of any farmer or landowner or kill, attempt to kill, or retrieve any wildlife or game on such land prior to receiving permission from such farmer or landowner. Any person who violates this section shall be guilty of a Class V misdemeanor.

Sec. 38. That section 39-892, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-892. As used within sections 39-891 to 39-8,122~~ For purposes of the Interstate Bridge Act of 1959, unless the context otherwise requires:

(1) Approach shall mean that portion of any interstate bridge which allows the highway access to the bridge structure. It shall be measured along the centerline of the highway from the end of the bridge structure to the nearest right-of-way line of the closest street or road where traffic may leave the highway to avoid crossing the bridge, but ; ~~PROVIDED, that~~ in no event shall such approach exceed a distance of

one mile. The term shall be construed to include all embankments, fills, grades, supports, drainage facilities, and appurtenances necessary therefor;

(2) Appurtenances shall include, but not be limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, fire plugs, retaining walls, lighting fixtures, and all other items of a similar nature which the department ~~shall deem~~ deems necessary for the proper operation of any interstate bridge or for the safety and convenience of the traveling public;

(3) Boundary line bridge shall mean any bridge upon which no toll, fee, or other consideration is charged for passage thereon; and which connects the state highway systems of the State of Nebraska and an adjoining state in the same manner as an interstate bridge. Such bridges shall be composed of right-of-way, bridge structure, approaches, and road, in the same manner as an interstate bridge, but shall be distinguished from an interstate bridge in that no part of such bridge shall be a part of the state highway system, the title to such bridge being vested in a person other than the State of Nebraska, or the State of Nebraska and an adjoining state jointly. Any boundary line bridge purchased or acquired by the department, or the department and an adjoining state jointly, and added to the state highway system shall be deemed an interstate bridge;

(4) Boundary line toll bridge shall mean any boundary line bridge upon which a fee, toll, or other consideration is charged traffic for the use thereof. Any boundary line toll bridge purchased or acquired by the department, or by the department and an adjoining state jointly, and added to the state highway system shall be deemed an interstate bridge;

(5) Bridge structure shall mean the superstructure and substructure of any interstate bridge having a span of not less than twenty feet between undercopings of extreme end abutments, or extreme ends of openings of multiple boxes, when measured along the centerline of the highway thereon, and shall be construed to include the supports therefor and all appurtenances deemed necessary by the department;

(6) Construction shall mean the erection, fabrication, or alteration of the whole or any part of any interstate bridge. ~~Alteration, as used herein;~~ For purposes of this subdivision, alteration shall be construed to be the performance of construction whereby the form or design of any interstate bridge is changed or modified;

(7) Department shall mean the Department of Roads; ~~of the State of Nebraska;~~

(8) Emergency shall include, but not be limited to, acts of God, invasion, enemy attack, war, flood, fire, storm, traffic accidents, or other actions of similar nature which usually occur suddenly and cause, or threaten to cause, damage requiring immediate attention;

(9) Expressway shall be defined in the manner provided by ~~subdivision (9) of~~ section 39-1302;

(10) Freeway shall be defined in the manner provided by ~~subdivision (10) of~~ section 39-1302;

(11) Highway shall mean a road, street, expressway, or freeway, including the entire area within the right-of-way, which has been

designated a part of the state highway system;

(12) Interstate bridge shall mean the right-of-way, approaches, bridge structure, and highway necessary to form a passageway for highway traffic over the boundary line of the State of Nebraska from a point within the State of Nebraska to a point within an adjoining state for the purpose of spanning any obstruction or obstructions which would otherwise hinder the free and safe flow of traffic between such points, such bridge being a part of the state highway system with title vested in the State of Nebraska; or in the State of Nebraska and an adjoining state jointly;

(13) Interstate bridge purposes shall include, but not be limited to, the applicable provisions of subdivisions ~~(a) to (f)~~ of ~~subsection (2)(a) through (f)~~ of section 39-1320;

(14) Maintenance shall mean the act, operation, or continuous process of repair, reconstruction, or preservation of the whole or any part of any interstate bridge for the purpose of keeping it at or near its original standard of usefulness; and shall include the performance of traffic services for the safety and convenience of the traveling public. ~~Reconstruction, as used herein;~~ For purposes of this subdivision, reconstruction shall be construed to be the repairing or replacing of any part of any interstate bridge without changing or modifying the form or design of such bridge;

(15) Person shall include bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint-stock companies, and associations;

(16) Right-of-way shall mean land, property, or interest therein, usually in a strip, acquired for or devoted to an interstate bridge;

(17) State highway system shall mean the highways within the State of Nebraska as shown on the map provided for in section 39-1311; and as defined by ~~subdivision (25)~~ of section 39-1302;

(18) Street shall be defined in the manner provided by ~~subdivision (26)~~ of section 39-1302;

(19) Title shall mean the evidence of right to property or the right itself; and

(20) Traffic services shall mean the operation of an interstate bridge facility, and the services incidental thereto, to provide for the safe and convenient flow of traffic over such bridge. Such services shall include, but not be limited to, erection of snow fence, snow and ice removal, painting, repairing, and replacing signs, guardrails, traffic signals, lighting standards, pavement stripes and markings, adding conventional traffic control devices, furnishing power for road lighting and traffic control devices, and replacement of parts.

Sec. 39. That section 39-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1302. ~~As used in~~ For purposes of sections 39-1301 to ~~39-1362~~ 39-1392, unless the context otherwise requires:

(1) Abandon shall mean to reject all or part of the department's rights and responsibilities relating to all or part of a

fragment, section, or route on the state highway system;

(2) Alley shall mean an established passageway for vehicles and pedestrians affording a secondary means of access in the rear to properties abutting on a street or highway;

(3) Approach or exit road shall mean any highway or ramp designed and used solely for the purpose of providing ingress or egress to or from an interchange or rest area of a highway. An approach road shall begin at the point where it intersects with any highway not a part of the highway for which such approach road provides access and shall terminate at the point where it merges with an acceleration lane of a highway. An exit road shall begin at the point where it intersects with a deceleration lane of a highway and shall terminate at the point where it intersects any highway not a part of a highway from which the exit road provides egress;

(4) Arterial highway shall mean a highway primarily for through traffic, usually on a continuous route;

~~(4)~~ (5) Business shall mean any lawful activity conducted primarily for the purchase and resale, manufacture, processing, or marketing of products, commodities, or other personal property or for the sale of services to the public or by a nonprofit corporation;

(6) Channel shall mean a natural or artificial watercourse;

~~(5)~~ (7) Commercial activity shall mean those activities generally recognized as commercial by zoning authorities in this state, and industrial activity shall mean those activities generally recognized as industrial by zoning authorities in this state, except that none of the following shall be considered commercial or industrial:

(a) Outdoor advertising structures;

(b) General agricultural, forestry, ranching, grazing, farming, and related activities, including wayside fresh produce stands;

(c) Activities normally or regularly in operation less than three months of the year;

(d) Activities conducted in a building principally used as a residence;

(e) Railroad tracks and minor sidings; and

(f) Activities more than six hundred sixty feet from the nearest edge of the right-of-way of the road or highway;

(8) Connecting link shall mean the roads, streets, and highways designated as part of the state highway system and which are within the corporate limits of any city or village in this state;

(6) (9) Controlled-access facility shall mean a highway or street especially designed for through traffic; and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason. Such highways or streets may be freeways or they may be parkways;

~~(7)~~ (10) Department shall mean the Department of Roads; ~~of the State of Nebraska;~~

~~(8)~~ (11) Displaced person shall mean any individual, family, business, or farm operation which moves from real property acquired for state highway purposes or for a federal-aid highway;

(12) Easement shall mean a right acquired by public authority to use or control property for a designated highway purpose;

~~(9)~~ (13) Expressway shall mean a divided arterial highway for through traffic with full or partial control of access and generally with which may have grade separations at intersections;

~~(10)~~ (14) Family shall mean two or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship;

(15) Farm operation shall mean any activity conducted primarily for the production of one or more agricultural products or commodities for sale and home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support;

(16) Federal-aid primary roads shall mean roads, streets, and highways, whether a part of the state highway system, county road systems, or city streets, which have been designated as federal-aid primary roads by the department and approved by the United States Secretary of Transportation and shown on the maps provided for in section 39-1311;

(17) Freeway shall mean an expressway with full control of access;

~~(11)~~ (18) Frontage road shall mean a local street or road auxiliary to an arterial highway for service to abutting property and adjacent areas and for control of access;

~~(12)~~ (19) Full control of access shall mean that the right of owners or occupants of abutting land or other persons to access or view is fully controlled by public authority having jurisdiction and that such control is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings or intersections at grade or direct private driveway connections;

(20) Grade separation shall mean a crossing of two highways at different levels;

(21) Highway shall mean a road or street, including the entire area within the right-of-way, which has been designated a part of the state highway system;

~~(13)~~ (22) Individual shall mean a person who is not a member of a family;

(23) Interchange shall mean a grade-separated intersection with one or more turning roadways for travel between any of the highways radiating from and forming part of such intersection;

(24) Map shall mean a drawing or other illustration or a series of drawings or illustrations which may be considered together to complete a representation;

~~(14)~~ (25) Mileage shall mean the aggregate distance in miles without counting double mileage where there are one-way or divided roads, streets, or highways;

~~(15)~~ (26) Parking lane shall mean an auxiliary lane primarily for the parking of vehicles;

~~(16)~~ (27) Parkway shall mean an arterial highway for noncommercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development;

~~(17)~~ ~~Person shall include bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint-stock companies, and associations;~~

~~(18)~~ (28) Relinquish shall mean to surrender all or part of the rights and responsibilities relating to all or part of a fragment, section, or route on the state highway system to a political or governmental subdivision or public corporation of Nebraska;

~~(19)~~ (29) Right of access shall mean the rights of ingress and egress to or from a road, street, or highway; and the rights of owners or occupants of land abutting a road, street, or highway or other persons to a way or means of approach, light, air, or view;

~~(20)~~ (30) Right-of-way shall mean land, property, or interest therein, usually in a strip, acquired for or devoted to a road, street, or highway;

~~(21)~~ (31) Road shall mean a public way for the purposes of vehicular travel, including the entire area within the right-of-way. A road designated as part of the state highway system may be called a highway, while a road in an urban area may be called a street;

~~(22)~~ (32) Roadside shall mean the area adjoining the outer edge of the roadway. Extensive areas between the roadways of a divided highway may also be considered roadside;

~~(23)~~ (33) Roadway shall mean the portion of a highway, including shoulders, for vehicular use;

~~(24)~~ (34) Separation structure shall mean that part of any bridge or road which is directly overhead of the roadway of any part of a highway;

~~(25)~~ (35) State highway purposes shall have the meaning set forth in subsection (2) of section 39-1320;

~~(25)~~ (36) State highway system shall mean the roads, streets, and highways shown on the map provided for in section 39-1311; as forming a group of highway transportation lines for which the department shall be the primary authority. The state highway system shall include, but not be limited to, rights-of-way, connecting links, drainage facilities, and the bridges, appurtenances, easements, and structures used in conjunction with such roads, streets, and highways;

~~(26)~~ (37) Street shall mean a public way for the purposes of vehicular travel in a city or village and shall include the entire area within the right-of-way;

~~(27)~~ (38) Structure shall mean anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location;

~~(28)~~ (39) Title shall mean the evidence of a person's right to property or the right itself;

~~(29)~~ **(40)** Traveled way shall mean the portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes;

~~(30)~~ Written instrument shall mean a deed or any other document that states a contract, agreement, gift, or transfer of property;

~~(31)~~ Displaced person shall mean any individual, family, business or farm operation which moves from real property acquired for state highway purposes or for a federal aid highway;

~~(32)~~ Individual shall mean a person who is not a member of a family;

~~(33)~~ Family shall mean two or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship;

~~(34)~~ Business shall mean any lawful activity conducted primarily for the purchase and resale, manufacture, processing, or marketing of products, commodities, or other personal property, or for the sale of services to the public, or by a nonprofit corporation;

~~(35)~~ Farm operation shall mean any activity conducted primarily for the production of one or more agricultural products or commodities for sale and home use; and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support;

~~(36)~~ Federal aid primary roads shall mean roads, streets, and highways, whether a part of the state highway system, county road systems, or city streets, which have been designated as federal aid primary roads by the department and approved by the Secretary of Transportation of the United States, and shown on the maps provided for in section 39-1311;

~~(37)~~ Commercial activity shall mean those activities generally recognized as commercial by zoning authorities in this state, and industrial activity shall mean those activities generally recognized as industrial by zoning authorities in this state, except that none of the following shall be considered commercial or industrial:

~~(a)~~ Outdoor advertising structures;

~~(b)~~ General agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to, wayside fresh produce stands;

~~(c)~~ Activities normally or regularly in operation less than three months of the year;

~~(d)~~ Activities conducted in a building principally used as a residence;

~~(e)~~ Railroad tracks and minor sidings; and

~~(f)~~ Activities more than six hundred sixty feet from the nearest edge of the right-of-way of the road or highway;

~~(38)~~ **(41)** Unzoned commercial or industrial area for purposes of control of outdoor advertising shall mean all areas within six hundred sixty feet of the nearest edge of the right-of-way of the interstate and federal aid primary systems which are not zoned by state or local law,

regulation, or ordinance and on which there is located one or more permanent structures devoted to a business or industrial activity or on which a commercial or industrial activity is conducted, whether or not a permanent structure is located thereon, the area between such activity and the highway, and the area along the highway extending outward six hundred feet from and beyond each edge of such activity; and, in the case of the primary system, may include the unzoned lands on both sides of such road or highway to the extent of the same dimensions; **PROVIDED**, if those lands on the opposite side of the highway are not deemed scenic or having aesthetic value as determined by the department. In determining such an area, measurements shall be made from the furthest or outermost edges of the regularly used area of the commercial or industrial activity, structures, normal points of ingress and egress, parking lots, and storage and processing areas constituting an integral part of such commercial or industrial activity;

~~(39) Zoned commercial or industrial areas shall mean those areas within six hundred sixty feet of the nearest edge of the right-of-way of the National System of Interstate and Defense Highways and all federal-aid primary roads, zoned by state or local authorities for industrial or commercial activities; and~~

~~(40) Visible, as used in sections (42) Visible, for purposes of sections 39-1320, 39-1320.06, 39-1320.07, and 39-1320.09 in reference to advertising signs, displays, or devices, shall mean the message or advertising content of such sign, display, or device is capable of being seen without visual aid by a person of normal visual acuity. A sign shall be considered visible even though the message or advertising content may be seen but not read;~~

(43) Written instrument shall mean a deed or any other document that states a contract, agreement, gift, or transfer of property; and

(44) Zoned commercial or industrial areas shall mean those areas within six hundred sixty feet of the nearest edge of the right-of-way of the National System of Interstate and Defense Highways and all federal-aid primary roads, zoned by state or local zoning authorities for industrial or commercial activities.

Sec. 40. That section 39-1367, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1367. Recognizing that safe and efficient transportation on modern high-speed highways is a matter of important interest to all the people in the state, the Legislature determines and declares that effective maintenance, operation, and control of freeways is essential to the general welfare of the State of Nebraska and is therefor a matter of statewide concern.

The establishment of laws capable of meeting future requirements as well as present demands of safe and efficient transportation is recognized as an urgent problem and a proper objective of highway legislation.

It is the intent of the Legislature to consider of paramount

importance the convenience and safety of the traveling public.

The Legislature hereby determines and declares that sections ~~39-670.01, 39-1337, 39-1339, 39-1367, and 39-1372, and 81-2006~~ are necessary for the preservation of the public health and safety, for promotion of the general welfare, and as a contribution to the national defense.

Sec. 41. That section 39-1801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1801. Whenever a county or township road or a part of such road is impassable or unusually dangerous to travel, whenever it becomes necessary because of construction or maintenance work to suspend all or part of the travel on such road, or whenever justified by necessity in order to provide for the public safety, such road or part of a road may be temporarily closed, and when feasible a suitable detour provided, or the weight limitations of wheel and axle loads as defined in subsections (2), ~~(4), and (5)~~ through (4) of section ~~39-6,180~~ 390 of this act may be restricted to the extent deemed necessary for a reasonable period where the subgrade or pavement of such roads ~~are~~ is weak or materially weakened by climatic conditions, by the county board as to county roads within the county and by the township board as to township roads within the township or by the person to whom the county board or township board has delegated the authority to temporarily close roads within the particular county or township.

Whenever such road or part of a road is temporarily closed, the person, board, or contractor therefor shall erect, at both ends of the portion of the road so closed, suitable barricades, fences, or other enclosures and shall post signs warning the public that the road is closed by authority of law. Such barricades, fences, enclosures, and signs shall serve as notice to the public that such road is unsafe and that anyone entering such closed road, without permission, does so at his or her own peril.

Whenever a road or part of a road is undergoing construction, repair, or maintenance, while the public use thereof is permitted, traffic thereon may be regulated, limited, or controlled under the same authority as such road may be temporarily closed.

Any person who violates any provision of this section; or who removes or interferes with any barricade, fence, enclosure, or warning sign required by this section; shall be guilty of a Class V misdemeanor.

Sec. 42. That section 39-2113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-2113. (1) In addition to the duties imposed upon it by section 39-2109, the Board of Public Roads Classifications and Standards shall develop minimum standards of design, construction, and maintenance for each functional classification set forth in sections 39-2103 and 39-2104. Except for scenic-recreation road standards, such standards shall be such as to assure that each segment of highway, road, or street will satisfactorily meet the requirements of the area it serves and the traffic patterns and volumes which it may reasonably be expected to bear.

(2) The standards for a scenic-recreation road and highway classification shall insure a minimal amount of environmental disruption practicable in the design, construction, and maintenance of such highways, roads, and streets by the use of less restrictive, more flexible design standards than other highway classifications. Design elements of such a road or highway shall incorporate parkway-like features which will allow the user-motorist to maintain a leisurely pace and enjoy the scenic and recreational aspects of the route; and include rest areas and scenic overlooks with suitable facilities. The board may stipulate that speed limits consistent with scenic-recreation use apply to any such highway or road.

(3) The standards developed for a minimum maintenance road and highway classification shall provide for a level of minimum maintenance sufficient to serve farm machinery and the occasional or intermittent use by passenger and commercial vehicles. The standards shall provide that any defective bridges, culverts, or other such structures on, in, over, under, or part of the minimum maintenance road may be removed by the county in order to protect the public safety and need not be replaced by equivalent structures except when deemed by the county board to be essential for public safety or for the present or future transportation needs of the county. The standards for such minimum maintenance roads shall include the installation and maintenance by the county at entry points to minimum maintenance roads and at regular intervals thereon; of appropriate signs to adequately warn the public that the designated section of road has a lower level of maintenance effort than other public roads and thoroughfares. Such signs shall conform to the requirements in ~~the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways in effect on August 26, 1983~~ adopted pursuant to section 214 of this act.

(4) The board shall by rule provide for the relaxation of standards for any functional classification in those instances in which their application is not feasible because of peculiar, special, or unique local situations.

(5) Any county or municipality which believes that the application of standards for any functional classification to any segment of highway, road, or street would work a special hardship, or any other interested party which believes that the application of standards for scenic-recreation roads and highways to any segment of highway, road, or street would defeat the purpose of the scenic-recreation functional classification contained in ~~sections 39-2103, 39-2105, 39-2109, and 39-2113~~ section 39-2103, may request the board to relax the standards for such segment. The Department of Roads, when it believes that the application of standards for any functional classification to any segment of highway that is not hard surfaced would work a special hardship, may request the board to relax such standards. The board shall review any request made pursuant to this section and either grant or deny it in whole or in part. The provisions of this section shall not be construed to apply to removal of a road or highway from the state highway system pursuant

to section 39-1315.01.

Sec. 43. That section 44-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-515. (1) A notice of cancellation of a policy shall be effective only if it is based on one or more of the following reasons:

(a) Nonpayment of premium;
 (b) ~~fraud~~ Fraud or material misrepresentation affecting the policy or in the presentation of a claim thereunder, or violation of any of the terms or conditions of the policy; or

(c) ~~the~~ The named insured or any operator, either resident in the same household or who customarily operates an automobile insured under the policy, (i) has had his or her driver's license suspended or revoked pursuant to law, † (ii) has been convicted of larceny of an automobile, or theft of an automobile in violation of section 28-516, † (iii) has been convicted of an offense for which such suspension or revocation is mandatory, † or (iv) whose driver's license is subject to revocation or suspension pursuant to the provisions of sections ~~39-669.26 to 39-669.30~~ 80 to 84 of this act, by reason of his or her driving record as disclosed by the files of the Director of Motor Vehicles during the policy period or, if the policy is a renewal, during its policy period or the one hundred eighty days immediately preceding its effective date.

(2) This section shall not apply to any policy or coverage which has been in effect less than sixty days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

(3) This section shall not apply to nonrenewal.

Sec. 44. That section 48-1902, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-1902. ~~As used in~~ For purposes of sections 48-1901 to 48-1910, unless the context otherwise requires:

(1) Alcohol shall mean any product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, synthetic ethyl alcohol, the four varieties of liquor defined in subdivisions (2) ~~to~~ through (5) of section 53-103, alcohol, spirits, wine, and beer, every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, and alcohol used in the manufacture of denatured alcohol, flavoring extracts, syrups, or medicinal, mechanical, scientific, culinary, and toilet preparations;

(2) Breath-testing device shall mean intoxilyzer model 4011AS or other scientific testing equivalent as approved by and operated in accordance with the department rules and regulations;

(3) Breath-testing-device operator shall mean a person who has obtained or been issued a permit pursuant to the department rules and regulations;

(4) Department shall mean the Department of Health;

(5) Department rules and regulations shall mean the techniques and methods authorized pursuant to section ~~39-669.11~~ 296

of this act:

(6) Drug shall mean any substance, chemical, or compound as described, defined, or delineated in sections 28-405 and 28-419 or any metabolite or conjugated form thereof, except that any substance, chemical, or compound containing any product as defined in subdivision (1) of this section may also be defined as alcohol;

(7) Employee shall mean any person who receives any remuneration, commission, bonus, or other form of wages in return for such person's actions which directly or indirectly benefit an employer; and

(8) Employer shall mean the State of Nebraska and its political subdivisions, all other governmental entities, or any individual, association, corporation, or other organization doing business in the State of Nebraska unless it, he, or she employs a total of less than six full-time and part-time employees at any one time.

Sec. 45. That section 53-1,120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-1,120. (1) Nothing in sections ~~39-684~~, 53-1,119; and 53-1,120 and section 175 of this act shall affect any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment; or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons.

(2) The fact that a person is intoxicated or incapacitated by alcohol shall not prevent such person from being arrested or prosecuted for the commission of any criminal act or conduct not enumerated in subsection (1) of this section.

(3) No provision of such sections ~~39-684, 53-1,119, and 53-1,120~~ shall prevent such person from being taken into custody under the provisions of the Nebraska Mental Health Commitment Act as an alcoholic person who presents the risks enumerated in section 83-1009.

(4) Nothing in sections ~~39-684~~, 53-1,119; and 53-1,120 and section 175 of this act shall be construed as a limitation upon the right of a police officer to make an otherwise legal arrest, even though the arrested person may be intoxicated or incapacitated by alcohol.

Sec. 46. That section 60-102, Revised Statutes Supplement, 1992, be amended to read as follows:

60-102. Sections 60-102 to 60-117 shall apply to motor vehicles, commercial trailers, and semitrailers required to be registered under sections 60-301 to 60-306 and all cabin trailers defined in ~~subdivision (9) of section 39-602~~ section 110 of this act whether or not any such cabin trailer is required to be registered under sections 60-301 to 60-306.

Sections 60-102 to 60-117 shall not apply to;

(1) ~~foreign~~ Foreign trucks and buses required to pay registration fees under sections 60-301 to 60-306 except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-305.09; ;

(2) ~~trailers~~ Trailers of farmers or ranchers used wholly and exclusively to carry supplies to the owner's farm or ranch, used by the farmer or rancher to carry his or her own products to storage or market, or used by farmers or ranchers for such hauling of such supplies or products in exchange of services; ~~and~~

(3) ~~road~~ Road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, crawler tractors, backhoes, bulldozers, and front-end loaders; ~~and~~

(4) Minibikes as defined in section 132 of this act or mopeds as defined in section 133 of this act.

Sec. 47. That section 60-119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-119. The Nebraska State Patrol Cash Fund shall be used to defray the expenses of training personnel in title document examination, vehicle identification, and fraud and theft investigation and to defray the patrol's expenses arising pursuant to sections 60-118 to 60-127 including those incurred for printing and distribution of forms, personal services, hearings, and similar administrative functions. Personnel may include, but shall not be limited to, county clerks, investigative personnel of the Nebraska Motor Vehicle Industry Licensing Board, and peace officers ~~mentioned in section 39-6,192~~ as defined in section 142 of this act. Such training program shall be administered by the patrol. ~~The patrol's responsibility for providing the training shall begin July 1, 1986.~~ The patrol may utilize the Nebraska Law Enforcement Training Center to accomplish the training requirements of sections 60-118 to 60-127. The superintendent may make expenditures from the fund necessary to implement such training.

Sec. 48. That section 60-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-122. The sheriff may designate an employee of his or her office, any individual who is a peace officer; as listed defined in section ~~39-6,192~~ 142 of this act. or, by agreement, a county clerk to assist in accomplishing inspections. Upon designation, the person shall request approval for training from the superintendent. Any person requesting approval for training shall submit a written application to the patrol. Such application shall include the following information:

- (1) The name and address of the applicant;
- (2) ~~the~~ The name and address of the agency employing the applicant and the name of the agency head; and
- (3) ~~such~~ Such biographical information as the superintendent may require to facilitate the designation authorized by this section.

Sec. 49. That section 60-2301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2301.~~ It shall be unlawful for any person to:

(1) Knowingly tamper with, adjust, alter, change, disconnect, or fail to connect an odometer of a motor vehicle, or to cause any of the foregoing to occur, to reflect a mileage different than has actually been driven by such motor vehicle; except as provided in ~~sections 60-2301 to 60-2307~~ section 50 of this act;

(2) With intent to defraud, operate a motor vehicle on any street or highway knowing that the odometer is disconnected or nonfunctional; or

(3) Advertise for sale, sell, use, or install on any part of a motor vehicle or on any odometer in a motor vehicle any device which causes the odometer to register any mileage other than that actually driven.

Sections ~~60-2301 to 60-2307~~ 49 to 55 of this act shall not apply to gross-rated motor vehicles of more than sixteen thousand pounds.

Sec. 50. That section 60-2302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2302.~~ If any odometer is repaired or replaced, the reading of the repaired or replaced odometer shall be set at the reading of the odometer repaired or replaced immediately prior to repair or replacement; and the adjustment shall not be deemed a violation of sections ~~60-2301 to 60-2307~~ 49 to 55 of this act, except that when the repaired or replaced odometer is incapable of registering the same mileage as before such repair or replacement, the repaired or replaced odometer shall be adjusted to read zero and a notice in writing on a form prescribed by the Department of Motor Vehicles shall be attached to the left door frame, or; in the case of a motorcycle; to the registration certificate and all subsequent registration certificates, of the vehicle by the owner or his or her agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced and any removal or alteration of such notice so affixed shall be deemed a violation of such sections, ~~60-2301 to 60-2307.~~

Sec. 51. That section 60-2303, Revised Statutes Supplement, 1992, be amended to read as follows:

~~60-2303.~~ The transferor of any motor vehicle of an age of less than ten years, which was equipped with an odometer by the manufacturer, shall provide to the transferee a statement signed by the transferor. Such statement shall set forth the mileage on the odometer at the time of transfer and (1) shall state that, to the transferor's best knowledge, such mileage is that actually driven by the motor vehicle, (2) if the transferor has knowledge that the mileage shown on the odometer is in excess of the designated mechanical odometer limit, shall include a statement to that effect, or (3) if the transferor has knowledge that the odometer reading differs from the actual mileage and that the difference is greater than that caused by odometer calibration error, shall state that the odometer reading does not reflect the actual mileage and should not be relied upon. If a discrepancy exists between the odometer reading and the

actual mileage, a warning notice to alert the transferee shall be included with the statement. The transferor shall retain a true copy of such statement for a period of five years from the date of the transaction.

Sec. 52. That section 60-2304, Revised Statutes Supplement, 1992, be amended to read as follows:

~~60-2304.~~ The statement required by section ~~60-2303~~ 51 of this act shall be on a form prescribed by the Department of Motor Vehicles. Such statement shall be submitted with the application for certificate of title, and the new certificate of title in the name of the transferee shall have recorded thereon the mileage shown by such statement and a notation that the recorded mileage is actual, not actual, or in excess of the mechanical odometer limit. On and after January 1, 1989, the statement required by such section ~~60-2303~~ shall appear on the certificate of title. No certificate of title shall be issued unless the application is accompanied by such statement or unless the information required by such section ~~60-2303~~ appears on the certificate of title being submitted with the application.

Sec. 53. That section 60-2305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2305.~~ No licensed motor vehicle dealer shall have in his or her possession as inventory for sale any used motor vehicle of an age of less than twenty-five years, acquired by such dealer after September 1, 1972, for which he the dealer does not have in his or her possession the transferor's statement required by ~~sections 60-2301 to 60-2307~~ section 51 of this act unless a certificate of title has been issued for such motor vehicle in the name of the dealer. Violation of sections ~~60-2301 to 60-2307~~ 49 to 55 of this act shall be grounds for suspension or revocation of a motor vehicle dealer's license under the provisions of Chapter 60, article 14.

Sec. 54. That section 60-2306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2306.~~ A licensed motor vehicle dealer reassigning a certificate of title shall not be guilty of a violation of sections ~~60-2301 to 60-2307~~ 49 to 55 of this act if such dealer has in his or her possession the transferor's statement and if he or she has no knowledge that the statement is false and that the odometer does not reflect the mileage actually driven by the motor vehicle.

Sec. 55. That section 60-2307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2307.~~ Any transferor who does not retain a true copy of the odometer statement for a period of five years from the date of the transaction as required by section ~~60-2303~~ 51 of this act shall be guilty of a Class V misdemeanor. Any person who violates any other provision of sections ~~60-2301 to 60-2307~~ 49 to 54 of this act shall be guilty of a Class IV felony.

Sec. 56. That section 60-301, Revised Statutes Supplement, 1992, be amended to read as follows:

60-301. For purposes of Chapter 60, article 3, and section

64 of this act, unless the context otherwise requires:

(1) Agricultural products shall mean field crops and horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the byproducts derived from any of them;

(2) Apportionable vehicle shall mean any vehicle used in two or more jurisdictions that allocate or proportionally register vehicles and used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property. Apportionable vehicle shall not include any recreational vehicle, vehicle displaying restricted plates, vehicle not required to be licensed as a commercial vehicle, bus used in the transportation of chartered parties, or government-owned vehicle. Such vehicle shall either (a) have a gross vehicle weight in excess of twenty-six thousand pounds, (b) have three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. Vehicles or combinations of vehicles having a gross vehicle weight of twenty-six thousand pounds or less and two-axle vehicles may be proportionally registered at the option of the registrant;

(3) Cabin trailer shall mean any vehicle without motive power designed for living quarters and for being drawn by a motor vehicle and not exceeding eight feet in width, forty feet in length, or thirteen and one-half feet in height;

(4) Commercial trailer shall mean any trailer or semitrailer designed, used, or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and shall not include farm trailers, fertilizer trailers, utility trailers, or cabin trailers;

(5) Commercial vehicle shall mean any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and shall not include farm trucks;

(6) Farm trailer shall mean any trailer or semitrailer (a) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage and market and attached to a passenger car, commercial-licensed vehicle registered for sixteen tons or less, or farm-licensed vehicle, or (c) used by a farmer or rancher to carry his or her own agricultural products, livestock, and produce to and from market. Such trailers shall carry on their license plate, in addition to the registration number, the letter X. Farm trailer shall not include a trailer so used when attached to a farm tractor;

(7) Farm trucks shall mean trucks, including combinations of trucks or truck-tractors and trailers or semitrailers, of farmers or ranchers (a) used exclusively to carry a farmer's or rancher's own supplies, farm equipment, and household goods to or from the owner's farm or ranch, (b) used by the farmer or rancher to carry his or her own

agricultural products, livestock, and produce to or from storage or market, (c) used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or (d) used occasionally to carry camper units or to pull boats or cabin trailers. Such trucks shall carry on their license plates, in addition to the registration number, the designation farm and the words NOT FOR HIRE;

(8) Fertilizer trailer shall mean any trailer, including gooseneck applicators or trailers, designed and used exclusively to carry or apply agricultural fertilizer or agricultural chemicals and having a gross weight, including load thereon, of twenty thousand pounds or less. Such trailers shall carry on their license plate, in addition to the registration number, the letter X;

(9) Film vehicle shall mean any rented or leased passenger car used exclusively by nonresident production companies temporarily on location in Nebraska producing a feature film, television commercial, documentary, or industrial or educational videotape production;

(10) Fleet shall mean one or more apportionable vehicles;

(11) Highways shall mean public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(12) In-state miles shall mean total miles operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation and (b) in noncontracting reciprocity states by vehicles that are base-plated in Nebraska;

(13) Local truck shall mean a truck and combinations of trucks, truck-tractors, or trailers or semitrailers operated solely within an incorporated city or village or within ten miles of the corporate limits of the city or village in which they are owned, operated, and registered. Such trucks shall carry on their license plates, in addition to the registration number, the designation of local truck;

~~(14) Minibike shall mean a two wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches or an engine rated capacity of less than forty five cubic centimeters displacement;~~

~~(15) Moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty miles per hour on level ground;~~

(16) Motor vehicle shall mean any vehicle propelled by any power other than muscular power; except (a) mopeds as defined in section 133 of this act, (b) farm tractors, (c) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (d) power unit hay grinders or a combination which includes a power unit and a hay grinder when

operated without cargo, (e) vehicles which run only on rails or tracks, (f) off-road designed vehicles, including, but not limited to, golf carts, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles as defined in section ~~60-2801~~ 451 of this act, snowmobiles as defined in section 159 of this act, and minibikes as defined in section 132 of this act, and (g) road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors, and (h) self-propelled invalid chairs used by persons who are disabled;

~~(17)~~ (15) Motorcycle shall mean any motor vehicle, except a tractor or an all-terrain vehicle as defined in section ~~60-2801~~ 451 of this act, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground;

~~(18)~~ (16) Noncontracting reciprocity state shall mean any state which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial vehicles and, as a condition to operate on the highways of that state, (a) does not require any type of vehicle registration or allocation of vehicles for registration purposes or (b) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that state, on any vehicles which are part of a Nebraska-based fleet;

~~(19)~~ (17) Owner shall mean a person, firm, or corporation which holds a legal title of a vehicle. If (a) a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, (b) a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or (c) a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, or mortgagor shall be deemed the owner for ~~the purpose~~ purposes of Chapter 60, article 3, and section 64 of this act. For such purpose, there are hereby adopted and incorporated by reference the provisions of Article XI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised November 1976;

~~(20)~~ (18) Passenger car shall mean a motor vehicle designed and used to carry ten passengers or less and not used for hire;

~~(21)~~ (19) Self-propelled mobile home shall mean a vehicle with motive power designed for living quarters;

~~(22)~~ (20) Semitrailer shall mean any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

~~(23)~~ (21) Total fleet miles shall mean the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

~~(24)~~ (22) Trailer shall mean any vehicle without motive power designed for carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

~~(25)~~ (23) Transporter shall mean any person lawfully engaged in the business of transporting vehicles not his or her own solely for delivery thereof (a) by driving singly, (b) by driving in combinations by the towbar, fullmount, or saddlemount methods or any combinations thereof, or (c) when a truck or tractor draws a semitrailer or tows a trailer;

~~(26)~~ (24) Truck-tractor shall mean any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn;

~~(27)~~ (25) Trucks shall mean motor vehicles equipped or used for the transportation of property;

~~(28)~~ (26) Utility trailer shall mean a trailer having a gross weight, including load thereon, of nine thousand pounds or less attached to a motor vehicle and used exclusively to carry miscellaneous items of personal property. Such trailers shall carry on their license plate, in addition to the registration number, the letter X; and

~~(29)~~ (27) Vehicle shall mean any device in, upon, or by which any person or property is or may be transported or drawn upon a public highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Sec. 57. That section 60-302.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-302.03. Any person who operates a motor vehicle, semitrailer, or cabin trailer on any highway, which vehicle has not been registered as required by section 60-302, shall be subject to the penalty provided in section ~~39-6,188~~ 64 of this act.

Sec. 58. That section 60-311.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.02. The letters and figures for motorcycle and trailer plates may be one-half the size of those required ~~herein~~ for motor vehicles. On number plates issued to a manufacturer or dealer, there shall be displayed, in addition to the registration number, the letter D. On number plates issued for use on motor vehicles which have been granted tax-exempt status under subdivision (1)(b) or (1)(c) of section 77-202 pursuant to the procedure in section 77-202.08, there shall be embossed, in addition to the registration number, the words tax exempt which shall appear at the bottom of the license plate. The Department of Motor Vehicles may provide distinctive plates for such tax-exempt vehicles. On trucks there shall be displayed, in addition to the registration number, the weight that such vehicle is licensed for, which is to be displayed by sticker or tab on the registration plates thereof in letters and figures of such size and design as shall be determined and furnished by the Department of Motor Vehicles.

When two registration plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered vehicle. When only one plate is issued, it shall be prominently displayed on the rear of the registered vehicle, except that for truck tractors, ~~upon which~~ it shall be prominently displayed on the front thereof.

Any violation of this section shall be subject to a penalty or penalties as provided ~~for by the provisions of section 39-6,188~~ in section 64 of this act.

Sec. 59. That section 60-311.15, Revised Statutes Supplement, 1992, be amended to read as follows:

60-311.15. For purposes of sections 60-311.15 to 60-311.20, unless the context otherwise requires:

(1) Collector shall mean the owner of one or more motor vehicles of historical interest who collects, purchases, acquires, trades, or disposes of such vehicles or parts thereof for his or her own use in order to preserve, restore, and maintain a vehicle or vehicles for hobby purposes;

(2) Parts car shall mean a motor vehicle generally in nonoperable condition which is owned by a collector to furnish parts that are usually not obtainable from normal sources, thus enabling a collector to preserve, restore, and maintain a historical vehicle; and

(3) Historical vehicle shall mean a vehicle of any age which is essentially unaltered from the original manufacturer's specifications and, because of its significance, is being collected, preserved, restored, or maintained by a hobbyist as a leisure pursuit. This category shall include vehicles sometimes referred to by the classifications of antique, horseless carriage, classic, or action era. Vehicles with modifications or deviations from the original specifications may be permitted under such classification if such modifications or deviations are of historic nature and characteristic of the approximate era to which the vehicle belongs or if they could be considered to be in the category of safety features. Safety-related modifications include hydraulic brakes, sealed-beam headlights, and occupant protection systems as defined in section ~~39-602~~ 361 of this act. Accessories acceptable under such classification are those available in the era to which the vehicle belongs.

Sec. 60. That section 60-311.21, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-311.21. Any motor vehicle which is used for the same general purposes and under the same conditions as motor vehicles registered with regular plates shall be required to be registered with regular plates, regardless of its age, and shall be subject to the payment of the same fees and taxes as required of motor vehicles registered with regular plates. It shall be unlawful to own or operate a motor vehicle in violation of this section or of sections 60-311.16 and 60-311.17, and upon conviction of a violation of any of such sections, such person shall be ~~punished as provided in section 39-6,112~~ guilty of a Class V misdemeanor.

Sec. 61. That section 60-331, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-331. The registration fee on commercial trucks, except those trucks registered under section 60-305.09, shall be based upon the gross vehicle weight, not to exceed the maximum authorized by section ~~39-6,180~~ 390 of this act. Gross vehicle weight shall mean the sum of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time. The registration fee on commercial truck-tractors shall be based on the gross vehicle weight on such truck-tractors plus the gross vehicle weight of any semitrailer, trailer, or combination thereof; connected therewith, ~~except~~ ~~;~~ ~~PROVIDED~~; that for the purpose of determining the registration fee, the gross weight of a truck or truck-tractor towing or hauling a disabled or wrecked motor vehicle properly registered for use on the highways shall be only the gross weight of the towing truck or truck-tractor fully equipped and not including the weight of the motor vehicle being towed or hauled.

The registration fee on such commercial trucks and truck-tractors shall be at the following rates: For a gross weight of three tons or less, eighteen dollars; for a gross weight exceeding three tons and not exceeding four tons, twenty-five dollars; for a gross weight exceeding four tons and not exceeding five tons, thirty-five dollars; for a gross weight exceeding five tons and not exceeding six tons, sixty dollars; for a gross weight exceeding six tons but not exceeding seven tons, eighty-five dollars; for a gross weight in excess of seven tons, the fee shall be that for a truck having a gross weight of seven tons and, in addition thereto, twenty-five dollars for each ton of gross weight over seven tons, ~~except that~~;

~~(1) For~~ ~~;~~ ~~PROVIDED~~, ~~that the fee for thirty-six tons shall be eight hundred ten dollars which shall permit a gross weight of seventy three thousand two hundred eighty pounds which weight shall be inclusive of the tolerance permitted in section 39-6,182;~~ ~~PROVIDED FURTHER~~, ~~that for~~ fractional tons in excess of the twenty percent or the tolerance of one thousand pounds, as provided in section ~~39-6,182~~ 396 of this act, the fee shall be computed on the basis of the next higher bracket; ~~PROVIDED FURTHER~~, ~~that the~~

~~(2) The~~ fees provided by this section shall be reduced ten percent for vehicles used exclusively for the transportation of livestock, poultry, unprocessed milk, grain, sugar beets, potatoes, and hay; ~~and~~

~~(3) Fees AND PROVIDED FURTHER~~ fees for trucks with a gross weight in excess of thirty-six tons shall be increased by twenty percent for all such trucks operated on any road or highway not a part of the National System of Interstate and Defense Highways.

Such fee may be paid one-half at the time of registration and one-half on the first day of the seventh month of the registration period when the license fee exceeds two hundred ten dollars. When the second half is paid, the county treasurer shall furnish a certificate and plates furnished by the Department of Motor Vehicles which shall be

displayed on such truck or truck-tractor in the manner provided by law. In addition to the registration fee, the department shall collect a sufficient fee to cover the cost of issuing the certificate and plates.

If such second half is not paid within thirty days following the first day of the seventh month, the registration of such truck or truck-tractor shall be canceled and the registration certificate and number plates shall be returned to the county treasurer. Any person who ~~shall fail~~ fails to return such registration certificate and number plate when required to do so shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section 60-331.02.

Sec. 62. That section 60-331.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-331.04. Special permits may be furnished by the Department of Motor Vehicles and issued by the county treasurer for truck-tractor and semitrailer combinations of farmers or ranchers used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch or used by the farmer or rancher to carry his or her own agricultural products, livestock, and produce to or from storage or market. Such special permits shall be valid for periods of thirty days and shall be carried in the cab of the truck-tractor. The fee for such permit shall be equivalent to one-twelfth of the regular commercial registration fee as determined by gross vehicle weight as defined in section 60-331 ~~but the fee shall be no less than twenty-five dollars,~~ and size limitations as defined in sections ~~39-6,177 to 39-6,180~~ 384 to 390 of this act, but the fee shall be no less than twenty-five dollars. Such fee shall be collected and distributed in the same manner as other motor vehicle fees.

Sec. 63. That section 60-335, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-335. No registration fee shall be charged for any motor vehicle owned by any city or village of this state used in connection with police, street, public transportation, park, library, or fire prevention activities, fire trucks owned and used by any rural fire protection district, a motor vehicle owned and operated by the Civil Air Patrol, any motor vehicle owned and used by any public school district, county, state, or United States Government, or any motor vehicles of any municipal public body or authority used in operating a public passenger transportation system. Any motor vehicle owned by this state or any political subdivision as set forth in this section and exempt from a distinct marking as provided in section ~~60-1001~~ 484 of this act may carry number plates the same design and size as provided in subsection (3) of section 60-311.

Sec. 64. Any person, firm, association, partnership, or corporation which violates any provision of sections 60-301 to 60-347 for which a penalty is not otherwise provided shall be guilty of a Class III misdemeanor.

Sec. 65. That section 60-462, Revised Statutes Supplement, 1992, be amended to read as follows:

60-462. Sections 60-462 to 60-4,181 and sections 67, 70,

71, 75 to 78, and 80 to 86 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 66. That section 60-463, Revised Statutes Supplement, 1992, be amended to read as follows:

60-463. For purposes of the Motor Vehicle Operator's License Act, the definitions found in sections 60-464 to 60-478 and sections 67, 70, and 71 of this act shall be used.

Sec. 67. Cancellation of operator's license shall mean the annulment or termination by formal action of the Department of Motor Vehicles of a person's license because of some error or defect in such license or because the licensee is no longer entitled to such license, and without prejudice to application for a new license which may be made at any time after such cancellation.

Sec. 68. That section 60-471, Revised Statutes Supplement, 1992, be amended to read as follows:

60-471. Motor vehicle shall mean all vehicles propelled by any power other than muscular power except (1) self-propelled invalid chairs used by persons who are disabled, (2) farm tractors, (3) farm tractors used occasionally outside general farm usage, (4) road rollers, (5) vehicles which run only on rails or tracks, and (6) off-road vehicles, including, but not limited to, golf carts, go-carts, riding lawn mowers, garden tractors, all-terrain vehicles as defined in section ~~60-2804~~ 451 of this act, minibikes as defined in section 132 of this act, and snowmobiles as defined in section 159 of this act.

Sec. 69. That section 60-474, Revised Statutes Supplement, 1992, be amended to read as follows:

60-474. Operator's or driver's license shall mean any license or permit to operate a motor vehicle issued under the laws of this state, including:

(1) Any replacement or duplicate license or instruction permit;

(2) The privilege of any person to drive a motor vehicle whether such person holds a valid license;

(3) Any nonresident's operating privilege as defined in section ~~39-602~~ which shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation of a motor vehicle in this state by such person or the use in this state of a vehicle owned by such person; and

(4) An employment driving permit issued as provided by sections 60-4,129 and 60-4,130.

Sec. 70. Revocation of operator's license shall mean the termination by a court of competent jurisdiction or by formal action of the Department of Motor Vehicles of a person's operator's license, which termination shall not be subject to renewal or restoration. Application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in the statute providing for revocation.

Sec. 71. Suspension of operator's license shall mean the

temporary withdrawal by a court of competent jurisdiction or by formal action of the Department of Motor Vehicles of a person's operator's license for a period specifically designated by the court or department.

Sec. 72. That section 60-479, Revised Statutes Supplement, 1992, be amended to read as follows:

60-479. Sections 60-480 to 60-4,111 and sections 75 to 78 and 80 to 86 of this act shall apply to any operator's license issued pursuant to the Motor Vehicle Operator's License Act.

Sec. 73. That section 60-496, Revised Statutes Supplement, 1992, be amended to read as follows:

60-496. Upon conviction of any person in any court within this state of any violation of (1) any law of this state pertaining to the operation of motor vehicles or (2) any city or village ordinance pertaining to the operation of a motor vehicle in such a manner as to endanger life, limb, or property, except for operating a motor vehicle while under the influence of alcoholic liquor or any drug, the judge of such court may, in his or her discretion, suspend the operator's license of such convicted person to operate a motor vehicle for any purpose for a period of time not less than ten days nor more than one year, unless a greater period of suspension or revocation ~~be~~ is made mandatory by other provisions of law, or may impound the license for a period of not more than ninety days and order that such person not operate a motor vehicle during the period such license is impounded. Such judge shall immediately notify in detail the director of the action and findings of the court as provided for in sections ~~39-669-22 to 39-669-25~~ 75 to 78 of this act. If the judgment of conviction contains an order that the defendant shall not drive a motor vehicle for any period of time and also suspends or revokes the defendant's license, ~~then~~ the director shall immediately revoke or suspend the license and notify the Superintendent of Law Enforcement and Public Safety of such revocation or suspension. It shall then be the duty of the Nebraska State Patrol to enforce the conditions of such revocation or suspension recited in any judgment of conviction.

Sec. 74. That section 60-497, Revised Statutes Supplement, 1992, be amended to read as follows:

60-497. Whenever any person is convicted of any offense for which the Motor Vehicle Operator's License Act or ~~Chapter 39, article 6, authorizes~~ the Nebraska Rules of the Road authorize the revocation or suspension of the operator's license, the court in which such conviction is had shall, if revocation or suspension is adjudged, require the surrender to it of all operators' licenses then held by the person so convicted. The court shall thereupon forward the operators' licenses together with the action and findings of the court, as provided for in sections ~~39-669-22 to 39-669-25~~ 75 to 78 of this act, to the director. Every court having jurisdiction over offenses committed under the act or any other law of this state regulating the operation of motor vehicles on highways or streets shall forward, in the manner and form provided for in such sections, ~~39-669-22 to 39-669-25~~, the action and findings of the court to the director upon the conviction of any person in such court for a

violation of any of such laws.

The director shall, upon receipt of such abstract of the judgment of conviction, immediately revoke or suspend, as the case may be, the operator's license of the person so convicted, as provided in the abstract of the judgment of conviction.

For purposes of the act and ~~of Chapter 39, article 6~~ the rules, conviction shall mean a final conviction, and forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

Sec. 75. That section 39-669.22, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.22:~~ An abstract of the court record of every case in which a person is convicted of violating any provision of ~~Chapter 39, articles 6 and 7,~~ the Nebraska Rules of the Road or Chapter 60, articles 4 and 5, ~~or any amendments thereto as from time to time amended by the Legislature,~~ or any traffic regulations in city or village ordinances shall be transmitted within thirty days by the court to the ~~Director of Motor Vehicles~~ director. Any abstract received by the director more than thirty days after the date of conviction shall be reported by the director to the State Court Administrator.

~~The director shall not assess such person with any points under section 39-669.26 for such violation when the person is placed on probation therefor, except that any~~ Any person violating section 28-306; 39-669.01, 39-669.03, 39-669.07, 39-669.08; 39-6,104.01, or 39-6,104.02 or section 192, 193, 292, 293, 309, or 310 of this act who is placed on probation shall be assessed the same points under section 80 of this act as if such person were not placed on probation. For any other violation, the director shall not assess such person with any points under such section for such violation when the person is placed on probation ; until the director is advised by the court that such person previously placed on probation has violated the terms of his or her probation and such probation has been revoked. Upon receiving notice of such revocation of probation, the director shall assess to such person the points which such person would have been assessed had the person not been placed on probation. When a person fails to successfully complete probation, it shall be the duty of the court to notify the director immediately.

Sec. 76. That section 39-669.23, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.23:~~ An abstract of the judgment of conviction or order of probation shall be transmitted to the Director of Motor Vehicles and the National Crime Information Center upon conviction of any person of or placing such person on probation for manslaughter or other felony in the commission of which a vehicle was used. The director and the National Crime Information Center shall keep such conviction reports in their offices, and the reports shall be open to the inspection of any person during reasonable business hours.

Sec. 77. That section 39-669.24, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.24.~~ To enable the Director of Motor Vehicles punctually and economically to perform his or her ministerial duties in revoking or suspending operators' licenses and to insure uniformity in the keeping of the records of operators' licenses suspended or revoked by courts of the state, the director shall authorize electronic transmission of abstract-of-conviction reports. The director in consultation with the State Court Administrator shall prescribe the standard format of abstract-of-conviction reports. The report shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, and the amount of any fine or forfeiture.

In the administration of ~~sections 39-669.22 to 39-669.24~~ ~~or of~~ any section of the Motor Vehicle Operator's License Act, the powers and duties conferred upon the director or his or her subordinates or successors with respect to the revocation or suspension of any operator's license ~~or driving privileges~~ are ministerial in character. The director may revoke or suspend operators' licenses only when positively directed to do so by the terms of the abstract of the judgment of conviction transmitted by the trial court except as otherwise provided in section ~~39-669.27~~ 81 of this act and Chapter 60, articles 4 and 5.

Sec. 78. That section 39-669.25, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.25.~~ Failure, refusal, or neglect by any officer to comply with any of the provisions of sections ~~39-669.22 to 39-669.24~~ 75 to 77 of this act shall constitute misconduct in office and shall be ~~ground~~ grounds for his ~~or her~~ removal therefrom.

Sec. 79. That section 60-498, Revised Statutes Supplement, 1992, be amended to read as follows:

60-498. The director shall immediately revoke the operator's license of any person upon receiving a copy of judgment of such person's conviction of any of the following offenses when such conviction becomes final:

- (1) Manslaughter resulting from the operation of a motor vehicle;
- (2) Driving a motor vehicle while under the influence of alcoholic liquor or any drug as provided in city or village ordinances or in section ~~39-669.07~~ 292 of this act. The period of revocation shall, in each case except for revocations pursuant to sections ~~39-669.15 to 39-669.18~~ 300 to 303 of this act and offenses specified in section 60-4,168, correspond with the period that is determined by the court;
- (3) Any felony in the commission of which a motor vehicle is used;
- (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;
- (5) Perjury or making of a false affidavit or statement under oath to the director, examining officer, or other officer under the Motor Vehicle Operator's License Act or under any law relating to the

ownership or operation of motor vehicles;

(6) Conviction or forfeiture of bail, not vacated, upon three charges of reckless driving committed within a period of twelve months; or

(7) Willful reckless driving as provided in city or village ordinances or as described in section ~~39-669.03~~ 310 of this act.

Sec. 80. That section 39-669.26, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.26~~: 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~~ director. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section ~~39-669.07~~ 292 of this act, 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) Failure to stop and render aid as required under the laws of this state in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another -- 6 points;

(4) 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 -- 8 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;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or urine or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section ~~39-669.07~~ 292 of this act -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section ~~39-669.03 or 39-669.05~~ 310 or 313 of this act -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section ~~39-669~~ 308 of this act -- 4 points;

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

(9) Reckless driving in violation of any city or village ordinance or of section ~~39-669.04~~ 309 of this act -- 5 points;

(10) Speeding in violation of any city or village ordinance or of section ~~39-662, 39-663, or 39-666~~ any of sections 281 to 286 and 409 of this act:

(a) Not more than five miles per hour over the speed limit -- 1 point;

(b) ~~more~~ More than five miles per hour but not more than ten miles per hour over the speed limit -- 2 points; and

(c) ~~more~~ More than ten miles per hour over the speed limit -- 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour the speed limits provided for in subdivision (2)(e), (d), or (f) of section 39-662 or subdivision (1)(e), (d), (c), or (g) or (3)(e), (d), or (h) of section 39-666 (1)(c) or (e) of section 282 of this act;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian -- 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian -- 4 points; and

(13) 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 ~~39-669.22 and 39-669.23~~ 75 and 76 of this act, not including violations involving an occupant protection system pursuant to section ~~39-6103.07~~ 366 of this act, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks -- 1 point.

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. Points may be reduced by the department under section ~~39-669.37~~ 86 of this act.

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. 81. That section 39-669.27, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.27.~~ Whenever it comes to the attention of the director that any person has, as disclosed by the records of the director, accumulated a total of twelve or more points within any period of two years, as set out in section ~~39-669.26~~ 80 of this act, the director shall (1) summarily revoke ~~(a) the license and privilege the operator's license of such person to operate a motor vehicle in this state or (b) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state~~ and (2) require such person to attend and successfully complete a driver's education and training course consisting of at least eight hours of instruction approved by the ~~department~~ Department of Motor Vehicles.

Such instruction shall be successfully completed before the ~~operator's license and privilege or privilege to operate a motor vehicle~~ may be reinstated. Each person who attends such instruction shall pay the cost of such course.

Such revocation shall be for a period of six months from the date of the signing of the order of revocation or six months from the date of the release of such person from the jail or the Department of

Correctional Services adult correctional facility, whichever is the later, unless a longer period of revocation was directed by the terms of the abstract of the judgment of conviction transmitted to the director by the trial court.

Any motor vehicle, except a commercial motor vehicle ~~as defined in section 60-465~~, may be operated under an employment driving permit as provided by section 60-4,129.

Sec. 82. That section 39-669.28, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.28:~~ Within ten days after the revocation provided for by section ~~39-669.27~~ 81 of this act, the director shall notify in writing the person whose ~~operator's license or privilege~~ has been revoked that such license ~~or privilege~~ has been revoked. Such notice shall:

(1) ~~contain~~ Contain a list of the convictions for violations upon which the director relies as his or her authority for the revocation, with the dates of such violations upon which convictions were had and the dates of such convictions, the trial courts in which such judgments of conviction were rendered, and the points charged for each conviction; ;

(2) ~~state~~ State the term of such revocation; ;

(3) ~~include~~ Include a demand that the license be returned to the director immediately; ; and

(4) ~~be~~ Be served by mailing it to such person by either registered or certified mail to the last-known residence of such person or, if such address is unknown, to the last-known business address of such person.

If any person fails to return his or her license to the director as demanded, the director shall immediately direct any peace officer or authorized representative of the director to secure possession of such license and return the license to the director. A refusal to surrender an operator's license on demand shall be unlawful, and any person failing to surrender his or her license as required by this section shall be guilty of a Class III misdemeanor.

Any person who feels aggrieved because of such revocation may appeal from such revocation to the district court of the county ~~wherein in which~~ such person resides or, in the case of a nonresident, to the district court of Lancaster County in the manner set forth in section 60-4,105. Such appeal shall not suspend the order of revocation of such license unless a stay of such order is allowed by a judge of such court pending a final determination of the review. The license of any person claiming to be aggrieved shall not be restored to such person, in the event the final judgment of a court finds against such person, until the full time of revocation, as fixed by the ~~department~~ Department of Motor Vehicles, has elapsed.

Sec. 83. That section 39-669.29, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.29:~~ When the ~~operator's license or privilege~~ of such person is revoked or suspended for a period of at least six months by the order of conviction or as provided by sections ~~39-669.26 to~~

~~39-669.30~~ 80 to 84 of this act, points accumulated by reason of the conviction containing such order of revocation, or the conviction bringing the total number of points charged to such person to twelve or more, and all prior points accumulated, shall be disregarded so far as any subsequent revocation is concerned.

Sec. 84. That section 39-669.30, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.30:~~ It shall be unlawful to operate a motor vehicle on the public highways after revocation of an operator's license ~~or privilege~~ under sections ~~39-669.26 to 39-669.30~~ 80 to 84 of this act, except that a motor vehicle; other than a commercial motor vehicle ~~as defined in section 60-465;~~ may be operated under an employment driving permit as provided by section 60-4,129. Any person who violates the provisions of this section shall be guilty of a Class III misdemeanor.

Any operator's license ~~or privilege~~ revoked under sections ~~39-669.26 to 39-669.30~~ 80 to 84 of this act shall remain revoked for ~~one year~~ six months, and at the expiration of the ~~one-year~~ six-month period, such person shall give and maintain for three years proof of financial responsibility as required by section 60-524. Any person whose operator's license ~~or privilege~~ has been revoked pursuant to sections ~~39-669.26 to 39-669.30~~ 80 to 84 of this act a second time within five years shall have his or her operator's license ~~or privilege~~ revoked for three years, and at the expiration of the three-year period, such person shall give and maintain for three years proof of financial responsibility as required by section 60-524.

Sec. 85. That section 39-669.33, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.33:~~ Upon receipt of notice of a pardon granted by any mayor of any city or any ~~chairman~~ chairperson of the board of trustees of any village, the ~~Director of Motor Vehieles~~ director shall not restore points assessed against an individual as provided by section ~~39-669.26, 80 of this act~~ or reinstate any permit to operate a motor vehicle revoked pursuant to section ~~39-669.27~~ 81 of this act.

Sec. 86. That section 39-669.37, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.37:~~ Any person who has less than twelve points assessed against his or her driving record under section ~~39-669.26~~ 80 of this act may voluntarily enroll in a driver improvement course approved by the ~~department~~ Department of Motor Vehicles. Upon notification of successful completion of such a course by the conducting organization, the department shall reduce by two the number of points assessed against such person's driving record within the previous two years. This section shall only apply to persons who have successfully completed such driver improvement course prior to committing any traffic offense for which a conviction and point assessment against their driving record would otherwise result in a total of twelve or more points assessed against their record. No person required to enroll in a driver improvement course pursuant to section ~~39-669.27 or~~ 60-4,130 or section 81 of this act shall

be eligible for a reduction in points assessed against his or her driving record upon the successful completion of such course. If a person has only one point assessed against his or her record within the previous two years, upon notification of successful completion of such a course by the conducting organization, the department shall reduce one point from such person's driving record. Such reduction shall be allowed only once within a five-year period. Notification of completion of an approved course shall be sent to the department, upon successful completion thereof, by the conducting organization. An approved course shall consist of at least eight hours of instruction and shall follow such other guidelines as are established by the department.

Sec. 87. That section 60-4,122, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,122. (1) Except as provided in subsections (2) and (3) of this section, no original or renewal operator's license shall be issued to any person until such person has appeared before an examiner to demonstrate his or her ability to operate a motor vehicle safely as provided in section 60-4,114.

(2) Except as provided in section 60-4,127, any person who renews his or her Class O or Class M license shall appear before an examiner to demonstrate his or her ability to drive and maneuver a motor vehicle safely as provided in subdivision (2) of section 60-4,114 only at the discretion of the examiner, except that a person required to use bioptic or telescopic lenses shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle safely each time he or she renews his or her license.

(3) Any person who renews his or her Class O or Class M license prior to its expiration shall not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3) of section 60-4,114 if his or her driving record abstract maintained in the department's computerized records shows that such person has had no traffic violations as described in section ~~39-669-26~~ 80 of this act from the date the operator's license was last issued to the date the application for renewal is made.

(4) Any person who renews a state identification card shall appear before an examiner and present his or her current state identification card. The examining officer, upon examination of the card, may require one additional form of proof of identification described in section 60-484.

Sec. 88. That section 60-4,127, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,127. No person shall operate a motorcycle on the alleys or highways of the State of Nebraska until such person has obtained a Class M license. No such license shall be issued until the applicant has appeared before an examiner and (1) satisfied the examiner that he or she meets the vision and physical requirements established under section 60-4,118 for operation of a motor vehicle and (2) successfully completed an examination, including the actual operation of a motorcycle,

prescribed by the director, except that an examiner shall waive the required examination, including the actual operation of a motorcycle, if the applicant presents proof of successful completion of a motorcycle safety course under the Motorcycle Safety Education Act within the immediately preceding forty-eight months or if the driving record abstract of the applicant pursuant to section 60-4,122 shows that the applicant has had no traffic violations as described in section ~~39-669.26~~ 80 of this act from the date the applicant's operator's license was last issued to the date the abstract was issued.

Any applicant who qualifies for a Class M license shall be issued a license for such operation by the county treasurer with a color photograph affixed as provided for the issuance of an operator's license, or if he or she is the holder of an operator's license, the county treasurer shall, upon receipt of the examiner's certificate, endorse on the license the authorization to operate a motorcycle. Fees for Class M licenses shall be the same as provided by section 60-4,115 for operators' licenses.

Sec. 89. That section 60-4,129, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,129. (1) Any individual whose ~~operator's license or privilege to operate a motor vehicle~~ is revoked under ~~sections 39-669.16, 39-669.27, and 39-669.30~~ section 81, 84, or 301 of this act shall be eligible to operate any motor vehicle, except a commercial motor vehicle, in this state under an employment driving permit; valid for the period of revocation.

(2) Any person whose operator's license ~~or privilege to operate a motor vehicle in this state~~ has been suspended or revoked pursuant to any law of this state, except such sections, ~~39-669.16, 39-669.27, and 39-669.30~~; shall not be eligible to receive an employment driving permit during the period of such suspension or revocation.

(3) An individual who is issued an employment driving permit may operate any motor vehicle, except a commercial motor vehicle, (a) from his or her residence to his or her place of employment and return and (b) during the normal course of employment if the use of a motor vehicle is necessary in the course of such employment. Such permit shall indicate for which purposes the permit may be used. All permits issued pursuant to this section shall indicate that the permit is not valid for the operation of any commercial motor vehicle.

(4) The operation of a motor vehicle by the holder of an employment driving permit, except as provided in this section, shall be unlawful. Any person who violates this section shall be guilty of a Class IV misdemeanor.

(5) The director shall revoke the employment driving permit for an individual upon receipt of an abstract of conviction, other than a conviction which is based upon actions which resulted in the application for such employment driving permit, indicating that the individual committed an offense for which points are assessed pursuant to section ~~39-669.26~~ 80 of this act. If the permit is revoked in this manner, the individual shall not be eligible to receive an employment driving permit

for the remainder of the period of suspension or revocation of his or her operator's license, ~~or privilege to operate a motor vehicle.~~

Sec. 90. That section 60-4,130, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,130. (1) Application for an employment driving permit shall be made to the Department of Motor Vehicles on forms furnished for that purpose by the department. The application form shall contain such information as deemed necessary by the director to carry out this section, ~~sections 39-669.27, 39-669.30, 60-4,107;~~ and section 60-4,129. To be eligible for an employment driving permit, the applicant shall furnish, along with the application to the director, the following:

(a) An affidavit from the applicant's employer stating that such applicant is required to operate a motor vehicle from his or her residence to his or her place of employment and return;

(b) If such applicant requires the use of a motor vehicle during the normal course of employment, an affidavit from the applicant's employer setting forth the facts establishing such requirement;

(c) An affidavit stating that there exists no other reasonable alternative means of transportation to and from work available to the applicant; and

(d) If the applicant is self-employed, an affidavit to the department setting forth the provisions of his or her employment.

(2) Upon making application for such permit, the applicant shall certify that he or she will attend and complete, within sixty days, a driver improvement course presented by the department or show successful completion of the driver education and training course as provided in section ~~39-669.27~~ 81 of this act. If such course is not completed, the employment driving permit shall be surrendered to the department. If any person fails to return to the department the permit as provided in this subsection, the department shall direct any peace officer or authorized representative of the department to secure possession of the permit and to return the permit to the department. The applicant shall also be required to file and maintain proof of financial responsibility as required by the Motor Vehicle Safety Responsibility Act.

(3) Any person who fails to surrender a permit, as required by this section, shall be guilty of a Class IV misdemeanor.

(4) A fee of forty dollars shall be submitted to the department along with the application for an employment driving permit. All fees collected shall be deposited in the General Fund.

(5) When the holder of an employment driving permit is convicted, on or after the date of issuance of the employment driving permit, of any traffic violation or of operating a motor vehicle for a purpose other than specified by such permit, the person shall not be eligible to receive another employment driving permit during that particular period of revocation.

(6) Any person who feels himself or herself aggrieved because of the refusal of the director to issue the employment driving permit may appeal to the district court of the county in which ~~wherein~~

such person resides or, in the case of a nonresident, to the district court of Lancaster County in the manner set forth in section 60-4,105.

Sec. 91. That section 60-4,163, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,163. No person shall operate or be in the actual physical control of a commercial motor vehicle while having any alcoholic liquor in his or her body. Any person who operates or is in the actual physical control of a commercial motor vehicle while having any alcoholic liquor in his or her body or who refuses to submit to a test to determine the alcoholic content of his or her blood, breath, or urine shall be placed out of service for twenty-four hours, shall be subject to disqualification as provided in sections 60-4,167 and 60-4,168, and shall be subject to prosecution for any violation of sections ~~39-669.07 and 39-669.08~~ 292 and 293 of this act.

Any order to place a person out of service for twenty-four hours issued by a law enforcement officer shall be made pursuant to section 392.5(c) of the federal Motor Carrier Safety Regulations adopted pursuant to section 75-363.

Sec. 92. That section 60-4,167, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,167. Upon receipt of a law enforcement officer's sworn report provided for in section 60-4,164, the director shall notify the person who is the subject of the report of a date for hearing before the director to determine the reasonableness of the refusal to submit to the chemical test or the results of the chemical test if performed upon the person. Any chemical test made in conformity with section ~~39-669.11~~ 296 of this act shall be competent evidence of the alcoholic content of such person's blood, breath, or urine. The notice of hearing shall be served by the director by mailing it to such person by certified or registered mail to the last-known residential address of such person or, if such address is unknown, to the last-known business address of such person at least ten days before the hearing.

After granting the person an opportunity to be heard on such issue, if it is not shown to the director that such refusal to submit to such chemical test was reasonable or if it is shown to the director that such person was operating or in the actual physical control of a commercial motor vehicle with an alcoholic concentration in his or her blood, breath, or urine equal to or in excess of that specified in subsection (5) of section 60-4,164, the director shall enter an order pursuant to section 60-4,169 disqualifying such person from operating a commercial motor vehicle for the period specified by section 60-4,168.

Sec. 93. That section 60-4,168, Revised Statutes Supplement, 1992, be amended to read as follows:

60-4,168. (1) Except as provided in subsection (2) of this section, a person shall be disqualified from driving a commercial motor vehicle for one year:

(a) Upon his or her first conviction, after April 1, 1992, in this or any other state for:

(i) Driving a commercial motor vehicle while under the influence of alcohol or a controlled substance;

(ii) Leaving the scene of an accident involving a commercial motor vehicle driven by the person; or

(iii) Using a commercial motor vehicle in the commission of a felony; or

(b) Upon a first administrative determination, after April 1, 1992, that such person while driving a commercial motor vehicle in this or any other state was requested to submit to a chemical test of his or her blood, breath, or urine by a law enforcement officer and refused or had a concentration of four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood, four-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath, or four-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her urine.

(2) If any of the offenses described in this section occurred while the person was transporting hazardous material in a commercial motor vehicle which required placarding pursuant to section 75-364, the person shall, upon conviction or administrative determination, be disqualified from driving a commercial motor vehicle for three years.

(3) A person shall be disqualified from driving a commercial motor vehicle for life if, after April 1, 1992, he or she is convicted of or administratively determined to have committed a second or subsequent violation of any of the offenses described in subsection (1) of this section or any combination of those offenses arising from two or more separate incidents.

(4) A person shall be disqualified from driving a commercial motor vehicle for a period of not less than sixty days if he or she is convicted in this or any other state of two serious traffic violations or not less than one hundred twenty days if he or she is convicted in this or any other state of three serious traffic violations, arising from separate incidents occurring within a three-year period.

(5) For purposes of this section, conviction shall mean an adjudication of guilt in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, a payment of a fine or court costs, or a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated.

(6) For purposes of this section, serious traffic violation shall mean:

(a) Speeding in excess of fifteen miles per hour over the legally posted speed limit;

(b) Willful reckless driving as described in section ~~39-669-03~~ 310 of this act or reckless driving as described in section ~~39-669-04~~ 309 of this act;

(c) Improper lane change as described in section ~~39-628~~ 235 of this act;

(d) Following the vehicle ahead too closely as described in section ~~39-629~~ 236 of this act; and

(e) A violation of any law or ordinance related to motor vehicle traffic control, other than parking violations or overweight or vehicle defect violations, arising in connection with an accident or collision resulting in death to any person.

Sec. 94. That section 60-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-501. For purposes of ~~sections 60-501 to 60-569~~ the Motor Vehicle Safety Responsibility Act, unless the context otherwise requires:

(1) Department means Department of Motor Vehicles;

(2) Judgment means any judgment which shall have become final by the expiration of the time within which an appeal might have been perfected without being appealed, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, (a) upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use thereof, or (b) upon a cause of action on an agreement of settlement for such damages;

(3) License means any license issued to any person under the laws of this state pertaining to operation of a motor vehicle within this state;

(4) Motor vehicle means any self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles, except (a) mopeds as defined in section 133 of this act, (b) traction engines, (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers, (h) every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, and (i) off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles as defined in section ~~60-2804~~ 451 of this act, minibikes as defined in section 132 of this act, and snowmobiles as defined in section 159 of this act;

(5) Nonresident means every person who is not a resident of this state;

(6) Nonresident's operating privilege means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him or her of a motor vehicle, or the use of a motor vehicle owned by him or her, in this state;

(7) Operator means every person who is in actual physical control of a motor vehicle;

(8) Owner means a person who holds the legal title of a motor vehicle, or in the event (a) a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or

lessee or (b) a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of ~~sections 60-501 to 60-569~~ the act;

(9) Person means every natural person, firm, partnership, association, or corporation;

(10) Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle, (a) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (b) subject to such limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (c) in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident;

(11) Registration means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(12) State means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada; and

(13) The forfeiture of bail, not vacated, or of collateral deposited to secure an appearance for trial shall be regarded as equivalent to conviction of the offense charged.

Sec. 95. That section 60-505.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-505.03. The report of accident required by ~~sections 39-6,104.04 and~~ section 60-505 and section 195 of this act shall be in two parts. Part I thereof shall be in such form as the Department of Roads may prescribe and shall disclose full information concerning the accident. Part II of such report shall be in such form as the Department of Motor Vehicles may prescribe and shall disclose sufficient information to disclose whether or not the financial responsibility requirements of the Motor Vehicle Safety Responsibility Act are met through the carrying of liability insurance. The form used for such report shall be so perforated that the parts thereof may be readily separated from each other.

Sec. 96. That section 60-505.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-505.04. Upon receipt of the report of accident required by ~~sections 39-6,104.04 and~~ section 60-505 and section 195 of this act, the Department of Motor Vehicles shall immediately separate the parts thereof and shall, no later than the next working day, forward Part I thereof to the Department of Roads.

Sec. 97. That section 39-6,122, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,122.~~ Sections ~~39-601 to 39-6,122~~ 97 to 470 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 98. That section 39-601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-601.~~ The purposes and policies of ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road are:

- (1) To make more uniform highway traffic laws between states;
- (2) To educate drivers so that they can develop instinctive habits resulting in safer emergency reactions;
- (3) To educate drivers and pedestrians of all ages to more readily understand each other's responsibilities and privileges when all obey the same rules;
- (4) To promote economic savings by relieving congestion and confusion in traffic;
- (5) To increase the efficiency of streets and highways by the application of uniform traffic control devices;
- (6) To reduce the huge annual loss of life and property which occurs on Nebraska's highways; and
- (7) To assist traffic law enforcement by encouraging voluntary compliance with law through uniform rules.

Sec. 99. That section 39-6,120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,120. Sections 39-601 to 39-6,122~~ The Nebraska Rules of the Road as enacted by this legislative bill shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the motor vehicle laws of this state occurring prior to ~~January 1, 1974~~ the operative date of this act. All violations, offenses, prosecutions, and criminal appeals under prior law are saved and preserved. All civil causes of action based upon or under prior law arising out of traffic accidents prior to ~~January 1, 1974~~ such date and judgments thereon or appeals therefrom are saved and preserved.

Sec. 100. That section 39-6,121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,121. The provisions of sections 39-601 to 39-6,122~~ Nebraska Rules of the Road shall be so interpreted and construed as to effectuate their general purpose to make uniform the laws relating to motor vehicles.

Sec. 101. For purposes of the Nebraska Rules of the Road, the definitions found in sections 102 to 172 of this act shall be used.

Sec. 102. Acceleration or deceleration lane shall mean a supplementary lane of a highway lane for traffic, which adjoins the traveled lanes of a highway and connects an approach or exit road with such highway.

Sec. 103. Alley shall mean a highway intended to provide access to the rear or side of lots or buildings and not intended for the purpose of through vehicular traffic.

Sec. 104. Approach or exit road shall mean any highway or ramp designed and used solely for the purpose of providing ingress or

egress to or from an interchange or rest area of a highway. An approach road shall begin at the point where it intersects with any highway not a part of the highway for which such approach road provides access and shall terminate at the point where it merges with an acceleration lane of a highway. An exit road shall begin at the point where it intersects with a deceleration lane of a highway and shall terminate at the point where it intersects any highway not a part of a highway from which the exit road provides egress.

Sec. 105. Arterial highway shall mean a highway primarily for through traffic, usually on a continuous route.

Sec. 106. Authorized emergency vehicle shall mean such fire department vehicles, police vehicles, and ambulances as are publicly owned and such other publicly or privately owned vehicles as are designated by the Director of Motor Vehicles.

Sec. 107. Bicycle shall mean every device propelled solely by human power, upon which any person may ride, and having two tandem wheels either of which is more than fourteen inches in diameter.

Sec. 108. Bus shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Sec. 109. Business district shall mean the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, or public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of a highway.

Sec. 110. Cabin trailer shall mean a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, whether used for such purposes or instead permanently or temporarily for the advertising, sale, display, or promotion of merchandise or services or for any other commercial purpose except transportation of property for hire or transportation of property for distribution by a private carrier. Cabin trailer shall not mean a trailer or semitrailer which is permanently attached to real estate. There shall be three classes of cabin trailers:

(1) Camping trailer which shall include cabin trailers eight feet or less in width and forty feet or less in length and adjusted mechanically smaller for towing;

(2) Mobile home which shall include cabin trailers more than eight feet in width or more than forty feet in length; and

(3) Travel trailer which shall include cabin trailers not more than eight feet in width nor more than forty feet in length from front hitch to rear bumper.

Sec. 111. Controlled-access highway shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from

except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway.

Sec. 112. Crosswalk shall mean:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of such roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway; or

(2) Any portion of a roadway at an intersection or elsewhere distinctly designated by competent authority and marked for pedestrian crossing by lines, signs, or other devices.

Sec. 113. Daytime shall mean that period of time between sunrise and sunset.

Sec. 114. Divided highway shall mean a highway with separated roadways for traffic in opposite directions.

Sec. 115. Farm tractor shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Sec. 116. Final conviction shall mean the final determination of all questions of fact and of law.

Sec. 117. Freeway shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersecting road crossings, including all interchanges and approach and exit roads thereto.

Sec. 118. Full control of access shall mean that the right of owners or occupants of abutting land or other persons to access or view is fully controlled by public authority having jurisdiction and that such control is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings or intersections at grade or direct private driveway connections.

Sec. 119. Grade separation shall mean a crossing of two highways at different levels.

Sec. 120. Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 121. Implement of husbandry shall mean every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case usually primarily used off of any highway.

Sec. 122. Interchange shall mean a grade-separated intersection with one or more turning roadways for travel between any of the highways radiating from and forming part of such intersection.

Sec. 123. Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if there are no lateral curb lines, the lateral boundary lines of the roadways of two or more highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. When a highway includes

two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. The junction of an alley with a highway shall not constitute an intersection.

Sec. 124. Local authority shall mean every county, municipal, and other local board or body having power to enact laws, rules, or regulations relating to traffic under the Constitution of Nebraska and the laws of this state and generally including the directors of state institutions, the Game and Parks Commission, and all natural resources districts with regard to roads not a part of the state highway system and within the limits of such institution, of an area under Game and Parks Commission control, or of an area owned or leased by a natural resources district, but outside the limits of any incorporated city or village.

Sec. 125. Mail shall mean to deposit in the United States mail properly addressed and with postage prepaid.

Sec. 126. Maintenance shall mean the act, operation, or continuous process of repair, reconstruction, or preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near or improving upon its original standard of usefulness and safety.

Sec. 127. Manual shall mean the Manual on Uniform Traffic Control Devices adopted by the Department of Roads pursuant to section 214 of this act.

Sec. 128. Median shall mean that part of a divided highway, such as a physical barrier or clearly indicated dividing section or space, so constructed as to impede vehicular traffic across or within such barrier, section, or space or to divide such highway into two roadways for vehicular travel in opposite directions.

Sec. 129. Median crossover shall mean a connection between roadways of a divided highway the use of which may permit a vehicle to reverse its direction by continuously moving forward.

Sec. 130. Median opening shall mean a gap in a median provided for crossing and turning traffic.

Sec. 131. Metal tire shall mean every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

Sec. 132. Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches or an engine-rated capacity of less than forty-five cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer for off-road use only.

Sec. 133. Moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters which

produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty miles per hour on level ground.

Sec. 134. Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled chairs used by persons who are disabled.

Sec. 135. Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

Sec. 136. Motor-driven cycle shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as measured at the drive shaft, mopeds, and every bicycle with motor attached.

Sec. 137. Nighttime shall mean that period of time between sunset and sunrise.

Sec. 138. Operator or driver shall mean any person who operates, drives, or is in actual physical control of a vehicle.

Sec. 139. Operator's license shall have the meaning found in section 60-474.

Sec. 140. Owner, with respect to a vehicle, shall mean a person, other than a person holding a security interest, having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security.

Sec. 141. Park or parking shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Sec. 142. Peace officer shall mean any town marshal, chief of police, local police officer, sheriff, or deputy sheriff, the Superintendent of Law Enforcement and Public Safety, or any officer of the Nebraska State Patrol and shall also include members of the National Guard on active service by direction of the Governor during periods of emergency or civil disorder and Game and Parks Commission conservation officers or deputy conservation officers while in areas under the control of the Game and Parks Commission. With respect to directing traffic only, peace officer shall also include any person authorized to direct or regulate traffic.

Sec. 143. Pedestrian shall mean any person afoot.

Sec. 144. Pneumatic tire shall mean any tire designed so that compressed air supports the load of the wheel.

Sec. 145. Private road or driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Sec. 146. Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Sec. 147. Railroad sign or signal shall mean any sign,

signal, or device erected by authority of a public body or official or by a railroad intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Sec. 148. Railroad train shall mean a steam engine or an engine with an electric or other motor, with or without cars coupled thereto, operated upon rails.

Sec. 149. Registration shall mean the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

Sec. 150. Residential district shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

Sec. 151. Right-of-way shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

Sec. 152. Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively.

Sec. 153. Safety zone shall mean an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as such area.

Sec. 154. School bus shall mean any motor vehicle that complies with the color and identification requirements as provided in the laws of this state or set forth in the most recent edition of Minimum Standards for School Buses, produced and sponsored by the National Commission on Safety Education of the National Education Association, and is used to transport children to or from school or in connection with school activities but shall not include buses operated by common carriers in urban transportation of school children.

Sec. 155. Security interest shall mean an equitable title or property right in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, including the interest of a lessor under a lease intended as security, and which is perfected when it is valid against third parties generally, subject only to specific statutory exceptions.

Sec. 156. Semitrailer shall mean any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sec. 157. Shoulder shall mean that part of the highway contiguous to the roadway and designed for the accommodation of

stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway.

Sec. 158. Sidewalk shall mean that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

Sec. 159. Snowmobile shall mean a self-propelled motor vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis, or runners and propelled by a belt-driven track with or without steel cleats.

Sec. 160. Solid tire shall mean every tire of rubber or other resilient material which does not depend upon compressed air or metal for the support of the load of the wheel to which it attaches.

Sec. 161. Stand or standing shall mean the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Sec. 162. State shall mean a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada.

Sec. 163. (1) Stop, when required, shall mean a complete cessation of movement.

(2) Stop or stopping, when prohibited, shall mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device.

Sec. 164. Through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which vehicular traffic from intersecting highways is required by law to yield such right-of-way to vehicles on such highway in obedience to a stop sign, yield sign, or other traffic control device, when such sign or device is erected as provided by law.

Sec. 165. Traffic shall mean pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel.

Sec. 166. Traffic control device shall mean any sign, signal, marking, or other device not inconsistent with the Nebraska Rules of the Road placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

Sec. 167. Traffic control signal shall mean any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Sec. 168. Traffic infraction shall mean the violation of any provision of the Nebraska Rules of the Road or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense.

Sec. 169. Trailer shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 170. Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property.

Sec. 171. Truck-tractor shall mean any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Sec. 172. Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved solely by human power or used exclusively upon stationary rails or tracks.

Sec. 173. That section 39-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-612.~~ The directors of state institutions, and the Game and Parks Commission and natural resources districts for areas under their control, shall have the powers of local authorities provided for in ~~sections 39-601 to 39-612~~ the Nebraska Rules of the Road with regard to roadways running through, within, or along the grounds of the institution or area which are not part of the state highway system and not within the limits of any incorporated city or village. The governing body of an incorporated city or village may delegate to the director of a state institution, or to the Game and Parks Commission or a natural resources district for an area under its control, responsibility for regulating traffic and placing and maintaining traffic control devices on roadways not part of the state highway system running through or within the limits of such institution or area and within the incorporated city or village when such city or village does not exercise its right to regulate traffic on such roadway.

Sec. 174. That section 60-2106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2106.~~ The State of Nebraska; or any department, board, ~~or~~ commission, thereof; or governmental subdivision thereof; is hereby authorized, in its respective jurisdiction, to enact regulations permitting, prohibiting, and controlling the use of motor vehicles, ~~and~~ minibikes, motorcycles, ~~and~~ off-road recreation vehicles of any and all types, other powered vehicles, ~~or any vehicle~~ and vehicles which are not self-propelled. Any person who ~~shall operate~~ operates any of such vehicles without the permission of the appropriate governmental entity; or in a place, time, or manner which has been prohibited by such entity; shall be guilty of a Class III misdemeanor.

Such governmental entity may further authorize the supervising official of any area under its ownership or control to permit, control, or prohibit operation of any motor vehicle, ~~or~~ minibike, motorcycle, off-road recreational vehicle of any or all types, other powered vehicle, or ~~any~~ vehicle which is not self-propelled on all or any portion of any area under its ownership or control at any time by posting or, in case of an emergency, by personal notice. Any person operating any such vehicle where prohibited, where not permitted, or in a manner so as to endanger the peace and safety of the public or as to harm or destroy the

natural features or manmade features of any such area shall be guilty of a Class III misdemeanor, ~~and shall, upon conviction thereof, be punished as provided in this section.~~

Sec. 175. That section 39-684, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-684. City police, county sheriffs, officers of the Nebraska State Patrol, and any other such law enforcement officer with power to arrest for traffic violations~~ Peace officers may remove a dead body or an injured person from any roadway to the nearest available position off the roadway as may be necessary to keep the roadway open or safe for public travel; or to any hospital, clinic, or medical doctor as may be necessary to preserve life.

Sec. 176. That section 39-697, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-697.~~ (1) Any local authority with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:

- (a) Regulate or prohibit stopping, standing, or parking;
- (b) Regulate traffic by means of ~~police~~ peace officers or traffic control devices;
- (c) Regulate or prohibit processions or assemblages on the highways;
- (d) Designate highways or roadways for use by traffic moving in one direction;
- (e) Establish speed limits for vehicles in public parks;
- (f) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (g) Restrict the use of highways as authorized in section ~~39-6,189~~ 177 of this act;
- (h) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (i) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (j) Alter or establish speed limits authorized in ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road;
- (k) Designate no-passing zones;
- (l) Prohibit or regulate use of controlled-access ~~roadways~~ highways by any class or kind of traffic except those ~~roadways~~ highways which are a part of the state highway system;
- (m) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic, except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Roads;
- (n) Establish minimum speed limits as authorized in ~~sections 39-601 to 39-6,122~~ the rules;
- (o) Designate hazardous railroad grade crossings as authorized in ~~sections 39-601 to 39-6,122~~ the rules;

- (p) Designate and regulate traffic on play streets;
- (q) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in ~~sections 39-601 to 39-6122~~ the rules;
- (r) Restrict pedestrian crossings at unmarked crosswalks as authorized in ~~sections 39-601 to 39-6122~~ the rules;
- (s) Regulate persons propelling push carts;
- (t) Regulate persons upon skates, coasters, sleds, and other toy vehicles;

(u) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

(v) Adopt other traffic regulations except as prohibited by state law or contrary to state law.

(2) No local authority, except an incorporated city with more than forty thousand inhabitants, shall erect or maintain any traffic control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Roads.

(3) No ordinance or regulation enacted under subdivision ~~(1)~~(d), (e), (f), (g), (i), (j), (k), (l), (m), (o), (p), or (r) of ~~subsection (1)~~ of this section shall be effective until traffic control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

Sec. 177. That section 39-6,189, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,189~~: Local authorities may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed ninety days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible whenever any ~~said~~ such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. Such local authorities enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.

Local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles; or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

Sec. 178. That section 39-6,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,102.~~ Unless otherwise declared in ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road with respect to particular offenses, a violation of any provision of ~~sections 39-601 to 39-6,122~~ the rules shall constitute a traffic infraction, ~~as defined in section 39-602.~~

Sec. 179. That section 39-6,192, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,192.~~ The Superintendent of Law Enforcement and Public Safety and his or her subordinate officers or employees, including all officers of the Nebraska State Patrol, all sheriffs and all deputy sheriffs of the several counties, all chiefs of police and all police officers in all cities, and all village marshals in all villages, throughout the State of Nebraska; All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers respectively to enforce the provisions of sections 39-6,127, 39-6,133, 39-6,138, and 39-6,140 the Nebraska Rules of the Road and any other law regulating the operation of vehicles or the use of the highways. To perform the official duties imposed by this section, such officers are specifically directed, if necessary, to exercise all powers recited and granted in section 81-2005 the Superintendent of Law Enforcement and Public Safety and all officers of the Nebraska State Patrol shall have the powers stated in section 81-2005. All other peace officers shall have the power:

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

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

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

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

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

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

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

Sec. 180. That section 39-6,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,105.~~ Whenever any person shall be is charged with a traffic infraction, such person shall be issued a citation pursuant to the provisions of section 29-424. Any person who refuses to sign the citation shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided by the provisions of section 29-426.

Sec. 181. That section 39-6,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,107.~~ When a person has been charged with any act declared to be a misdemeanor or traffic infraction by ~~sections 39-601 to 39-6,122, Chapter 39, article 7,~~ the Nebraska Rules of the Road or Chapter 60, article 3, 4, or 5, and is issued a citation meeting the requirements prescribed by the Supreme Court, if such citation includes the information and is sworn to as required by the laws of this state, then such citation when filed with a court having jurisdiction shall be deemed a lawful complaint for the purpose of prosecution.

Sec. 182. That section 39-6,108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,108.~~ (1) When any person is required to post bond under any ~~of the provisions of sections 39-601 to 39-6,122~~ provision of the Nebraska Rules of the Road, such bond may consist of an unexpired guaranteed arrest bond certificate or a similar written instrument by its terms of current force and effect signed by such person and issued to him or her by an automobile club or a similar association or insurance company or a corporation, organized under the laws of this state, not for profit, which has been exempted from the payment of federal income taxes, as provided by section 501(c)(4), (6), or (8) ~~of the Internal Revenue Code of 1954~~ 1986, jointly and severally with a corporate surety duly authorized to transact fidelity or surety insurance business in this state or with an insurance company duly authorized to transact both automobile liability and fidelity and surety insurance business in this state to guarantee the appearance of such person at any hearing upon any arrest or apprehension or any violation or, in default of any such appearance, the prompt payment by or on behalf of such person of any fine or forfeiture imposed for such default not in excess of two hundred dollars.

(2) The provisions of subsection (1) of this section shall not apply to any person who is charged with a felony.

Sec. 183. That section 39-6,109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,109.~~ The procedures outlined in ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road shall apply only to apprehensions and arrests without a warrant for violations of the provisions of ~~sections 39-601 to 39-6,122~~ the rules and shall not exclude other lawful means of effecting such arrest or apprehension.

Sec. 184. That section 39-6,111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,111.~~ Prosecutions for violations declared by ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road to be misdemeanors or felonies shall be conducted and disposed of in the same manner as provided for such prosecutions under the laws of this state.

Sec. 185. That section 39-6,112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,112.~~ Any person who is found guilty of a traffic infraction in violation of ~~Chapter 39, article 6, or of Chapter 39, article 7;~~ the Nebraska Rules of the Road for which a penalty has not been specifically provided shall be fined:

- (1) Not more than one hundred dollars for the first offense; ;
- (2) ~~not~~ Not more than two hundred dollars for a second offense within a one-year period; ; and
- (3) ~~not~~ Not more than three hundred dollars for a third and subsequent offense within a one-year period.

Sec. 186. That section 39-6,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,115.~~ Any person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road to be a misdemeanor or felony, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and any person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, or directs another to violate any provision of ~~sections 39-601 to 39-6,122~~ the rules shall be likewise guilty of such offense.

Sec. 187. That section 39-6,114.01, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,114.01.~~ When a person has been convicted in any court in this state of any moving traffic offense, the court may, in addition to the penalty provided by law for such offense and as a part of the judgment of conviction or as a condition of probation, require such person, at his or her expense if any, to attend and satisfactorily complete a course of instruction at a driver improvement school, if such school exists, located and operating within the county of such person's residence or within the jurisdiction of such court. Such school shall be designated by the court in its order and shall provide instruction in the recognition of hazardous traffic situations and prevention of traffic accidents.

Sec. 188. That section 39-6,110, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,110.~~ When any person fails within ten days to satisfy any judgment imposed for any traffic infraction, it shall be the duty of the clerk of the court in which such judgment is rendered within this state to transmit to the ~~department~~ Department of Motor Vehicles, immediately after the expiration of such ten-day period, a copy of such

judgment.

Sec. 189. That section 39-6,118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,118.~~ No evidence of the conviction of any person for any violation of any provision of ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road shall be admissible in any court in any civil action.

Sec. 190. That section 39-6,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,119.~~ The conviction of a person upon a charge of violating any provision of ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road or other traffic regulation which is less than a felony shall not affect or impair the credibility of such person as a witness in any civil or criminal proceeding.

Sec. 191. That section 39-6,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.~~ It shall be the duty of any ~~sheriff, police officer, or other peace officer in this state, other than members of the Nebraska State Patrol, who shall investigate~~ peace officer who investigates any traffic accident in the performance of his or her official duties in all instances of an accident resulting in injury or death to any person or in which estimated damage exceeds five hundred dollars to the property of any one person to submit an original report of such investigation to the Accident Records Bureau of the Department of Roads within ten days after each such accident. ~~The Department of Roads department~~ shall have authority to collect accident information it deems necessary and shall prescribe and furnish appropriate forms for reporting.

Sec. 192. That section 39-6,104.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.02.~~ The driver of any vehicle involved in an accident either upon a public highway, private road, or private drive, resulting in damage to property, shall (1) immediately stop such vehicle at the scene of such accident; and (2) give his or her name; and address; and the registration number of his the vehicle and exhibit his or her operator's ~~or chauffeur's~~ license to the owner of the property struck or the driver or occupants of any other vehicle involved in the collision.

Any person violating this section shall, if he or she reports ~~shall report~~ such accident, by telephone or otherwise, to the appropriate peace officer within twelve hours, be guilty of a Class V misdemeanor or, if he or she does not report such accident within twelve hours, be guilty of a Class IV misdemeanor.

Sec. 193. That section 39-6,104.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.01.~~ The driver of any vehicle involved in an accident upon either a public highway, private road, or private drive, resulting in injury or death to any person, shall (1) immediately stop such vehicle at the scene of such accident, (2) give his or her name; and address; and the registration number of his the vehicle and exhibit his

~~or her~~ operator's ~~or chauffeur's~~ license to the person struck or the driver or occupants of any vehicle collided with, and (3) render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person. Any person violating any of the provisions of this section shall upon conviction thereof be punished as provided in section ~~39-6,104.03~~ 194 of this act.

Sec. 194. That section 39-6,104.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.03.~~ Every person; convicted of violating section ~~39-6,104.04~~ 193 of this act relative to the duty to stop in the event of certain accidents; shall be guilty of a Class I misdemeanor. The court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of not more than one year from the date of ~~his~~ final discharge from the county or municipal jail or Department of Correctional Services adult correctional facility; or the date of payment or satisfaction of such fine, whichever is the later, and shall order that the operator's license of such person be revoked for a like period.

Sec. 195. That section 39-6,104.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.04.~~ The operator of any vehicle involved in an accident resulting in injuries or death to any person or damage to the property of any one person, including such operator, to an apparent extent of more than five hundred dollars shall within ten days, as provided by section 60-505, forward a report of such accident to the Department of Motor Vehicles. The Department of Roads or Department of Motor Vehicles may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the department.

Such reports shall be without prejudice. All reports made by ~~an officer of the Nebraska State Patrol, sheriffs or their deputies, police officers, and village marshals, or peace officers,~~ made to or filed with ~~such~~ peace officers in their respective offices or departments, or ~~with, by,~~ filed with or made by or to any other law enforcement agency of the state shall be open to public inspection, but accident reports filed pursuant to section 60-505 shall not be open to public inspection. The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents.

Sec. 196. That section 39-6,104.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.05.~~ The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall

report to the nearest police station or sheriff's office within twenty-four hours after such motor vehicle is received, giving the engine number, the registration number, and the name and address of the owner or operator of such vehicle.

Sec. 197. That section 39-6,104.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.06:~~ Any coroner or other official performing the duties of coroner shall report in writing to the Department of Motor Vehicles the death of any person within his or her jurisdiction as the result of an accident involving a motor vehicle and the circumstances of such accident. Such report by the coroner shall be made within ten days after such death.

Sec. 198. That section 39-6,104.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.07:~~ In the case of a driver who dies within four hours after being in a motor vehicle accident; and of a pedestrian sixteen years of age or older who dies within four hours after being struck by a motor vehicle, the coroner or other official performing the duties of coroner shall examine the body and cause such tests to be made as are necessary to determine the presence and percentage concentration of alcohol or drugs therein. Such information shall be included in each report submitted pursuant to ~~the provisions of sections 39-6,104.06 to 39-6,104.12~~ sections 197 to 200 of this act and shall be tabulated on a monthly basis by the Department of Motor Vehicles. Such information shall be used only for statistical purposes which do not reveal the identity of the deceased.

Sec. 199. That section 39-6,104.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.08:~~ Any surviving driver or pedestrian sixteen years of age or older who is involved in a motor vehicle accident in which a person is killed shall be requested, if he or she has not otherwise been directed by a ~~law enforcement~~ peace officer to submit to a chemical test under section ~~39-669.08~~ 293 of this act, to submit to a chemical test of his blood, urine, or breath as the ~~law enforcement officer shall direct~~ peace officer directs for the purpose of determining the amount of alcohol or drugs in his or her body fluid. The results of such test shall be reported in writing to the Director of Motor Vehicles who shall tabulate such results on a monthly basis. Such information shall be used only for statistical purposes which do not reveal the identity of the surviving drivers or surviving pedestrians. The provisions of sections ~~39-669.09; 39-669.10; and 39-669.12;~~ 294, 295, and 297 of this act shall, when applicable, apply to the tests provided for in this section.

Sec. 200. That section 39-6,104.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.09:~~ All samples and tests of body fluids under ~~the provisions of sections 39-6,104.06 to 39-6,104.12~~ sections 197 to 199 of this act shall be submitted to and performed by an individual possessing a valid permit issued by the Department of Health for such purpose.

Such tests shall be performed according to methods approved by the ~~Department of Health~~ department. Such individual shall promptly perform such analysis and report the results thereof to the official submitting the sample.

Sec. 201. That section 39-6,104.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.10.~~ No report ~~or any~~ and no statement contained ~~therein in a report~~ submitted pursuant to sections ~~39-6,104.06 to 39-6,104.12~~ 197 to 200 of this act or any part thereof shall be made available for any purpose in any trial arising out of the accident involved unless necessary solely to prove compliance with such sections, ~~39-6,104.06 to 39-6,104.12.~~

Sec. 202. That section 39-6,104.11, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.11.~~ The Department of Motor Vehicles shall reimburse any county for expenses and costs incurred by the county pursuant to sections ~~39-6,104.06 to 39-6,104.12~~ 197 to 201 of this act. The ~~Department of Motor Vehicles~~ department shall provide the official in each county with the appropriate reporting form.

Sec. 203. That section 39-6,104.12, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,104.12.~~ The Department of Health shall adopt and promulgate necessary rules and regulations for the administration of the provisions of sections ~~39-6,104.06 to 39-6,104.12~~ sections 197 to 202 of this act.

Sec. 204. That section 39-603, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-603.~~ (1) The provisions of the Nebraska Rules of the Road relating to operation of vehicles refer exclusively to operation of vehicles upon highways except where a different place is specifically referred to in a given section, but sections ~~39-669 to 39-669.08~~ 292, 293, and 308 to 314 of this act shall apply upon highways and anywhere throughout the state except private property which is not open to public access.

(2) Nothing in the Nebraska Rules of the Road ~~or in Chapter 39, article 7,~~ shall be construed to prevent the owner of real property used by the public for the purposes of vehicular travel, by permission of the owner and not as a matter of right, from prohibiting such use nor from requiring other, different, or additional conditions from those specified or otherwise regulating the use thereof by such owner.

(3) The Nebraska Rules of the Road shall be applicable and uniform throughout this state and in all political subdivisions and municipalities of this state, and no local authority shall enact or enforce any ordinance directly contrary to the Nebraska Rules of the Road unless expressly authorized by the Legislature.

Sec. 205. That section 39-644, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-644.~~ Notwithstanding the other provisions of

~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or obviously confused or incapacitated person upon a roadway.

Sec. 206. That section 39-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-604.~~ (1) Any person who knowingly fails or refuses to obey any lawful order of any ~~law enforcement~~ peace officer who is controlling or directing traffic shall be guilty of a traffic infraction.

(2) Any person who knowingly fails to obey any lawful order of a ~~law enforcement~~ peace officer shall be guilty of a Class III misdemeanor whenever such order is given in furtherance of the apprehension of a person who has violated ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road or of a person whom such officer reasonably believes has violated ~~sections 39-601 to 39-6,122~~ the rules.

Sec. 207. That section 39-605, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-605.~~ (1) Any person who rides an animal; or drives an animal-drawn vehicle, a farm tractor, or an implement of husbandry upon a roadway shall be granted all of the rights and shall be subject to all of the duties made applicable to the driver of a vehicle by ~~sections 39-601 to 39-6,122,~~ the Nebraska Rules of the Road except those provisions of ~~sections 39-601 to 39-6,122~~ the rules which by their very nature can have no application.

(2) Whenever the slowness of such animal, animal-drawn vehicle, farm tractor, or implement of husbandry is obstructing the normal flow of traffic, the rider or driver thereof shall drive to the nearest available shoulder of the highway and allow traffic to pass.

Sec. 208. That section 39-606, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-606.~~ Unless specifically made applicable, the ~~provisions of sections 39-601 to 39-6,122 and 39-6,177~~ Nebraska Rules of the Road, except those provisions relating to careless driving, reckless driving, and driving while under the influence of alcoholic liquor or drugs, shall not apply to:

(1) Persons, teams of draft animals, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway, but the rules shall apply to such persons and vehicles when traveling to or from such work; or

(2) Government employees and public utility employees to the extent that there would be a conflict between ~~sections 39-601 to 39-6,122 and 39-6,177~~ the rules and the performance of their official duties.

Sec. 209. That section 39-607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-607.~~ Unless specifically exempted, the ~~provisions of sections 39-601 to 39-6,122~~ Nebraska Rules of the Road shall apply to

all drivers of vehicles owned or operated on behalf of the United States or any state or political subdivision thereof.

Sec. 210. That section 39-608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-608.~~ (1) The driver of an authorized emergency vehicle, when responding to an emergency call, when pursuing or when in the pursuit of an actual or suspected violator of the law, or when responding to but not ~~upon~~ when returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road.

(2) The driver of such emergency vehicle may stop, park, or stand, irrespective of the provisions of ~~sections 39-601 to 39-6,122~~ the rules, and disregard regulations governing direction of movement or turning in specified directions.

(3) The driver of such emergency vehicle, except wreckers towing disabled vehicles, and highway maintenance vehicles and equipment may also:

(a) Proceed past a steady red signal indication, a flashing red signal indication, or a stop sign; but only after slowing down as may be necessary for safe operation; and

(b) Exceed the maximum speed limits so long as he or she does not endanger life, limb, or property.

(4) Except for such emergency vehicle operated as a police vehicle, the exemptions granted in this section to such emergency vehicle shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary; and when such vehicle is equipped with at least one lighted ~~lamp~~ light displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

(5) The provisions of this section shall not relieve the driver of such emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his or her reckless disregard for the safety of others.

Sec. 211. Notwithstanding the provisions of subsection (1) of section 215 of this act, when the Department of Roads, any local authority, or its authorized representative or permittee has closed, in whole or in part, by barricade or otherwise, during repair or construction, any portion of any highway, the restrictions upon the use of such highway shall not apply to persons living along such closed highway or to persons who would need to travel such highway during the normal course of their operations if no other route of travel is available to such person, but extreme care shall be exercised by such persons on such highway.

Sec. 212. That section 39-6,116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,116.~~ The owner of any vehicle or any other person employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle in any manner contrary to the ~~provisions of sections 39-601 to 39-6,122~~ Nebraska

Rules of the Road.

Sec. 213. That section 39-687, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-687. The parent or guardian of any child; who is less than sixteen years old; shall not knowingly permit any such child to violate any of the provisions of sections 39-601 to 39-6,122~~ provision of the Nebraska Rules of the Road.

Sec. 214. That section 39-698, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-698. Consistent with the provisions of sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road, the Department of Roads may adopt and promulgate rules and regulations adopting and implementing a manual ~~on uniform traffic control devices in order to provide~~ providing a uniform system of traffic control devices on all highways within this state ~~which, together with any supplements adopted by the department, shall be known as the Manual on Uniform Traffic Control Devices.~~

Sec. 215. That section 39-609, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-609. (1) The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the provisions of sections 39-601 to 39-6,122~~ Nebraska Rules of the Road, unless otherwise directed by a ~~law enforcement~~ peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in ~~sections 39-601 to 39-6,122~~ the rules.

(2) No provision of ~~sections 39-601 to 39-6,122~~ the rules for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any ~~section of sections 39-601 to 39-6,122~~ provision of the rules does not state that traffic control devices are required, such ~~section~~ provision shall be effective even though no devices are erected or in place.

(3) Whenever traffic control devices are placed in position approximately conforming to the requirements of ~~sections 39-601 to 39-6,122~~ the rules, such devices shall be presumed to have been so placed by the official act or direction of lawful authority; unless the contrary ~~shall be~~ is established by competent evidence.

(4) Any traffic control device placed pursuant to the ~~provisions of sections 39-601 to 39-6,122~~ rules and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of ~~sections 39-601 to 39-6,122;~~ the rules unless the contrary ~~shall be~~ is established by competent evidence.

(5) ~~Notwithstanding the provisions of subsection (1) of this section, when the Department of Roads, any local authority, or its authorized representative or permittee has closed, in whole or in part by barricade or otherwise during repair or construction, any portion of any~~

highway, the restrictions upon the use of such highway shall not apply to persons living along such closed highway or to persons who would need to travel such highway during the normal course of their operations if no other route of travel is available to such person but extreme care shall be exercised by such persons on such highway.

Sec. 216. That section 39-610, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-610.~~ (1) The Department of Roads shall place and maintain, or provide for such placing and maintaining, such traffic control devices, conforming to the manual, ~~and the department's supplements and specifications,~~ upon all state highways as it shall deem ~~deems~~ necessary to indicate and to carry out the ~~provisions of sections 39-601 to 39-6122~~ Nebraska Rules of the Road or to regulate, warn, or guide traffic.

(2)(a) In incorporated cities and villages with less than forty thousand inhabitants, the ~~Department of Roads~~ department shall have exclusive jurisdiction regarding the erection and maintenance of traffic control devices on the state highway system; but shall not place traffic control devices on the state highway system within incorporated cities and villages of more than twenty-five hundred inhabitants without consultation with the proper city officials.

(b) In incorporated cities of forty thousand or more inhabitants, except on state-maintained freeways of the state highway system where the ~~Department of Roads~~ department retains exclusive jurisdiction, the city shall have jurisdiction regarding erection and maintenance of traffic control devices on the state highway system after consultation with the ~~Department of Roads;~~ PROVIDED, department, ~~except~~ that there shall be joint jurisdiction with the ~~Department of Roads~~ department for such traffic control devices for which the ~~Department of Roads~~ department accepts responsibility for the erection and maintenance.

(3) No local authority shall place or maintain any traffic control device upon any highway under the jurisdiction of the ~~Department of Roads~~ department ~~except by the latter's permission, nor~~ department, ~~except by permission of the department, or~~ on any state-maintained freeway of the state highway system.

(4) The placing of traffic control devices by the ~~Department of Roads~~ department shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders but shall be considered as establishing precepts extending the provisions of ~~sections 39-601 to 39-6122~~ the Nebraska Rules of the Road as necessary to regulate, warn, or guide traffic. Violation of such traffic control devices shall be punishable as provided in ~~sections 39-601 to 39-6122~~ the rules.

Sec. 217. That section 39-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-611.~~ Local authorities in their respective jurisdictions shall place and maintain such traffic control devices upon highways under

their jurisdictions as they deem necessary to indicate and to carry out the provisions of ~~sections 39-601 to 39-612~~ the Nebraska Rules of the Road or to regulate, warn, or guide traffic. All such traffic control devices erected pursuant to ~~sections 39-601 to 39-612~~ the rules shall conform with the manual, ~~and the Department of Roads supplements and specifications.~~

Sec. 218. That section 39-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-613: It shall be unlawful for any manufacturer, jobber, retailer, or his agent, or any other person to sell, lease, or offer for sale or lease any traffic control devices which are not in compliance with the manual, and the Department of Roads supplements and specifications.~~

Sec. 219. That section 39-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-614: Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend or symbol, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:~~

(1)(a) Vehicular traffic facing a circular green signal indication may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal indication is exhibited;

(b) Vehicular traffic facing a green arrow signal indication, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time, and such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(c) Unless otherwise directed by a pedestrian-control signal, ~~as provided in sections 39-601 to 39-612~~, pedestrians facing any green signal indication, except when the sole green signal indication is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk;

(2)(a) Vehicular traffic facing a steady yellow signal indication is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection, and upon display of a steady yellow signal indication, vehicular traffic shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection; and

(b) Pedestrians facing a steady yellow signal indication,

unless otherwise directed by a pedestrian-control signal, ~~as provided in sections 39-601 to 39-6122,~~ are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway;

(3)(a) Vehicular traffic facing a steady red signal indication alone shall stop at a clearly marked stop line or shall stop, ~~but~~ if there is no such line, ~~then~~ before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, ~~then~~ before entering the intersection. The traffic and shall remain standing until an indication to proceed is shown except as provided in subdivisions (3)(b) and (3)(c) of this section;

(b) Except where a traffic control device is in place prohibiting a turn, vehicular traffic facing a steady red signal indication may cautiously enter the intersection to make a right turn after stopping as required by subdivision (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(c) Except where a traffic control device is in place prohibiting a turn, vehicular traffic facing a steady red signal indication at the intersection of two one-way streets may cautiously enter the intersection to make a left turn after stopping as required by subdivision (3)(a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians ~~and persons riding bicycles~~ lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(d) Unless otherwise directed by a pedestrian-control signal, ~~as provided in sections 39-601 to 39-6122,~~ pedestrians facing a steady red signal indication alone shall not enter the roadway; and

(4) If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.

Sec. 220. That section 39-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-615.~~ Whenever pedestrian-control signals exhibiting the words WALK or DONT WALK or exhibiting the symbol of a walking person or an upraised hand are in place, such signals shall indicate as follows:

(1) Pedestrians facing a steady WALK signal indication or a symbol of a walking person may proceed across the roadway in the direction of such signal and shall be given the right-of-way by the drivers of all vehicles; and

(2) No pedestrian shall start to cross the roadway in the direction of a DONT WALK signal indication or a symbol of an upraised hand, but any pedestrian who has partially completed his or her crossing on the WALK or walking person signal indication shall immediately proceed to a sidewalk or safety island while the flashing

DONT WALK or flashing upraised hand signal indication is showing.

Sec. 221. That section 39-616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-616:~~ Whenever an illuminated flashing red or yellow signal light is used in a traffic ~~sign or~~ signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:

(1) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line or shall stop, ~~but~~ if there is no such line, ~~then~~ before entering the crosswalk on the near side of the intersection; ~~or,~~ if there is no crosswalk, ~~then~~ at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The ~~and the~~ right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and

(2) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal light only with caution; ~~and~~

(3) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in ~~sections 39-601 to 39-612~~ the Nebraska Rules of the Road pertaining to such railroad grade crossings.

Sec. 222. That section 39-617, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-617:~~ When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a specified or appropriate green signal indication is shown; but shall not enter or travel in any lane over which a specified or appropriate red signal indication is shown. When such signals are in use, signs adequate to advise motorists of the meaning of such signals shall be erected.

Sec. 223. That section 39-618, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-618:~~ (1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which purports to be, ~~or~~ is an imitation of, ~~or which~~ resembles a lawful traffic control device or railroad sign or signal, ~~or which~~ uses the words stop or danger prominently displayed, ~~or which~~ implies the need or requirement of stopping or the existence of danger, ~~or which~~ attempts to direct the movement of traffic, ~~or which~~ otherwise copies or resembles any lawful traffic control device, or which hides from view or interferes with the effectiveness of a traffic control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal which bears commercial advertising except as authorized by sections 22 to 24 of this act.

(3) This section shall not be deemed to prohibit the erection

upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs; unless prohibited by another statute.

(4) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over any highway where such prohibited sign, signal, or marking is found may remove it or cause it to be removed without notice.

Sec. 224. That section 39-618.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-618.01.~~ No advertising devices shall be erected or operated upon any private property adjacent to or near any public road, or any street in any city or village, when the beam of such device highway which:

(1) Have a light, the beam of which is concentrated on the public road or street highway or adversely affects the vision of operators of vehicles upon the roadway or street by the use of flashing red, amber, or yellow, or green lights which have the very obvious appearance of devices generally used as official traffic control devices; or

(2) Have photo-flash type lights, flood lights, or spotlights, or other lighted signs which use the words Stop or Danger prominently displayed, or which imply the need or requirement of stopping or the existence of danger, or which otherwise copy or resemble official traffic control devices.

Nothing ; PROVIDED, that nothing contained in this section shall be construed to apply to official traffic control devices erected by the public agencies having jurisdiction.

Any advertising device erected, maintained, or operated in violation of this section is hereby declared to be a public nuisance. It shall be the duty of the public agency having jurisdiction to notify the owner of all lights in violation of the provisions of this section, and ~~said~~ the public agency may remove such lights if the owner fails or refuses to remove ~~same after~~ them within a reasonable time after he or she is notified of such violation.

Sec. 225. That section 39-619, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-619.~~ (1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device, or any railroad sign or signal, or any part thereof of such a device, sign, or signal.

(2) Any person who moves, alters, damages, or destroys warning devices placed upon roads which the Department of Roads or any local authority or its representative has closed in whole or in part for the protection of the public or for the protection of the highway from damage during construction, improvement, or maintenance operation and thereby causes injury or death to any person or damage to any property, equipment, or material thereon shall be liable, subject to sections 25-21,185 and 25-21,185.07 to 25-21,185.12, for the full or allocated

amount of such death, injury, or damage, and such amount may be recovered by the injured or damaged party or his or her legal representative in a civil action brought in any court of competent jurisdiction.

Sec. 226. That section 39-619.01, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-619.01: (1) If any person shall~~ Any person who willfully or maliciously ~~shoot~~ shoots upon the public highway and ~~injure, deface, damage, or destroy~~ injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highways, ~~he or she~~ shall be guilty of a Class III misdemeanor.

(2) No person shall willfully or maliciously injure, deface, alter, or knock down any sign, traffic control device, or traffic surveillance device.

(3) It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, ~~or~~ a county, or a municipality, to remove any sign, traffic control device, or traffic surveillance device placed along a ~~public street, road, or~~ highway for traffic control, warning, or informational purposes by official action of the department, ~~or a~~ county, or municipality. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this subsection.

(4) Any person violating subsection (2) or (3) of this section shall be guilty of a Class II misdemeanor and shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it.

Sec. 227. That section 39-620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-620: (1) Upon all roadways of sufficient width,~~ a vehicle shall be driven upon the right half of the roadway; except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway, except ~~±PROVIDED~~; that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic.

(2) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding

in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway; except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes; or except as permitted under subdivision (1)(b) of ~~subsection (1)~~ of this section. This subsection shall not be construed to prohibit the crossing of the centerline in making a left turn into or from an alley, private road, or driveway; unless such movement is otherwise prohibited by signs.

Sec. 228. That section 39-621, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-621.~~ Passing vehicles proceeding in opposite directions shall each keep to the right side of the roadway, passing left to left, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other, as nearly as possible, at least one-half of the main-traveled portion of the roadway.

Sec. 229. That section 39-622, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-622.~~ Except ~~where~~ when overtaking and passing on the right is permitted, the following rules shall govern the overtaking and passing of vehicles proceeding in the same direction:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall first give a visible signal of his or her intention and shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle;

(2) The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle; and

(3) The driver of a vehicle overtaking bicycles, animals, animal-drawn vehicles, or farm vehicles proceeding in the same direction shall give an audible signal of his or her intention to pass from one hundred to three hundred feet from the vehicle or animal and then pass without giving another audible signal.

Sec. 230. That section 39-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-623.~~ (1) The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:

(a) When the vehicle to be overtaken is making or about to make a left turn;

(b) Upon a two-way street or highway with an unobstructed roadway, not occupied by parked vehicles, of sufficient width for two or more lanes of moving vehicles going in the same direction when the passing vehicle is traveling in one of such lanes; or

(c) Upon a one-way street, or upon any roadway on which

traffic is restricted to one direction of movement, ~~where~~ when the roadway is free from obstructions and of sufficient width for two or more lanes of moving vehicles.

(2) In no event shall the driver of a vehicle overtake and pass another vehicle upon the right unless such movement may be made ~~in safety and upon the pavement or main traveled portion of~~ safely upon the roadway.

Sec. 231. That section 39-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-624.~~ (1) No vehicle shall overtake another vehicle proceeding in the same direction on an undivided two-way roadway when such overtaking ~~shall require~~ requires the overtaking vehicle to be driven on the left side of the center of the roadway unless the left side is clearly visible for a distance sufficient to accomplish such overtaking and is free from oncoming traffic for a distance sufficient to:

(a) Permit the overtaking vehicle to return to an authorized lane of traffic before coming within two hundred feet of any approaching vehicle; and

(b) Permit the overtaking vehicle to be safely clear of the overtaken vehicle while returning to the authorized lane of travel as provided in ~~sections 39-601 to 39-6,122~~ the Nebraska Rules of the Road.

(2) After completing such overtaking, the overtaking vehicle shall return to the authorized lane of travel as soon as practicable.

(3) Any such overtaking shall be subject to ~~the provisions of sections 39-601 to 39-6,122~~ the rules.

(4) The provisions of this section shall not permit the crossing of the centerline of an undivided highway providing for two or more lanes of traffic in each direction for the purpose of overtaking and passing another vehicle.

Sec. 232. That section 39-625, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-625.~~ (1) No driver shall overtake and pass another vehicle or drive to the left of the center of the roadway whenever:

(a) He or she approaches the crest of a grade or is upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) He or she approaches within one hundred feet of or traverses any intersection or railroad grade crossing;

(c) The view is obstructed when he or she approaches within one hundred feet of any bridge, viaduct, or tunnel; or

(d) The section of roadway is designated as a no-passing zone under ~~sections 39-601 to 39-6,122~~ section 233 of this act.

(2) The limitations imposed by subsection (1) of this section shall not apply ~~(a) upon a one-way roadway, nor when an obstruction exists which requires a driver to drive to the left of the center of the highway nor~~ (b) under the conditions described in subdivision (1)(b) of

~~section 227 of this act, or (c)~~ to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.

Sec. 233. That section 39-626, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-626.~~ (1) The Department of Roads and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the center of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. When ~~and, when~~ such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey such indications.

(2) Where signs or markings are in place to define a no-passing zone, ~~as set forth in subsection (1) of this section,~~ no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(3) This section shall not apply ~~when an obstruction exists which requires a driver to drive to the left of the center of the highway~~ nor (a) under the conditions described in subdivision (1)(b) of section 227 of this act or (b) to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.

Sec. 234. That section 39-627, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-627.~~ (1) The Department of Roads and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all times or at such times as shall be indicated by traffic control devices.

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

(3) A vehicle which passes around a rotary traffic island shall be driven only to the right of such island.

Sec. 235. That section 39-628, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-628.~~ Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent ~~herewith~~ with this section, shall apply:

(1) A vehicle shall be driven as nearly as practicable within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except (a) when overtaking and passing another vehicle

traveling in the same direction when such center lane is clear of traffic within a safe distance, ~~or~~ (b) in preparation for making a left turn, or where (c) when such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by traffic control devices;

(3) Traffic control devices may be erected by the Department of Roads or local authorities to direct specified traffic to use a designated lane or to designate those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device; and

(4) Traffic control devices may be installed by the ~~Department of Roads~~ department or local authorities to prohibit the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

Sec. 236. That section 39-629, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-629.~~ (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, and such driver shall have due regard for the speed of such vehicles and the traffic upon and the condition of the roadway.

(2) The driver of any motor vehicle drawing a trailer, semitrailer, or another vehicle, when traveling upon a roadway outside of a business or residential district, who is following another vehicle shall, subject to varying road conditions, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger and shall not follow another motor vehicle drawing a trailer, semitrailer, or another vehicle more closely than one hundred feet. This subsection shall not prevent ~~another~~ a vehicle from overtaking and passing any ~~like vehicle~~ ~~or~~ other vehicle.

(3) The driver of a motor vehicle upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall operate such vehicle so as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This subsection shall not apply to funeral processions.

(4) The driver of any motor vehicle when traveling upon a roadway outside of a business or residential district shall not follow any highway maintenance vehicle more closely than one hundred feet; if:

(a) Such highway maintenance vehicle is engaged in plowing snow, removing deposited material from the surface of the road, or spreading salt, sand, or other material upon the surface of the road or is in motion on or near the traveled portion of a road performing other highway maintenance duties; and

(b) Such highway maintenance vehicle is displaying a flashing amber or white light.

This subsection shall not prevent ~~another~~ a vehicle from overtaking and passing any ~~like vehicle~~ ~~or~~ other vehicle.

(5) The driver of any motor vehicle, when traveling upon a

roadway outside of a business or residential district, who is following another vehicle displaying flashing amber or white lights shall not follow such vehicle more closely than one hundred feet. This subsection shall not prevent ~~another~~ a vehicle from overtaking and passing any other ~~motor~~ vehicle.

Sec. 237. That section 39-630, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-630.~~ (1) Whenever any highway has been divided into two or more roadways by a median, a driver shall drive only upon the right-hand roadway unless directed or permitted to use another roadway by traffic control devices or competent authority.

(2) No driver shall drive any vehicle over, across, or within any median except through ~~an opening in such median or at a crossover or intersection~~ a median opening or median crossover as established by competent authority. Medians on freeways shall not be crossed or entered upon at any point, unless specifically directed by competent authority.

(3) No driver except drivers of authorized emergency vehicles and drivers of wreckers or other vehicles assisting a stranded vehicle shall use any emergency entrance or median crossover on a freeway intended only for emergency vehicles, but no such excepted driver shall drive in such manner as to create a hazard to any other vehicle.

Sec. 238. That section 39-631, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-631.~~ No person shall drive on the shoulders of ~~roadways~~ highways, except that (1) vehicles may be driven onto the shoulders of ~~roadways~~ highways (a) by federal mail carriers while delivering the United States mail or (b) to safely remove a vehicle from ~~traffic lanes~~ a roadway and (2) implements of husbandry may be driven onto the shoulders of ~~roadways~~ highways.

Sec. 239. That section 39-632, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-632.~~ No person shall drive a vehicle onto or from any controlled-access ~~roadway~~ highway except at such entrances and exits as are established by competent authority.

Sec. 240. That section 39-633, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-633.~~ Use of a freeway and entry thereon by the following shall be prohibited at all times except by permit from the Department of Roads or from the local authority in the case of freeways not under the jurisdiction of the ~~Department of Roads~~ department, and the ~~Department of Roads~~ department or the appropriate local authority shall not issue such permit except in extreme emergency:

(1) Pedestrians except in areas specifically designated for that purpose;

(2) ~~hitchhikers~~ Hitchhikers or walkers;

(3) ~~vehicles~~ Vehicles not self-propelled;

(4) ~~bicycles~~ Bicycles, motor-driven cycles, and motor scooters not having motors of more than ten horsepower;

(5) ~~animals~~ Animals led, driven on the hoof, ridden, or drawing a vehicle;

(6) ~~funeral~~ Funeral processions;

(7) ~~parades~~ Parades or demonstrations;

(8) ~~vehicles~~ Vehicles, except emergency vehicles, unable to maintain minimum speed as provided in ~~sections 39-601 to 39-612~~ the Nebraska Rules of the Road;

(9) ~~construction~~ Construction equipment;

(10) ~~implements~~ Implements of husbandry, whether self-propelled or towed;

(11) ~~vehicles~~ Vehicles with improperly secured attachments or loads;

(12) ~~vehicles~~ Vehicles in tow, not being towed with a type of hitch approved by the department, except disabled vehicles which shall be removed from such freeway at the nearest interchange; and except trailers and semitrailers being drawn by a motor vehicle;

(13) ~~vehicles~~ Vehicles with deflated pneumatic, metal, or solid tires, ~~or vehicles with~~ or continuous metal treads; except maintenance vehicles;

(14) ~~any~~ Any person standing on or near a roadway for the purpose of soliciting or selling to an occupant of any vehicle; or

(15) ~~overdimensional~~ Overdimensional vehicles.

Sec. 241. That section 39-634, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-634:~~ The Department of Roads and local authorities shall erect and maintain at appropriate locations official signs on freeways under their respective jurisdictions apprising motorists of the restrictions placed upon the use of such highways by ~~sections 39-601 to 39-612~~ the Nebraska Rules of the Road. When the ~~Department of Roads~~ department or local authority posts such signs, it need not follow the usual rules and procedure of posting signs on or near freeways; nor shall the department be required to conform with the formalities of public hearings. When such signs are erected, no person shall ~~disobey~~ violate the restrictions stated on such signs.

Sec. 242. That section 39-635, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-635:~~ (1) When two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(2) Notwithstanding the provisions of subsection (1) of this section, a vehicle entering a highway from an acceleration lane, a ramp, or any other approach road shall yield the right-of-way to a vehicle on the main roadway entering such merging area at the same time, regardless of whether the approach road is to the left or the right of the main roadway, unless posted signs indicate otherwise.

(3) The driver of a vehicle about to enter or cross a paved roadway from an unpaved roadway and who is not subject to control by a

traffic control device shall yield the right-of-way to all vehicles approaching on such paved roadway.

(4) The right-of-way rules set forth in subsections (1) and (3) of this section are modified at through highways and otherwise as stated in ~~sections 39-601 to 39-612~~ the Nebraska Rules of the Road.

Sec. 243. That section 39-636, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-636.~~ The driver of a vehicle who intends to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or approaching so close as to constitute an immediate hazard.

Sec. 244. That section 39-637, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-637.~~ (1) Competent authority may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.

(2) Except when directed to proceed by a ~~police~~ peace officer or traffic control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line or shall stop, ~~but~~ if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, ~~then~~ at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.

(3) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or shall stop, ~~but~~ if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, ~~then~~ at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection.

Sec. 245. That section 39-638, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-638.~~ The driver of a vehicle emerging from an alley, driveway, private road, or building shall stop such vehicle immediately before driving onto a sidewalk ~~or onto the sidewalk area extending across such alley, driveway, road, or building entrance,~~ and shall yield the right-of-way to any pedestrian approaching on any sidewalk, ~~extending across such alley, driveway, road, or building entrance.~~ Before entering the highway, ~~he~~ the driver shall yield the right-of-way to all

vehicles approaching on such highway.

The driver of a vehicle entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk.

Sec. 246. That section 39-639, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-639:~~ No person shall move a vehicle which is stopped, standing, or parked without yielding the right-of-way to all other vehicles and pedestrians affected by such movement; and in no event until such movement can be made with reasonable safety.

Sec. 247. That section 39-640, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-640:~~ (1) Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

(a) The driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway; or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes; unless otherwise directed by any ~~police or traffic~~ peace officer; and

(b) Any pedestrian using such roadway shall yield the right-of-way until such emergency vehicle passes; unless otherwise directed by any ~~police or traffic~~ peace officer.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 248. That section 39-641, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-641:~~ (1) A pedestrian shall obey the instructions of any traffic control device specifically applicable to ~~him;~~ pedestrians unless otherwise directed by a ~~police~~ peace officer.

(2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in ~~sections 39-601 to 39-612~~ the Nebraska Rules of the Road.

(3) At all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions set forth in ~~sections 39-601 to 39-612~~ the rules.

Sec. 249. That section 39-642, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-642:~~ (1) Except at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided, when traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a crosswalk who is in the lane in which the driver is proceeding or is in the lane immediately adjacent thereto; by bringing his or her vehicle to a complete stop.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(4) The Department of Roads and local authorities in their respective jurisdictions may, after an engineering and traffic investigation, designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians shall yield the right-of-way to vehicles. Such restrictions shall be effective only when traffic control devices indicating such restrictions are in place.

Sec. 250. That section 39-643, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-643.~~ (1) Every pedestrian who crosses a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by traffic control devices, and; when authorized to cross diagonally, pedestrians shall cross only in accordance with the traffic control devices pertaining to such crossing movements.

(5) Local authorities and the Department of Roads, by erecting appropriate official traffic control devices, may, within their respective jurisdictions, prohibit pedestrians from crossing any roadway in a business district or any designated highway except in a crosswalk.

Sec. 251. That section 39-645, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-645.~~ Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Sec. 252. That section 39-646, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-646.~~ (1) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway or shoulder.

(2) Where a sidewalk is not available and a shoulder is available, any pedestrian walking along and upon a highway shall walk only on a the shoulder; as far as practicable from the edge of the roadway.

(3) Where neither a sidewalk nor a shoulder is available, any pedestrian who walks along and upon a highway shall walk as near

as practicable to the edge of the roadway and, if on a two-way roadway, shall walk only on the left side of such roadway.

Sec. 253. That section 39-647, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-647.~~ (1) No person shall stand in a roadway for the purpose of soliciting a ride, employment, contributions, or business from the occupant of any vehicle.

(2) No person shall stand on or in proximity to a ~~street~~ ~~or~~ highway for the purposes of soliciting the watching or guarding of any vehicle while parked or about to be parked on a ~~street or~~ highway.

Sec. 254. That section 39-648, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-648.~~ The driver of a vehicle shall not at any time drive through or within a safety zone.

Sec. 255. That section 39-650, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-650.~~ (1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the extreme left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) The Department of Roads and local authorities in their respective jurisdictions may cause traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

Sec. 256. That section 39-651, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-651.~~ No vehicle shall be turned so as to proceed in the opposite direction upon any curve, ~~or~~ upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet, ~~nor~~ ~~or~~ at any place where such turns are prohibited by signs. No vehicle, except authorized emergency vehicles, shall be turned at any place on a freeway so as to proceed in the opposite direction.

Sec. 257. That section 39-652, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-652.~~ (1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with

reasonable safety nor without giving an appropriate signal in the manner provided in sections ~~39-653 and 39-654~~ 258 and 259 of this act.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in such sections ~~39-653 and 39-654~~ to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals brake and turnsignal lights required on vehicles ~~as provided for in sections 39-601 to 39-6122~~ by section 322 of this act shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or do pass signal to operators of other vehicles approaching from the rear, ~~nor be~~ or flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

Sec. 258. That section 39-653, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-653.~~ (1) Any stop signal or turnsignal ~~when required in sections 39-601 to 39-6122~~ required by the Nebraska Rules of the Road shall be given either by means of the hand and arm or by signal lights; except as otherwise provided in this section.

(2) ~~Any~~ With respect to any motor vehicle having four or more wheels manufactured or assembled after January 1, 1954, designed or used for the purpose of carrying passengers or freight, and in use on a highway, ~~shall be equipped with brake and turnsignal lights in good working order, and~~ any required signal shall be given by the appropriate signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

(3) Under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle of such signaling driver for one hundred feet, the required signals shall be given by such a light or device as required by this section.

~~(4) Motorcycles, motor-driven cycles, motor scooters, bicycles, vehicles used solely for agricultural purposes, and vehicles not designed and intended primarily for use on a highway shall not be required to have or maintain in working order signal lights required by this section but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing such signal lights if the vehicle is so equipped.~~

Sec. 259. That section 39-654, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-654.~~ All hand and arm signals required by sections ~~39-601 to 39-6122~~ the Nebraska Rules of the Road shall be given from the left side of the vehicle with the left arm in the following manner and

such signals shall indicate as follows:

- (1) Left turn-hand and arm extended to the left horizontally;
- (2) Right turn-hand and ~~arm~~ forearm extended upward;
- and
- (3) Stop or decrease speed-hand and arm extended downward.

Sec. 260. That section 39-670, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-670.~~ (1) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon a roadway outside of a business or residential district when it is practicable to stop, park, or leave such vehicle off such part of ~~such a~~ a highway, but in any event an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred feet in each direction upon such highway. Such parking, stopping, or standing shall in no event exceed twenty-four hours.

(2) No person shall stop, park, or leave standing any vehicle on a freeway except in areas designated or unless so directed by a ~~law-enforcement~~ peace officer, except that when a vehicle is disabled or inoperable, or the driver of the vehicle is ill or incapacitated, such vehicle shall be permitted to park, stop, or stand on the shoulder facing in the direction of travel with all wheels and projecting parts of such vehicle completely clear of the traveled lanes, but in no event shall such parking, standing, or stopping upon the shoulder of a freeway exceed twelve hours.

(3) No person, except law enforcement, fire department, civil defense, public or private ambulance, or authorized Department of Roads or local authority personnel, shall loiter or stand or park any vehicle upon any bridge, ~~road~~ highway, or structure which is located above or below or crosses over or under the roadway of any highway or approach or exit road thereto.

(4) This section shall not apply to the driver of any vehicle which is disabled while on the roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 261. That section 39-671, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-671.~~ (1) Whenever any ~~police~~ peace officer, or ~~other~~ any authorized employee of a law enforcement agency who is employed by a political subdivision of the state and specifically empowered by ordinance to act, finds a vehicle standing upon a highway in violation of any of the provisions of the Nebraska Rules of the Road, such individual may remove the vehicle, ~~or~~ have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle; to a position off the roadway of such highway or from such highway.

(2) The owner or other person lawfully entitled to the

possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicle.

Sec. 262. That section 39-672, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-672.~~ (1) Except when necessary to avoid conflict with other traffic; or when in compliance with law or the directions of a ~~law enforcement~~ peace officer or traffic control device, no person shall:

- (a) Stop, stand, or park any vehicle:
- (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street; ;
- (ii) ~~on~~ On a sidewalk; ;
- (iii) ~~within~~ Within an intersection; ;
- (iv) ~~on~~ On a crosswalk; ;
- (v) ~~between~~ Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone; unless the Department of Roads or the local authority indicates a different length by signs or markings; ;
- (vi) ~~alongside~~ Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic; ;
- (vii) ~~upon~~ Upon any bridge or other elevated structure ~~upon~~ over a highway or within a highway tunnel; ;
- (viii) ~~on~~ On any railroad track; ; or
- (ix) ~~at~~ At any place where official signs prohibit stopping;
- (b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- (i) In front of a public or private driveway; ;
- (ii) ~~within~~ Within fifteen feet of a fire hydrant; ;
- (iii) ~~within~~ Within twenty feet of a crosswalk at an intersection; ;
- (iv) ~~within~~ Within thirty feet of any flashing signal, stop sign, yield sign, or other traffic control device located at the side of a roadway; ;
- (v) ~~within~~ Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance when properly signposted; ; or
- (vi) ~~at~~ At any place where official signs prohibit standing;
- or
- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
- (i) Within fifty feet of the nearest rail of a railroad crossing; ; or

(ii) ~~at~~ At any place where official signs prohibit parking.

(2) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as shall be unlawful.

Sec. 263. That section 39-673, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-673.~~ (1) Except as otherwise provided in this section, any vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or edge of such roadway.

(2) Except when otherwise provided by a local authority, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or edge of the roadway; or its left-hand wheels within twelve inches of the left-hand curb or edge of such roadway.

(3) ~~Local~~ A local authority may permit angle or center parking on any roadway, except that angle or center parking shall not be permitted on any federal-aid highway or on any part of the state highway system unless the Director-State Engineer has determined that such roadway is of sufficient width to permit angle or center parking without interfering with the free movement of traffic.

(4) The Department of Roads or a local authority may prohibit or restrict stopping, standing, or parking on highways under ~~their~~ its respective ~~jurisdictions~~ jurisdiction outside the corporate limits of any city or village and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Sec. 264. That section 39-674, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-674.~~ No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first stopping the motor of such vehicle, locking the ignition, removing the key from the ignition, and effectively setting the brakes thereon and, when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway.

Sec. 265. That section 39-675, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-675.~~ (1) The driver of a vehicle shall not back such vehicle on any roadway unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back such vehicle upon any roadway or shoulder of any freeway.

Sec. 266. That section 39-655, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-655.~~ (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances set

forth in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall not proceed until he or she can do so safely. The requirements of this subsection shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or a ~~human flagman~~ flagperson gives or continues to give a signal of the approach or passage of a railroad train;

(c) A railroad train approaching within approximately one-quarter mile of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 267. That section 39-656, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-656.~~ The Department of Roads and local authorities on highways under their respective jurisdictions may designate particularly dangerous highway grade crossings of railroads and erect stop signs ~~thereat~~ at the crossings. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Sec. 268. That section 39-657, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-657.~~ (1) The driver of any ~~motor~~ bus carrying passengers for hire; or of any school bus, before crossing at grade any track of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train; and for signals indicating the approach of a train, except as otherwise provided in ~~sections 39-601 to 39-612,~~ and the Nebraska Rules of the Road. The driver shall not proceed until he or she can do so safely. After stopping as required by this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such track and the driver shall not shift gears while crossing such track.

(2) No stop shall be made at any such crossing ~~where a police~~ when a peace officer or a ~~crossing flagman~~ flagperson directs traffic to proceed; or at an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority; when such markings can be read from the driver's position.

Sec. 269. That section 39-658, Reissue Revised Statutes of

Nebraska, 1943, be amended to read as follows:

~~39-658.~~ (1) The driver of any vehicle which carries ~~(a) liquid petroleum and liquid petroleum products, (b) flammable, oxidizing, or corrosive liquids, (c) flammable, nonflammable, or poisonous compressed gases, (d) volatile liquids or radioactive materials, whether loaded or empty, or (e) when carrying explosives, flammables, or oxidizing solids and solids which emit poisonous fumes as a cargo or any part of a cargo~~ is required to be placarded pursuant to section 75-364 or is specified in subsection (3) of such section, before crossing at a grade any track of a railroad on streets and highways, shall stop such vehicle not more than fifty feet nor less than fifteen feet from the nearest rail or railroad and while stopped shall listen and look in both directions along the track for an approaching train. The driver ~~and~~ shall not proceed until precaution has been taken to ascertain that the course is clear.

(2) The requirements of subsection (1) of this section shall not apply: ~~when any of the following circumstances or conditions exist:~~

(a) When a ~~police~~ peace officer or a ~~crossing~~ flagman flagperson directs traffic to proceed;

(b) ~~An~~ At an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority; when such markings can be read from the driver's position; or

(c) ~~Railroad~~ At railroad tracks used exclusively for industrial switching purposes within a business district.

(3) Nothing in this section shall be deemed to exempt the driver of any vehicle from compliance with the other requirements contained in ~~sections 39-601 to 39-6122~~ the Nebraska Rules of the Road.

Sec. 270. That section 39-659, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-659.~~ (1) No person shall operate or move any crawler-type tractor, any steam shovel, any derrick, any roller, or any equipment or structure having a normal operating speed of ten miles per hour or less or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any track at a railroad grade crossing without first complying with this section.

(2) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train. The person ~~and~~ shall not proceed until the crossing can be made safely.

(3) No such crossing shall be made while warning is given by an automatic signal, by ~~or~~ crossing gates, by a flagperson, ~~or a flagman~~ or otherwise of the immediate approach of a railroad train or car. If a ~~flagman~~ flagperson is provided by the railroad, movement

over the crossing shall be under his or her direction.

Sec. 271. That section 39-660, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-660. (1) The driver of any motor vehicle upon~~ (1) Upon meeting or overtaking, from the front or rear, any school bus on which the stop warning signal lights are flashing, the driver of a motor vehicle shall reduce the speed of such vehicle to not more than twenty-five miles per hour and shall bring such vehicle to a complete stop when the school bus stop signal arm is extended and shall remain stopped until the stop signal arm is retracted and the school bus resumes motion or until signaled by the bus driver to proceed. This section shall not apply to approaching traffic in the opposite direction on a ~~dual highway divided by a median strip~~ divided highway or to approaching traffic when there is displayed a sign as provided in subsection (7) of this section, ~~which sign directs~~ directing traffic to proceed. Any person violating this subsection shall be guilty of a Class IV misdemeanor.

(2) Except as provided in subsection (7) of this section, the driver of any school bus, ~~used for the transportation of school children,~~ when stopping to receive or discharge pupils, shall turn on flashing stop warning signal lights at a distance of not less than three hundred feet when inside the corporate limits of any town or city and not less than five hundred feet nor more than one thousand feet in any area outside the corporate limits of any town or city from the point where such pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils, the bus driver shall bring the school bus to a stop and extend a stop signal arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning signal lights, retract the stop signal arm, and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least four hundred feet of clear vision in each direction.

(3) All pupils shall be received and discharged from the right front entrance of every school bus. If such pupils must cross a highway roadway, the bus driver shall instruct such pupils to cross in front of the school bus and the bus driver shall keep such school bus halted with stop warning signal lights flashing and the stop signal arm extended until such pupils have reached the opposite side of such roadway.

(4) The driver of a vehicle upon a divided highway ~~with separate roadways~~ need not stop upon meeting or passing a school bus which is on a different roadway or when upon a freeway and such school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(5) Every school bus ~~used for the transportation of school children~~ shall bear upon the front and rear thereof plainly visible signs containing the words school bus in letters not less than eight inches high.

(6) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating school bus shall be covered

or concealed. The stop signal arms and system of alternately flashing warning signal lights shall not be operable through the usual controls.

(7) When a school bus is (a) parked in a designated school bus loading area which is out of the flow of traffic and which is adjacent to a school site or (b) parked on a roadway which possesses more than one lane of traffic flowing in the same direction and which is adjacent to a school site, ~~a school~~ the bus driver shall engage only the hazard warning flashing lights when receiving or discharging pupils if a school bus loading area warning sign is displayed. Such signs shall not be directly attached to any school bus but shall be free standing and placed at the rear of a parked school bus or line of parked school buses. No school district shall utilize a school bus loading area warning sign unless such sign complies with the requirements of section ~~39-660.01~~ 272 of this act.

Sec. 272. That section 39-660.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-660.01-~~ The Department of Roads shall by rule and regulation adopt and promulgate uniform standards for school bus loading area warning signs. Such standards shall include requirements for the size, material, construction, and required wording. No school district shall use a school bus loading area warning sign unless such sign complies with all rules and regulations adopted and promulgated by the department. The cost of any sign shall be an obligation of the school district.

Sec. 273. That section 39-661, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-661-~~ The Department of Roads shall post on highways of the state highway system outside of business and residential districts signs to the effect that it is unlawful to pass school buses stopped to load or unload children. Such signs shall be adequate in size and number to properly inform the public of the provisions relative to such passing.

Sec. 274. That section 39-676, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-676-~~ No person shall drive any vehicle upon a sidewalk ~~or sidewalk area~~ except upon a permanent or duly authorized temporary driveway.

Sec. 275. That section 39-677, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-677-~~ (1) No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle.

(2) No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with the driver's control over the driving mechanism of such vehicle.

Sec. 276. That section 39-678, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-678.~~ No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and it can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload property or passengers.

Sec. 277. That section 39-679, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-679.~~ The driver of a motor vehicle traversing defiles, canyons, or mountain highways shall hold such motor vehicle under control and as near the right-hand side of the highway as reasonably possible; and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with a horn or other device.

Sec. 278. That section 39-680, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-680.~~ The driver of a motor vehicle when traveling upon a downgrade upon any highway shall not coast with the gears of such vehicle in neutral.

Sec. 279. That section 39-681, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-681.~~ The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Sec. 280. That section 39-682, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-682.~~ No vehicle shall be driven over unprotected hose of a fire department when laid down on any highway or private road or driveway, in use or to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 281. 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. A 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 hillcrest, 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.

Sec. 282. That section 39-662, Reissue Revised Statutes of Nebraska, 1943, 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 hillcrest, 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) (1) Except when a special hazard exists that requires lower speed for compliance with ~~subsection (1) of this section~~ section 281 of this act, the limits set forth in this section and ~~section 39-666 sections 283, 284, 401, and 409 of this act~~ or set pursuant to ~~section 39-663 sections 284 to 286 of this act~~ 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) Fifty-five miles per hour upon any freeway, ~~except as provided in subdivision (f) of this subsection;~~

(d) ~~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 except as provided in subdivision ~~(f)~~ (e) of this subsection;

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

(f) (e) Sixty-five miles per hour upon the National System of Interstate and Defense Highways, except that when such highways are located within an urbanized area of fifty thousand population or more as designated by the United States Bureau of Census, the limit shall be fifty-five miles per hour.

For purposes of this subsection, urbanized areas shall mean all portions of the National System of Interstate and Defense Highways located in the counties of Douglas and Dakota and that portion of the National System of Interstate and Defense Highways designated as Interstate 180 and that portion designated as Interstate 80 from reference post 395.41 to reference post 401.41 in the county of Lancaster.

~~(3) The maximum speed limits set forth in this section may be altered as set forth in section 39-663 or 39-666.~~

(4) (2) 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. 283. That section 39-666, Revised Statutes Supplement, 1992, be amended to read as follows:

39-666. (1) ~~Notwithstanding the maximum speed limits established in section 39-662, no person shall operate any truck, any truck tractor, any freight carrying vehicle if the gross weight of such freight carrying vehicle, including any load thereon, is more than five tons, or 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) Fifty five miles per hour upon any freeway except as provided in subdivision (g) of this subsection;~~
~~(d) 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 except as provided in subdivision (g) of this subsection;~~
~~(e) 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 except as provided in subdivision (g) of this subsection;~~
~~(f) Fifty miles per hour upon any highway that is not dustless surfaced and not a part of the state highway system; and~~
~~(g) Sixty five miles per hour upon the National System of Interstate and Defense Highways, except that when such highways are located within an urbanized area of fifty thousand population or more as designated by the United States Bureau of Census, the limit shall be fifty five miles per hour.~~

~~For purposes of this subsection, urbanized areas shall mean all portions of the National System of Interstate and Defense Highways located in the counties of Douglas and Dakota and that portion of the National System of Interstate and Defense Highways designated as Interstate 180 and that portion designated as Interstate 80 from reference post 395.41 to reference post 401.41 in the county of Lancaster.~~

- ~~(2) (1) No person shall operate any motor vehicle when towing a mobile home at a rate of speed in excess of fifty miles per hour.~~
~~(3) (2) Notwithstanding the maximum speed limits established in section 39-662 282 of this act, 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) Fifty five miles per hour upon any freeway except as provided in subdivision (h) of this subsection;~~
~~(d) 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 except as provided in subdivision (h) of this subsection;~~
~~(e) (a) 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 except as provided in subdivision (h) of this subsection; (1)(c) of section 282 of this act;~~
~~(f) (b) 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) (c) 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; and~~

~~(h) Sixty five miles per hour upon the National System of Interstate and Defense Highways, except that when such highways are located within an urbanized area of fifty thousand population or more as designated by the United States Bureau of Census, the limit shall be fifty five miles per hour.~~

~~For purposes of this subsection, urbanized areas shall mean all portions of the National System of Interstate and Defense Highways located in the counties of Douglas and Dakota and that portion of the National System of Interstate and Defense Highways designated as Interstate 180 and that portion designated as Interstate 80 from reference post 395.41 to reference post 401.41 in the county of Lancaster.~~

~~(4) The maximum speed limits in business and residence districts declared for specific vehicles in subsections (1) and (3) of this section and section 39-6.100 may be altered by the Department of Roads or local authorities as provided in section 39-663.~~

~~(5) (3) During the nighttime, no person shall operate upon a roadway any motor-driven cycle at a speed in excess of:~~

~~(a) Thirty five ~~thirty five~~ miles per hour unless such motor-driven cycle is equipped with one or more headlamps ~~headlights~~ capable of revealing a person or vehicle in such roadway three hundred feet ahead and with a lamp ~~taillight~~ 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;~~

~~(b) Twenty five — Such motor driven cycle shall not be operated at a speed in excess of twenty five miles per hour if such headlamp or headlamps ~~headlight or headlights~~ are not sufficient to reveal a person or vehicle in such roadway at least two hundred feet ahead; or~~

~~(c) Twenty and not in excess of twenty miles per hour if such headlamp or headlamps ~~headlight or headlights~~ do not reveal a person or vehicle in such roadway at least one hundred feet ahead.~~

~~If the headlamp or headlamps ~~headlight or headlights~~ 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.~~

~~(6) 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 (7) of this section.~~

~~(7) 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, 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:

(8) ~~Upon the trial of any person charged with a violation of subsection (6) 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.~~

~~(9) 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 section 39-662 or this section or set pursuant to section 39-663, the Department of Roads or local authority may restrict the speed limit for such vehicles on highways under their respective jurisdictions and post proper and adequate signs.~~

~~(10) Notwithstanding the maximum speed limits in excess of twenty five miles per hour established in section 39-662, no person shall operate any moped at a speed in excess of thirty miles per hour.~~

Sec. 284. (1) The maximum speed limit through any maintenance, repair, or construction zone on the state highway system shall be thirty-five miles per hour in rural areas and twenty-five miles per hour in urban areas.

(2) Such speed limits shall take effect only after appropriate signs giving notice of the speed limit are erected or displayed in a conspicuous place in advance of the area where the maintenance, repair, or construction activity is or will be taking place. Such signs shall conform to the manual and shall be regulatory signs imposing a legal obligation and restriction on all traffic proceeding into the maintenance, construction, or repair zone. The signs may be displayed upon a fixed, variable, or movable stand. While maintenance, construction, or repair is being performed, the signs may be mounted upon moving Department of Roads vehicles displaying such signs well in advance of the maintenance zone.

(3) The Director-State Engineer may increase the speed limit through any highway maintenance, repair, or construction zone in increments of five miles per hour if the speed set does not exceed the maximum speed limits established in sections 282, 283, 285, 286, 401, and 409 of this act. The Director-State Engineer may delegate the authority to raise speed limits through any maintenance, repair, or construction zone to any department employee in a supervisory capacity or may delegate such authority to a county, municipal, or local engineer who has the duty to maintain the state highway system in such jurisdiction if the maintenance is performed on behalf of the department by contract with the local authority. Such increased speed limit through a maintenance, repair, or construction zone shall be effective when the Director-State Engineer or any officer to whom authority has been delegated gives a written order for such increase and signs posting such speed limit are erected or displayed.

Sec. 285. (1) 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 (2) of this section.

(2) 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, the department 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.

(3) Upon the trial of any person charged with a violation of subsection (1) of this section, proof of such determination of the maximum speed by the department 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.

Sec. 286. That section 39-663, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-663:~~ (1) Whenever the Department of Roads ~~shall determine~~ determines, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, ~~except on the condition~~ that the maximum rural and freeway limits ~~set forth in sections 39-601 to 39-612~~ shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs. Differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds which shall be effective when posted upon appropriate fixed or variable signs.

(2) The speed limits set by the ~~Department of Roads provided for in subsection (1) of this section~~ department shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders; but shall be an authorization over the signature of the Director-State Engineer and shall be maintained on permanent file at the headquarters of the ~~Department of Roads~~ department. Certified copies of such authorizations shall be available from the ~~Department of Roads~~ department at a reasonable cost for duplication. Any change to such an authorization shall be made by a new authorization which cancels the previous authorization and establishes the new limit, but the new limit shall not become effective until signs showing the new limit are erected as provided in subsection (1) of this section.

(3) ~~County boards, on county roads~~ On county highways which are not part of the state highway system or within the limits of any state institution or any area under control of the Game and Parks Commission or a natural resources district; and which are outside of the corporate limits of cities and villages, county boards shall have the same power and duty to alter the maximum speed limits as the ~~Department of Roads~~ department if the change is based on an engineering and traffic investigation comparable to that made by the ~~Department of Roads~~ department. The limit outside of a business or residential district shall not be decreased to less than thirty-five miles per hour.

(4) ~~Incorporated cities and villages on all streets~~ On all highways within their corporate limits, except on state-maintained freeways which are part of the state highway system, incorporated cities and villages shall have the same power and duty to alter the maximum speed limits as the ~~Department of Roads~~ department if the change is based on engineering and traffic investigation, except that no imposition of speed limits on ~~streets~~ highways which are part of the state highway system in cities and villages under forty thousand inhabitants shall be effective without the approval of the ~~Department of Roads~~ department.

(5) The director of any state institution, the Game and Parks Commission, or a natural resources district, with regard to ~~roads~~ highways which are not a part of the state highway system, which are and within the limits of such institution or area under Game and Parks Commission or natural resources district control, and which are outside the limits of any incorporated city or village, shall have the same power and duty to alter the maximum speed limits as the ~~Department of Roads~~ department if the change is based on an engineering and traffic investigation comparable to that made by the ~~Department of Roads~~ department.

(6) Not more than six such speed limits shall be set per mile along a ~~street or~~ highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than twenty miles per hour.

(7) ~~When the department or a local authority determines by an investigation that certain vehicles in addition to those specified in sections 283, 401, and 409 of this act cannot with safety travel at the speeds provided in sections 282, 283, 285, 401, and 409 of this act or set pursuant to this section or section 284 or 285 of this act, the department or local authority may restrict the speed limit for such vehicles on highways under its respective jurisdiction and post proper and adequate signs. The maximum speed limit through any maintenance, repair, or construction zone on the state highway system shall be thirty-five miles per hour in rural areas and twenty-five miles per hour in urban areas. Such speed limits shall take effect only after appropriate signs giving notice of the speed limit are erected or displayed in a conspicuous place in advance of the area where the maintenance, repair, or construction activity is or will be taking place. Such signs shall conform to the Manual on Uniform Traffic Control Devices and shall be regulatory signs imposing a legal~~

~~obligation and restriction on all traffic proceeding into the maintenance, construction, or repair zone. The signs may be displayed upon a fixed, variable, or movable stand. While maintenance, construction, or repair is being performed, the signs may be mounted upon moving Department of Roads vehicles displaying such signs well in advance of the maintenance zone. The Director State Engineer may increase the speed limit through any highway maintenance, repair, or construction zone in increments of five miles per hour if the speed set does not exceed the maximum speed limits established in subsections (1) to (6) of this section or section 39-662 or 39-666. The Director State Engineer may delegate the authority to raise speed limits through any maintenance, repair, or construction zone to any Department of Roads employee in a supervisory capacity or may delegate such authority to a county, municipal, or local engineer who has the duty to maintain the state highway system in such jurisdiction if the maintenance is performed on behalf of the Department of Roads by contract with the local authority. Such increased speed limit through a maintenance, repair, or construction zone shall be effective when the Director State Engineer or any officer to whom such authority has been delegated gives a written order for such increase and signs posting such speed limit are erected or displayed.~~

~~Any person violating the speed limit posted in such maintenance, repair, or construction zone shall be guilty of a traffic infraction:~~

Sec. 287. That section 39-6,183, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,183: (1) Any person operating any motor vehicle, bus, truck, truck-tractor, or trailer; in violation of any of the provisions of section 39-662, 39-663, 39-666, or 39-6,123, provision of sections 281 to 286 of this act or subsection (7) of section 409 of this act or any owner of such a vehicle who shall permit permits operation thereof in violation of any of the provisions of section 39-662, 39-663, 39-666, or 39-6,123; such provision shall be deemed guilty of a traffic infraction and, upon conviction thereof for the first or second offense, shall be fined not less than ten dollars and not more than one hundred dollars. Any owner of such a vehicle who shall permit operation thereof in violation of the provisions of section 39-6,182 shall be guilty of a traffic infraction and shall, upon conviction thereof, be fined twenty-five dollars for each one thousand pounds or fraction thereof in excess of the weight allowed to be carried under such section with tolerance.~~

~~(2) Upon the third conviction of violation of the provisions of section 39-662, 39-663, 39-666, or 39-6,123 any provision of such sections by the owner or operator of such a vehicle, as is referred to in subsection (1) of this section; in addition to the fine, provided by such subsection; the license of such vehicle shall be revoked either by the trial court or by the Director of Motor Vehicles. In that event, the number plates and certificates of registration of vehicles the vehicle shall be returned to the county treasurer who issued the same them. The tribunal or Department of Motor Vehicles depriving the license of his or~~

her license shall have authority, upon good cause shown, to order that a license be again issued to the licensee.

Sec. 288. That section 39-664, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-664.~~ (1) Determinations made regarding the speed of any motor vehicle based upon the visual observation of any ~~law enforcement~~ peace officer may be corroborated by the use of radio microwaves or other electronic device. The results of such radio microwave or other electronic speed measurement may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the state may offer in evidence the results of such radio microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle, the state shall prove the following:

(a) The measuring device was in proper working order at the time of conducting the measurement;

(b) The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;

(c) The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and

(d) The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

(2) The driver of any motor vehicle measured by use of radio microwaves or other electronic device to be driving in excess of the applicable speed limit may be apprehended if the apprehending officer:

~~(a) If the apprehending officer has~~ (a)(i) Has observed the recording of the speed of the motor vehicle by the radio microwaves or other electronic device; or

~~(b) If such apprehending officer has~~ (ii) Has received a radio message from ~~an~~ a peace officer who observed the speed recorded and the radio message ~~(A)~~ (A) has been dispatched immediately after the speed of the motor vehicle was recorded; and ~~(B)~~ (B) gives a description of the vehicle and its recorded speed; and

~~(c) If the apprehending officer is~~ (b) Is in uniform or displays his or her badge of authority.

Sec. 289. That section 39-665, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-665.~~ (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(2) On a freeway no motor vehicle, except emergency vehicles, shall be operated at a speed of less than forty miles per hour or at such a slow speed as to impede or block the normal and reasonable

movement of traffic except when reduced speed is necessary for the safe operation of the motor vehicle because of weather, visibility, roadway, or traffic conditions. All vehicles entering or leaving such freeway from an acceleration or deceleration lane shall conform with the minimum speed regulations ~~so long as~~ while they are within the ~~main traveled lanes~~ roadway of the freeway. The minimum speed of forty miles per hour may be altered by the Department of Roads or local authorities on freeways under their respective jurisdictions.

(3) Whenever the ~~Department of Roads~~ department or any local authority within ~~their~~ its respective ~~jurisdictions~~ jurisdiction determines on the basis of an engineering and traffic investigation that low speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the department or such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(4) Vehicular, animal, and pedestrian traffic prohibited on freeways by ~~sections 39-601 to 39-6122~~ the Nebraska Rules of the Road shall not travel on any other roadway where minimum speed limits of twenty miles per hour or more are posted.

(5) Any minimum speed limit which is imposed under subsection (2) or (3) of this section shall not be effective until appropriate and adequate signs are erected along the roadway affected by such regulation apprising motorists of such limitation.

(6) On any freeway, or other highway providing for two or more lanes of travel in one direction, vehicles shall not intentionally impede the normal flow of traffic by traveling side by side and at the same speed while in adjacent lanes. This subsection shall not be construed to prevent vehicles from traveling side by side in adjacent lanes because of congested traffic conditions.

Sec. 290. That section 39-667, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-667.~~ (1) In every charge of violation of any speed regulation in ~~sections 39-601 to 39-6122~~ the Nebraska Rules of the Road, the complaint and the summons or notice to appear shall specify the speed at which defendant is alleged to have driven and the maximum speed for the type of vehicle involved applicable within the district or at the location.

(2) The provisions of ~~sections 39-601 to 39-6122~~ the rules which set maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

Sec. 291. That section 39-668, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-668.~~ (1) No person shall drive any vehicle on any highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record, and no person

shall in any manner participate in any such race, competition, contest, test, or exhibition.

(2) For purposes of this section:

(a) Drag race shall mean the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course, each starting at the same point and proceeding to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; and

(b) Racing shall mean the use of one or more vehicles in an attempt to outgain or outdistance another vehicle, to prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

(3) Any person convicted of violating this section shall be guilty of a Class II misdemeanor.

Sec. 292. That section 39-669.07, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.07.~~ (1) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

(a) While under the influence of alcoholic liquor or of any drug;

(b) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or

(c) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

(2) Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subsection (1) of this section shall be guilty of a crime and upon conviction punished as follows:

(a) If such person (i) has not had a conviction under this section in the eight years prior to the date of the current conviction or (ii) has not been convicted under a city or village ordinance enacted pursuant to this section in the eight years prior to the date of the current conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of six months from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any

motor vehicle for any purpose for a period of sixty days from the date of the order;

(b) If such person (i) has had one conviction under this section in the eight years prior to the date of the current conviction or (ii) has been convicted once under a city or village ordinance enacted pursuant to this section in the eight years prior to the date of the current conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of one year from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of six months from the date of the order, and such order of probation shall include as one of its conditions confinement in the city or county jail for forty-eight hours; and

(c) If such person (i) has had two or more convictions under this section in the eight years prior to the date of the current conviction, (ii) has been convicted two or more times under a city or village ordinance enacted pursuant to this section in the eight years prior to the date of the current conviction, or (iii) has been convicted as described in subdivisions (i) and (ii) of this subdivision a total of two or more times in the eight years prior to the date of the current conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year, and such order of probation shall include as one of its conditions confinement in the city or county jail for seven days.

(3) For each conviction under this section, the court shall as part of the judgment of conviction make a finding on the record as to the number of the defendant's prior convictions under this section and under a city or village ordinance enacted pursuant to this section in the eight years prior to the date of the current conviction. The defendant shall be given the opportunity to review the record of his or her prior

convictions, bring mitigating facts to the attention of the court prior to sentencing, and make objections on the record regarding the validity of such prior convictions.

(4) For purposes of this section, the eight-year period shall be computed from the date of the prior offense to the date of the offense which resulted in the current conviction and the terms conviction under this section and prior conviction shall include any conviction under this section as it existed at the time of such conviction regardless of subsequent amendments to such section.

(5) Any period of revocation imposed under this section shall be reduced by any period imposed under section ~~39-669.16~~ 301 of this act. Any period of revocation imposed under this section shall not prohibit the operation of a motor vehicle under the terms and conditions of an employment driving permit issued pursuant to subsection (2) of section 301 of this act. ~~39-669.16~~.

(6) Any person operating a motor vehicle on the highways or streets of this state while his or her operator's license has been revoked pursuant to subdivision (2)(c) of this section shall be guilty of a Class IV felony.

(7) Any city or village may enact ordinances in conformance with this section and section ~~39-669.08~~ 293 of this act. Upon conviction of any person of a violation of such a city or village ordinance, the provisions of this section with respect to the operator's license of such person ~~to operate a motor vehicle~~ shall be applicable the same as though it were a violation of this section.

(8) Any person who has been convicted of driving while intoxicated for the first time or any person convicted of driving while intoxicated who has never been assessed for alcohol abuse shall, during a presentence evaluation, submit to and participate in an alcohol assessment. The alcohol assessment shall be paid for by the person convicted of driving while intoxicated. At the time of sentencing, the judge, having reviewed the assessment results, may then order the convicted person to follow through on the alcohol assessment results at the convicted person's expense in lieu of or in addition to any penalties deemed necessary.

Sec. 293. That section 39-669.08, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.08~~. (1) Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine.

(2) Any ~~law-enforcement~~ peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of any city or village may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle

while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in this state while under the influence of alcoholic liquor or drugs in violation of section ~~39-669.07~~ 292 of this act.

(3) Any ~~law-enforcement~~ peace officer who has been duly authorized to make arrests for violation of traffic laws of this state or ordinances of any city or village may require any person who operates or has in his or her actual physical control a motor vehicle in this state to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation, or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of section ~~39-669.07~~ 292 of this act shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of a Class V misdemeanor.

(4) Any person arrested as provided in this section may, upon the direction of a ~~law-enforcement~~ peace officer, be required to submit to a chemical test or tests of his or her blood, breath, or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of subsection (1) of section ~~39-669.07~~ 292 of this act, the person shall be subject to the administrative revocation procedures provided in sections ~~39-669.15 to 39-669.18~~ 300 to 303 of this act and upon conviction shall be punished as provided in section ~~39-669.07~~ 292 of this act. Any person who refuses to submit to such test or tests required pursuant to this section shall be subject to the administrative revocation procedures provided in sections ~~39-669.15 to 39-669.18~~ 300 to 303 of this act and shall be guilty of a crime and upon conviction punished as follows:

(a) If such person (i) has not had a conviction under this section for refusal to submit to a chemical blood, breath, or urine test in the eight years prior to the date of the current conviction or (ii) has not been convicted under a city or village ordinance enacted pursuant to this section as authorized by section ~~39-669.07~~ 292 of this act in the eight years prior to the date of the current conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of six months from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of sixty days;

(b) If such person (i) has had one conviction under this section for refusal to submit to a chemical blood, breath, or urine test in the eight years prior to the date of the current conviction or (ii) has been convicted once under a city or village ordinance enacted pursuant to this section as authorized by section ~~39-669.07~~ 292 of this act in the eight years prior to the date of the current conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of six months from the date of the order, and such order of probation shall include as one of its conditions confinement in the city or county jail for forty-eight hours; and

(c) If such person (i) has had two or more convictions under this section for refusal to submit to a chemical blood, breath, or urine test in the eight years prior to the date of the current conviction, (ii) has been convicted two or more times under a city or village ordinance enacted pursuant to this section as authorized by section ~~39-669.07~~ 292 of this act in the eight years prior to the date of the current conviction, or (iii) has been convicted as described in subdivisions (i) and (ii) of this subdivision a total of two or more times in the eight years prior to the date of the current conviction, such person shall be guilty of a Class W misdemeanor, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for a like period. Such revocation shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked. Such revocation shall not run concurrently with any jail term imposed.

If the court places such person on probation or suspends the sentence for any reason, the court shall, as one of the conditions of probation or sentence suspension, order such person not to drive any motor vehicle in the State of Nebraska for any purpose for a period of one year, and such order of probation shall include as one of its

conditions confinement in the city or county jail for seven days.

(5) For each conviction under this section, the court shall, as part of the judgment of conviction, make a finding on the record as to the number of the defendant's prior convictions under this section and under a city or village ordinance enacted pursuant to this section or section ~~39-669.07~~ 292 of this act in the eight years prior to the date of the current conviction. The defendant shall be given the opportunity to review the record of his or her prior convictions, bring mitigating facts to the attention of the court prior to sentencing, and make objections on the record regarding the validity of such prior convictions.

(6) For purposes of this section, the eight-year period shall be computed from the date of the prior offense to the date of the offense which resulted in the current conviction and the terms conviction under this section and prior conviction shall include any conviction under this section as it existed at the time of such conviction regardless of subsequent amendments to such section.

(7) Any person operating a motor vehicle on the highways or streets of this state while his or her operator's license has been revoked pursuant to subdivision (4)(c) of this section shall be guilty of a Class IV felony.

(8) Any city or village may enact ordinances in conformance with this section. Upon conviction of any person of a violation of such city or village ordinance, the provisions of this section with respect to the operator's license of such person ~~to operate a motor vehicle~~ shall be applicable the same as though it were a violation of this section.

(9) Any person involved in a motor vehicle accident in this state may be required to submit to a chemical test of his or her blood, breath, or urine by any ~~law-enforcement~~ peace officer if the officer has reasonable grounds to believe that the person was driving or was in actual physical control of a motor vehicle on a public highway in this state while under the influence of alcoholic liquor or drugs at the time of the accident. A person involved in a motor vehicle accident subject to the implied consent law of this state shall not be deemed to have withdrawn consent to submit to a chemical test of his or her blood, breath, or urine by reason of leaving this state. If the person refuses a test under this section and leaves the state for any reason following an accident, he or she shall remain subject to subsection (4) of this section and section ~~39-669.16~~ 301 of this act upon return.

(10) Any person who is required to submit to a preliminary breath test or to a chemical blood, breath, or urine test or tests pursuant to this section shall be advised of (a) the consequences of refusing to submit to such test or tests and (b) the consequences if he or she submits to such test and the test discloses the presence of a concentration of alcohol in violation of subsection (1) of section ~~39-669.07~~ 292 of this act. Refusal to submit to such test or tests shall be admissible in any action for a violation of such section ~~39-669.07~~ or a city or village ordinance enacted pursuant to such section.

Sec. 294. That section 39-669.09, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.09:~~ The ~~law-enforcement~~ peace officer who requires a chemical blood, breath, or urine test or tests pursuant to section ~~39-669.08~~ 293 of this act may direct whether the test or tests shall be of blood, breath, or urine. The person tested shall be permitted to have a physician of his or her choice evaluate his or her condition and perform or have performed whatever laboratory tests he or she deems appropriate in addition to and following the test or tests administered at the direction of the ~~law-enforcement~~ officer. If the officer refuses to permit such additional test to be taken, then the original test or tests shall not be competent as evidence. Upon the request of the person tested, the results of the test or tests taken at the direction of the ~~law-enforcement~~ officer shall be made available to him or her.

Sec. 295. That section 39-669.10, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.10:~~ Any person who is unconscious or who is otherwise in a condition rendering him or her incapable of refusal; shall be deemed not to have withdrawn the consent provided by section ~~39-669.08~~ 293 of this act and the test may be given.

Sec. 296. That section 39-669.11, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.11:~~ (1) Any test made under section ~~39-669.08~~ 293 of this act, if made in conformity with the requirements of this section, shall be competent evidence in any prosecution under a state statute or city or village ordinance involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood or breath is in excess of allowable levels.

(2) To be considered valid, tests of blood, breath, or urine made under section 293 of this act ~~39-669.08~~ shall be performed according to methods approved by the Department of Health and by an individual possessing a valid permit issued by such department for such purpose, except that a physician, registered nurse, or other trained person employed by a licensed institution or facility which is defined in section 71-2017.01 or a clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes, acting at the request of a ~~law-enforcement~~ peace officer, may withdraw blood for the purpose of a test to determine the alcohol concentration or the presence of drugs and no permit from the department shall be required for such person to withdraw blood pursuant to such an order. The department may approve satisfactory techniques or methods to perform such tests and may ascertain the qualifications and competence of individuals to perform such tests and issue permits which shall be subject to termination or revocation at the discretion of the department.

(3) A permit fee may be established by regulation by the department which shall not exceed the actual cost of processing the initial permit. Such fee shall be charged annually to each permitholder. The fees shall be used to defray the cost of processing and issuing the permits and other expenses incurred by the department in carrying out this section. The fee shall be remitted to the State Treasurer for credit to the Department of Health Cash Fund as a laboratory service fee.

(4) Relevant evidence shall not be excluded in any prosecution under a state statute or city or village ordinance involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood, breath, or urine is in excess of allowable levels on the ground that the evidence existed or was obtained outside of this state.

Sec. 297. That section 39-669.12, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.12:~~ Any physician, registered nurse, other trained person employed by a licensed institution or facility which is defined in section 71-2017.01 or a clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes, or hospital shall be an agent of the State of Nebraska when performing the act of withdrawing blood at the request of a ~~law enforcement~~ peace officer pursuant to section ~~39-669.08~~ 293 of this act. The state shall be liable in damages for any illegal or negligent acts or omissions of such agents in performing the act of withdrawing blood. The agent shall not be individually liable in damages or otherwise for any act done or omitted in performing the act of withdrawing blood at the request of a ~~law enforcement~~ peace officer pursuant to such section ~~39-669.08~~ except for acts of gross negligence of the agent or of persons employed by such agent.

Sec. 298. That section 39-669.13, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.13:~~ Upon the conviction of any person for violation of the provisions of section ~~39-669.07~~ 292 of this act, or of driving a motor vehicle while under the influence of alcoholic liquor or of any drug in violation of any city or village ordinance, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with section ~~39-669.11~~ 296 of this act, for the test administered and the analysis thereof under ~~the provisions of section 39-669.08~~ section 293 of this act, if such test was actually made.

Sec. 299. That section 39-669.14, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.14:~~ Any person arrested for any offense involving the operation or actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs shall be required to submit to a

chemical test or tests of his or her blood, breath, or urine as provided in section ~~39-669.08~~ 293 of this act without the preliminary breath test if the arresting peace officer does not have available the necessary equipment for administering a breath test or if the person is unconscious or is otherwise in a condition rendering him or her incapable of testing by a preliminary breath test. Only a physician, registered nurse, or other trained person employed by a licensed institution or facility which is defined in section 71-2017.01 or a clinical laboratory certified pursuant to the Nebraska Clinical Laboratories Certification Act, the federal Clinical Laboratory Improvement Act of 1967, as amended, or Title XVIII or XIX of the federal Social Security Act to withdraw human blood for scientific or medical purposes, acting at the request of a ~~law enforcement~~ peace officer, may withdraw blood for the purpose of determining the concentration of alcohol or the presence of drugs, but this limitation shall not apply to the taking of a urine or breath specimen.

Sec. 300. That section 39-669.15, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.15.~~ (1) Because persons who drive while under the influence of alcohol present a hazard to the health and safety of all persons using the highways, a procedure is needed for the swift and certain revocation of the operator's license of any person who has shown himself or herself to be a health and safety hazard by driving with an excessive concentration of alcohol in his or her body and to deter others from driving while under the influence of alcohol.

(2) If a person arrested pursuant to section ~~39-669.08~~ 293 of this act refuses to submit to the chemical test of blood, breath, or urine required by that section, the test shall not be given except as provided in section ~~39-669.20~~ 305 of this act for the purpose of medical treatment and the arresting peace officer, as agent for the ~~director~~ Director of Motor Vehicles, shall verbally serve notice to the arrested person of the intention to immediately impound and revoke the operator's license of such person and that the revocation will be automatic thirty days after the date of arrest unless a petition for hearing is filed within ten days after the date of arrest as provided in subsection (6) of this section. The arresting peace officer shall immediately forward to the director a sworn report stating (a) that the person was validly arrested pursuant to section ~~39-669.08~~ 293 of this act and the reasons for such arrest, (b) that the person was requested to submit to the required test, (c) that the person was advised of the consequences of refusing to submit to such test, including that his or her operator's license would be immediately impounded and automatically revoked in thirty days, and (d) that the person refused to submit to the required test.

(3) If a person arrested pursuant to section ~~39-669.08~~ 293 of this act submits to the chemical test of blood or breath required by that section and the test discloses the presence of alcohol in any of the concentrations specified in section ~~39-669.07~~ 292 of this act, the arresting peace officer, as agent for the director, shall verbally serve notice to the arrested person of the intention to immediately impound and revoke

the operator's license of such person and that the revocation will be automatic thirty days after the date of arrest unless a petition for hearing is filed within ten days after the date of arrest as provided in subsection (6) of this section. The arresting peace officer shall immediately forward to the director a sworn report stating (a) that the person was validly arrested pursuant to section ~~39-669.08~~ 293 of this act and the reasons for such arrest, (b) that the person was requested to submit to the required test, (c) that the person was advised of the consequences if the test disclosed the presence of alcohol in a concentration specified in section ~~39-669.07~~ 292 of this act, including that his or her operator's license would be immediately impounded and automatically revoked in thirty days, and (d) that the person submitted to a test, the type of test to which he or she submitted, and that such test revealed the presence of alcohol in a concentration specified in such section. ~~39-669.07~~

(4) On behalf of the director, the arresting peace officer submitting a sworn report under subsection (2) or (3) of this section shall serve notice of the revocation on the arrested person, and the revocation shall be effective thirty days after the date of arrest. The notice of revocation shall contain a statement explaining the operation of the administrative revocation procedure and the rights of the arrested person. The peace officer shall also provide to the arrested person an addressed envelope and a petition form which the arrested person may use to request a hearing before the director to contest the revocation. The petition form shall clearly state on its face that the petition must be completed and delivered to the ~~department~~ Department of Motor Vehicles or postmarked within ten days after receipt or the person's right to a hearing to contest the revocation will be foreclosed. The director shall prepare and approve the form for the petition, the addressed envelope, and the notice of revocation and shall provide them to law enforcement agencies.

If the person has an operator's license, the arresting peace officer shall take possession of the license and issue a temporary operator's license valid for thirty days. The arresting peace officer shall forward the operator's license to the department along with the sworn report made under subsection (2) or (3) of this section.

(5)(a) If a ~~law-enforcement~~ peace officer is unable to serve the notice of revocation as required by subsection (4) of this section following the receipt of results of a chemical test which indicate the presence of alcohol in a concentration specified in section ~~39-669.07~~, the law-enforcement 292 of this act, the peace officer shall forward to the director a sworn report containing the information prescribed by subsection (3) of this section immediately upon receipt of the results of the chemical test.

(b) Upon receipt of the report, the director shall serve the notice of revocation on the arrested person by certified or registered mail to the address appearing on the records of the director. If the address on the director's records differs from the address on the arresting peace officer's report, the notice shall be sent to both addresses. The notice of revocation shall contain a statement explaining the operation of the

administrative revocation procedure and the rights of the arrested person. The director shall also provide to the arrested person an addressed envelope and a petition form which the arrested person may use to request a hearing before the director to contest the revocation. The petition form shall clearly state on its face that the petition must be completed and delivered to the department or postmarked within ten days after receipt or the person's right to a hearing to contest the revocation will be foreclosed. The director shall prepare and approve the form for the petition, the addressed envelope, and the notice of revocation. The revocation shall be effective thirty days after the date of mailing.

(c) If the records of the director indicate that the arrested person possesses an operator's license, the director shall include with the notice of revocation a temporary operator's license which expires thirty days after the date of mailing. Any arrested person who desires a hearing and has been served a notice of revocation pursuant to this subsection shall return his or her operator's license with the petition requesting the hearing. If the operator's license is not included with the petition requesting the hearing, the director shall reject the petition.

(6)(a) An arrested person's operator's license impounded pursuant to subsection (4) of this section shall be automatically revoked upon the expiration of thirty days after the date of arrest. An arrested person's operator's license impounded pursuant to subsection (5) of this section shall be automatically revoked upon the expiration of thirty days after the date of mailing of the notice of revocation by the director. The arrested person shall postmark or return to the director a petition within ten days after the receipt of the notice of revocation if the arrested person desires a hearing. The petition shall be in writing and shall state the grounds on which the person is relying to prevent the revocation from becoming effective. The hearing shall be conducted in the county in which the arrest occurred or in any other county agreed to by the parties.

(b) The director shall conduct the hearing within twenty days after a petition is filed. Upon receipt of a petition, the director shall notify the petitioner of the date and location for the hearing by certified or registered mail postmarked at least seven days prior to the hearing date. The filing of the petition shall not prevent the automatic revocation of the petitioner's operator's license at the expiration of the thirty-day period. A continuance of the hearing to a date beyond the expiration of the temporary operator's license shall stay the expiration of the temporary license when the request for continuance is made by the director.

(c) At hearing the issues under dispute shall be limited to:

(i) In the case of a refusal to submit to a chemical test of blood, breath, or urine:

(A) Did the ~~law enforcement~~ peace officer have probable cause to believe the person was operating or in the actual physical control of a motor vehicle in violation of section ~~39-669.07~~ 292 of this act or a city or village ordinance enacted pursuant to such section; ~~39-669.07~~;

(B) Was a lawful arrest effected;

(C) Was the person advised of the consequences of refusing

to submit to such test including that his or her operator's license would be immediately impounded and automatically revoked in thirty days; and

(D) Did the person refuse to submit to or fail to complete a chemical test after being requested to do so by the ~~law enforcement~~ peace officer; or

(ii) If the chemical test discloses the presence of alcohol in a concentration specified in such section; ~~39-669.07~~;

(A) Did the ~~law enforcement~~ peace officer have probable cause to believe the person was operating or in the actual physical control of a motor vehicle in violation of such section ~~39-669.07~~ or a city or village ordinance enacted pursuant to such section; ~~39-669.07~~;

(B) Was a lawful arrest effected;

(C) Was the person advised of the consequences if the chemical test disclosed the presence of alcohol in a concentration specified in such section; ~~39-669.07~~; and

(D) Was the person operating or in the actual physical control of a motor vehicle while having an alcohol concentration in violation of subsection (1) of such section; ~~39-669.07~~;

(7) The director shall adopt and promulgate rules and regulations to govern the conduct of the hearing and insure that the hearing will proceed in an orderly manner. The director may appoint an examiner to preside at the hearing, administer oaths, examine witnesses, take testimony, and report to the director. All proceedings before the examiner shall be recorded. The director shall make a determination of the issues within seven days after the conclusion of the hearing. A person whose operator's license is revoked following a hearing requested pursuant to this section may appeal the order of revocation as provided in section ~~39-669.18~~ 303 of this act.

Sec. 301. That section 39-669.16, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.16~~: (1) At the expiration of thirty days after the date of arrest pursuant to section ~~39-669.08~~ 293 of this act or if after a hearing pursuant to section ~~39-669.15~~ the director 300 of this act the Director of Motor Vehicles finds that the impounded operator's license should be revoked, the director shall (a) revoke the operator's license of a person arrested for refusal to submit to a chemical test of blood, breath, or urine as required by section ~~39-669.08~~ 293 of this act for a period of one year and (b) for a person who submits to a chemical test pursuant to such section ~~39-669.08~~ which discloses the presence of a concentration of alcohol specified in section ~~39-669.07~~ 292 of this act, revoke the impounded operator's license for a period of ninety days the first time such operator's license is revoked and one year for the second and any subsequent time the license is revoked within an eight-year period. The license shall not be restored nor shall a new operator's license be issued to such person until the period of revocation has elapsed. If the person subject to the revocation is a nonresident of this state, the director shall revoke only the ~~nonresident~~ nonresident's operating privilege as defined in section 69 of this act of such person and shall

immediately forward the operator's license and a statement of the factual basis for the revocation to the person's state of residence.

(2) Any person whose operator's license is revoked for a period of ninety days as provided by subsection (1) of this section may make application to the director for issuance of an employment driving permit pursuant to section 60-4,130. Any person who makes application for an employment driving permit pursuant to this subsection shall not be eligible for issuance of the permit until sixty days of the period of revocation ordered under subsection (1) of this section have elapsed.

(3) A person may have his or her license reinstated upon payment of a reinstatement fee of fifty dollars to the ~~department~~ Department of Motor Vehicles after the period of revocation has expired. The director shall remit all reinstatement fees to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(4) A person whose operator's license is subject to revocation pursuant to subsection (3) of section ~~39-669.15~~ 300 of this act shall have all proceedings dismissed or his or her operator's license immediately reinstated without payment of the reinstatement fee (a) upon presentation of suitable evidence to the director that within the thirty-day period following the date of arrest the prosecuting attorney responsible for the matter declined to file a complaint alleging a violation of section ~~39-669.07~~ 292 of this act, (b) if the charge is dismissed, or (c) if the defendant, at trial, is found not guilty of violating such section, ~~39-669.07~~. The director shall adopt and promulgate rules and regulations establishing standards for the presentation of suitable evidence of compliance with subdivision (a), (b), or (c) of this subsection.

Sec. 302. That section 39-669.17, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.17. (1) The director~~ (1) The Director of Motor Vehicles shall reduce the decision revoking an operator's license under sections ~~39-669.15 to 39-669.18~~ 300 to 303 of this act to writing, and the director shall notify the person in writing of the revocation. The notice shall set forth the period of revocation and be served by mailing it to such person by certified or registered mail to the address provided to the director at the hearing or, if the person does not appear at the hearing, to the address appearing on the records of the director. If the address on the director's records differs from the address on the arresting peace officer's report, the notice shall be sent to both addresses.

(2) If the director does not revoke the operator's license, the director shall immediately notify the person in writing of the decision. The notice shall set forth the time and place the person may obtain his or her impounded license. The notice shall be mailed by certified or registered mail as provided in subsection (1) of this section. No reinstatement fee shall be charged for return of the impounded operator's license pursuant to this subsection.

Sec. 303. That section 39-669.18, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.18:~~ Any person who feels himself or herself

aggrieved because of such revocation may appeal therefrom to the district court of the county where the alleged events occurred for which he or she was arrested in accordance with the Administrative Procedure Act. Such appeal shall not suspend the order of revocation unless a stay thereof is allowed by a judge of such court pending a final determination of the review. If a stay is allowed and the final judgment of a court finds against the person so appealing, the period of revocation shall commence at the time of final judgment of the court for the full period of the time of revocation.

Sec. 304. That section 39-669.19, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.19:~~ Any revocation of a person's operator's license pursuant to sections ~~39-669.07 to 39-669.18~~ 292 to 303 of this act for a third or subsequent time for a period of fifteen years may be reduced to the time served upon application to the court if the court finds that such applicant has served at least five years of such revocation and that all of the following are shown by the applicant by a preponderance of the evidence:

(1) The applicant has completed a program of treatment for chemical dependency and is recovering or has substantially recovered from the dependency on or tendency to abuse alcohol or drugs;

(2) The applicant has not been convicted, since the date of the revocation order, of any subsequent violations of section ~~39-669.07 or 39-669.08~~ 292 or 293 of this act or any comparable city or village ordinance and the applicant has not, since the date of the revocation order, submitted to a chemical test under section ~~39-669.08~~ 293 of this act that indicated an alcohol concentration in violation of section ~~39-669.07~~ 292 of this act or refused to submit to a chemical test under section ~~39-669.08~~ 293 of this act;

(3) The applicant has abstained from the excessive consumption of alcoholic beverages and the consumption of drugs except at the direction of a licensed physician or pursuant to a valid prescription; and

(4) The applicant's operator's license is not currently subject to suspension or revocation for any other reason.

The court shall forward to the ~~department~~ Department of Motor Vehicles a record of any application submitted under this section and the results of the court's disposition of the application.

Sec. 305. That section 39-669.20, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.20:~~ (1) If the driver of a motor vehicle involved in an accident is transported to a hospital within or outside of Nebraska and a sample of the driver's blood is withdrawn by a physician, registered nurse, qualified technician, or hospital for the purpose of medical treatment, the results of a chemical test of the sample shall be admissible in a criminal prosecution under section ~~39-669.07~~ 292 of this act to show the alcoholic content of or the presence of drugs or both in the blood at the time of the accident regardless of whether (a) a ~~law~~

enforcement peace officer requested the driver to submit to a test as provided in section ~~39-669.08~~ 293 of this act or (b) the driver had refused a chemical test.

(2) Any physician, registered nurse, qualified technician, or hospital in this state performing a chemical test to determine the alcoholic content of or the presence of drugs in such blood for the purpose of medical treatment of the driver of a vehicle involved in a motor vehicle accident shall disclose the results of the test (a) to a prosecuting attorney who requests the results for use in a criminal prosecution under section 28-306 or ~~39-669.07~~ section 292 of this act and (b) to any prosecuting attorney in another state who requests the results for use in a criminal prosecution for driving while intoxicated, driving under the influence, or motor vehicle homicide under the laws of the other state if the other state requires a similar disclosure by any hospital or person in such state to any prosecuting attorney in Nebraska who requests the results for use in such a criminal prosecution under the laws of Nebraska.

Sec. 306. That section 39-669.38, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.38.~~ Any person who prior to April 19, 1986, has had his or her motor vehicle operator's license revoked for life pursuant to section ~~39-669.07 or 39-669.08~~ 292 or 293 of this act may submit an application to the court for a reduction of such lifetime revocation. The court in its discretion may reduce such revocation to a period of fifteen years.

Sec. 307. That section 39-669.39, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.39.~~ (1) Any person who, while operating a motor vehicle in violation of section ~~39-669.07 or 39-669.08~~ 292 or 293 of this act, proximately causes serious bodily injury to another person shall be guilty of a Class IV felony and the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years from the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.

(2) For purposes of this section, serious bodily injury shall mean bodily injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a temporary or protracted loss or impairment of the function of any part or organ of the body.

Sec. 308. That section 39-669, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.~~ Any person who drives any motor vehicle in this state carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.

Sec. 309. That section 39-669.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.01.~~ Any person who drives any motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the

safety of persons or property shall be ~~deemed to be~~ guilty of reckless driving.

Sec. 310. That section 39-669.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.03.~~ Any person who drives any motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property ~~is~~ shall be guilty of willful reckless driving.

Sec. 311. That section 39-669.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.02.~~ Every person convicted of reckless driving shall, upon a first conviction, be punished by imprisonment in the county jail for a period of not less than five days nor more than thirty days, or by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by both such a fine and imprisonment.

Sec. 312. That section 39-669.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.04.~~ Every person convicted of willful reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than ten days nor more than thirty days, or by a fine of not less than fifty dollars nor more than one hundred dollars, or by both such fine and imprisonment, and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of not less than thirty days nor more than one year from the date of ~~his~~ final discharge from the county jail; or the date of the payment or satisfaction of such fine, whichever is the later, and shall order that the operator's license of such person be revoked for a like period.

Sec. 313. That section 39-669.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.05.~~ Upon a second conviction of any person for either reckless driving or willful reckless driving, he or she shall be punished by imprisonment for not less than thirty days nor more than sixty days, by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment, and the trial judge shall order the person so convicted, as part of the judgment of conviction, not to drive a motor vehicle of any description for any purpose within this state for a period of not less than sixty days nor more than two years from the date of ~~his~~ final discharge from the county jail; or the date of payment or satisfaction of such fine, whichever is the later, and shall order that the operator's license of such person be revoked for a like period. ~~If~~ ~~and if~~ the motor vehicle which such person was operating in such reckless or willful reckless manner is registered in the name of such person, the motor vehicle shall be impounded in a reputable garage by the court for a period of not less than two months nor greater than one year at the expense and risk of the owner thereof, ~~except that~~ ~~;~~ **PROVIDED**, any motor vehicle so impounded shall be released to the holder of a bona fide lien thereon, executed prior to such impounding, when possession of such motor vehicle is requested in writing by such lienholder for the

purpose of foreclosing and satisfying ~~his lien thereon~~ the lien.

Sec. 314. That section 39-669.06, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-669.06.~~ Upon a third or subsequent conviction of any person for either reckless driving or willful reckless driving, he or she shall be imprisoned in the Department of Correctional Services adult correctional facility for not less than one year nor more than three years. The court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for a period of one year from the date of ~~his or her~~ final discharge from the ~~Department of Correctional Services adult correctional~~ facility and shall order that the operator's license of such person be revoked for a like period. ~~The court shall transmit a copy of the judgment of conviction to the Department of Motor Vehicles for revocation of the operator's license of the person so convicted.~~

Sec. 315. That section 39-6,138, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,138.~~ (1) Every motor vehicle upon a highway within this state during the period from ~~a half~~ one-half hour after sunset to ~~a half~~ one-half hour before sunrise; and at any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the highway at a distance of five hundred feet ahead; shall be equipped with lighted ~~front and rear lamps~~ headlights and taillights as respectively required in this section for different classes of vehicles.

(2) Every motor vehicle, other than a motorcycle, ~~a road roller, or road machinery, or farm tractor,~~ shall be equipped with two or more ~~headlamps~~ headlights, at the front of and on opposite sides of the motor vehicle, and with a ~~lamp on the rear~~ taillight exhibiting a red light visible, ~~under normal atmospheric conditions,~~ from a distance of at least five hundred feet to the rear of such vehicle. ~~The headlamps~~ which headlamps shall comply with the requirements and limitations set forth in sections ~~39-6,140 and 39-6,142~~ 317 and 319 of this act.

~~(3) Every farm tractor upon a highway within this state during the period from a half hour after sunset to a half hour before sunrise, and at any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the highway at a distance of five hundred feet ahead, shall be equipped with two or more headlamps, at the front or on opposite sides of the tractor, 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 tractor, which headlamps shall comply with the requirements and limitations set forth in sections 39-6,140 and 39-6,142.~~

~~(4) (3) Every motorcycle shall be equipped with at least one and not more than two headlamps headlights and with a lamp on the rear taillight 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, which headlamp or lamps motorcycle. The headlamps shall comply with the requirements and limitations set forth in such sections, 39-6,140 and 39-6,142.~~

(4) The requirement in this section as to the distance from which lights must render obstructions visible or within which lights must be visible shall apply during the time stated in this section upon a straight, level, unlighted highway under normal atmospheric conditions.

(5) It shall be unlawful for any owner or operator of any motor vehicle to operate such vehicle upon a highway unless:

(a) ~~the~~ The condition of the ~~lamps~~ lights and electric circuit is such as to give substantially normal light output; ;

(b) ~~the~~ The taillight shows red directly to the rear, the ~~glass in lens covering~~ the taillight is unbroken, the ~~lamp~~ taillight is securely fastened, and the electric circuit is free from grounds or shorts;

(c) ~~there~~ There is no more than one ~~spot-lamp~~ spotlight except for law enforcement personnel, government employees, and public utility employees; ;

(d) ~~there~~ There are no more than two auxiliary driving lamps, ~~any such auxiliary lamps are mounted on the front at a point not less than twelve inches nor more than forty-two inches above the level surface upon which the vehicle stands; lights~~ and every such auxiliary lamp light meets the statutory requirements for headlamps, ~~(e) if requirements for auxiliary driving lights provided in section 321 of this act;~~

(e) ~~If~~ equipped with any lighting device, other than headlamps, ~~spot lamps~~ headlights, spotlights, or auxiliary driving lamps lights, which projects a beam of light of an intensity greater than twenty-five candlepower, such lighting device ~~is so directed that no part of the beam from the device will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle; and (f) if~~ meets the requirements of subsection (4) of section 321 of this act; and

(f) ~~If~~ equipped with side cowl or fender lamps lights, there are no more than two such lamps lights and each such side cowl or fender lamp light emits an amber or white light.

Sec. 316. That section 39-670.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-670.01. The requirement in section 39-6,138 as to the distance from which lamps and devices must render obstructions visible or within which such lamps or devices must be visible shall apply during the time stated in said section upon a straight, level, unlighted highway under normal atmospheric conditions.~~

Whenever a motor vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in ~~this~~ section 315 of this act, such vehicle shall be equipped with one or more lamps lights which shall exhibit a light in such color as designated by the Department of Motor Vehicles on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that a local authority may provide by ordinance that no lights need be displayed upon any such vehicle when stopped or parked in

accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or obstruction within a distance of five hundred feet upon such highway.

Any lighted ~~headlamps~~ headlights upon a parked vehicle shall be depressed or dimmed and turnsignals shall not be flashed on one side only. On a freeway, ~~;~~ PROVIDED, on a freeway as defined in section 39-1369, the operator of any such parked vehicle shall also turn on its interior lights if operable; and vehicles equipped with an emergency switch for flashing all directional turnsignals simultaneously shall exhibit such turnsignals, ~~;~~ AND PROVIDED FURTHER, that turnsignals shall not be flashed on one side only.

Sec. 317. That section 39-6,140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,140. (a) The headlamps~~ (1) The headlights of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection ~~(b)~~ (2) of this section, they will at all times mentioned in section ~~39-6,138, and under normal atmospheric conditions and on a level road,~~ 315 of this act produce a driving light sufficient to render clearly discernible a person two hundred feet ahead, but the headlights shall not project a glaring or dazzling light to persons in front of such ~~headlamp~~ headlights.

~~(b) Headlamps~~ (2) Headlights shall be deemed to comply with the ~~foregoing~~ provisions prohibiting glaring and dazzling lights if none of the main bright portion of the ~~headlamp~~ headlight beam rises above a horizontal plane passing through the ~~lamp light~~ centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle.

Sec. 318. That section 39-669.21, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-669.21. Any person who shall violate any of the provisions of sections 39-6,127, 39-6,133, 39-6,138, 39-6,140, 39-6,192, and 81-2005 violates any provision of section 315 or 317 of this act shall be guilty of a Class III misdemeanor. In the event of such conviction, the trial judge shall as a part of the judgment of conviction, the trial judge shall direct the person so convicted to produce in court or submit to the prosecuting attorney, before such person shall again operate his said again operates the motor vehicle upon a highway, satisfactory proof showing that such brake or the light equipment, as the case may be, involved in such person's conviction; has been made to conform with the requirements of said such sections. The failure, refusal, or neglect of such convicted person to abide by such direction in the judgment of conviction to make the brake equipment or light equipment, as the case may be, conform with the requirements of said sections, shall be deemed an additional offense for which such person shall be prosecuted.~~

Sec. 319. That section 39-6,142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,142. Motor vehicles may be equipped with two~~

acetylene ~~headlamps~~ headlights of approximately equal candlepower when equipped with clear, plain glass fronts, bright six-inch spherical mirrors, and standard acetylene five-eighths-foot burners, no more and no less, ~~and which do not project a glaring or dazzling light into the eyes of approaching drivers.~~

Sec. 320. That section 39-628.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-628.01: Notwithstanding any more general law respecting rules of the road for motor vehicles in the State of Nebraska, whenever~~ Notwithstanding any other provision of the Nebraska Rules of the Road:

(1) ~~Whenever~~ any person, operating a motor vehicle on any highway in this state, ~~shall (1) meet~~ meets another person operating a motor vehicle, proceeding in the opposite direction and equipped with ~~headlamps~~ headlights constructed and adjusted to project glaring or dazzling light to persons in front of such ~~headlamps~~ headlights, upon signal of either person, ~~aforsaid,~~ the other shall ~~forthwith~~ dim the ~~headlamps~~ headlights of his ~~or her~~ motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward so as not to blind or confuse the vision of the operator in front of such ~~headlamps,~~ ~~or~~ (2) ~~shall follow~~ headlights; and

(2) ~~Whenever any person operating a motor vehicle on any highway in this state follows~~ another vehicle within two hundred feet to the rear, he ~~or she~~ shall dim the ~~headlamps~~ headlights of his ~~or her~~ motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward, ~~PROVIDED, that the foregoing provisions shall not apply to the operators of motor vehicles aforsaid, if they shall have covered the upper one third of the headlamps thereon with a coat of paint or with a coat of some other permanent material which shall cover the glass enclosing the lenses of such headlamps. The paint or other permanent material shall be applied so that it extends downward from the top of the lens of the headlamps and so that the lower line of the covering shall extend over the entire upper one third of the lens of the headlamp; AND PROVIDED FURTHER, that the provisions of this section requiring the covering of headlamp lenses, as aforsaid, shall not apply to tourists driving through the state for a period of not more than ten days.~~

Any person, ~~firm, or corporation who shall violate any of the provisions~~ who violates any provision of this section shall be guilty of a Class V misdemeanor.

Sec. 321. That section 39-6,139, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,139: (1) Any motor vehicle may be equipped with~~ ~~spot lamps~~ spotlights as specified in section ~~39-6,138~~ 315 of this act, and every lighted ~~spot lamp~~ spotlight shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not to exceed

two auxiliary driving ~~lamps~~ lights mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface on which the vehicle stands, and every such auxiliary driving ~~lamp or lamps~~ light shall meet the requirements and limitations set forth in section ~~39-6,140~~ 317 of this act.

(3) Whenever a motor vehicle is equipped with a signal ~~lamp light~~, the signal ~~lamp light~~ shall be so constructed and located on the vehicle as to give a signal which shall be plainly visible in normal sunlight from a distance of one hundred feet to the rear of the vehicle but shall not project a glaring or dazzling light.

(4) Any device, other than ~~headlamps, spot lamps~~ headlights, spotlights, or auxiliary driving ~~lamps~~ lights, which projects a beam of light of an intensity greater than twenty-five candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle.

Sec. 322. (1) Any motor vehicle having four or more wheels which is manufactured or assembled after January 1, 1954, designed or used for the purpose of carrying passengers or freight, and in use on a highway shall be equipped with brake and turn signal lights in good working order.

(2) Motorcycles, motor-driven cycles, motor scooters, bicycles, vehicles used solely for agricultural purposes, and vehicles not designed and intended primarily for use on a highway shall not be required to have or maintain in working order signal lights required by this section, but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing such signal lights if the vehicle is so equipped.

Sec. 323. That section 39-6,141, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,141. It shall be unlawful for any person to drive on any of the highways of this state with parking lights in lieu of headlamps, headlamps as defined in section 39-6,140. Any person violating the provisions of this section shall, upon conviction thereof, be fined not more than twenty dollars.~~

Sec. 324. That section 39-6,154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,154. No vehicle shall be operated while proceeding in a forward motion with the backup lights on when the vehicle is being operated on the public roads and highways. Any person who violates this section shall be guilty of a Class III misdemeanor.~~

Sec. 325. That section 39-6,147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,147. Except as provided in sections 39-6,127 and 39-6,148 to 39-6,151~~ 326 to 329 of this act, it shall be unlawful for any person to drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof. This section shall not apply to police or fire department or fire patrol vehicles or school

buses.

Sec. 326. That section 39-6,148, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,148.~~ (1) Except as provided in sections ~~39-6,149 to 39-6,151~~ 327 to 329 of this act and subsection (4) of this section, no person shall operate any motor vehicle or any equipment of any description on any ~~public street, road, or~~ highway in this state with any rotating or flashing light.

(2) Except for stop lights and directional signals, which may be red, yellow, or amber, no person shall display any color of light other than red on the rear of any motor vehicle or any equipment of any kind on any ~~public street, road or~~ highway within this state.

(3) Blue and green lights may be displayed on vehicles of the Military Department for purpose of convoy control when on any state emergency mission.

(4) A single flashing white light may be displayed on the roof of school transportation vehicles during extremely adverse weather conditions.

Sec. 327. That section 39-6,149, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,149.~~ A flashing or rotating red light or red and white light shall be displayed on any emergency vehicle whenever operated in this state. A blue light may also be displayed with such flashing or rotating red light or red and white light. For purposes of this section, any publicly owned police, fire, or rescue ~~vehiele~~ vehicles and publicly or privately owned ambulances and funeral escort vehicles shall be considered to be emergency vehicles.

Sec. 328. That section 39-6,150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,150.~~ A rotating or flashing amber light or lights shall be displayed on the roof of any motor vehicle being operated by any rural mail carrier outside the corporate limits of any municipality in this state when stopping on or near any ~~road or~~ highway in the process of delivering mail.

A rotating or flashing amber light or lights may be displayed on (1) any vehicle of the Military Department while on any state emergency mission, (2) any motor vehicle being operated by any public utility, vehicle service, or towing service; or any publicly or privately owned construction or maintenance vehicle while performing its duties on or near any ~~road, street, or~~ highway, (3) any motor vehicle being operated by any member of the Civil Air Patrol, (4) any pilot vehicle escorting an overdimensional load, or (5) any vehicle while actually engaged in the moving of houses, buildings, or other objects of extraordinary bulk, including unbaled livestock forage as authorized by subdivision (2)(g) of section ~~39-6,177~~ 384 of this act.

Sec. 329. That section 39-6,151, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,151.~~ (1)(a) A rotating or flashing red light or lights

or such light or lights in combination with a blue light or lights may be displayed on any motor vehicle operated by any volunteer firefighter or ~~law enforcement~~ peace officer anywhere in this state while actually en route to the scene of a fire or other emergency requiring his or her services as a volunteer firefighter or ~~law enforcement~~ peace officer but only after its use ~~shall have~~ has been authorized in writing by the county sheriff.

(b) Application for a permit to display such light shall be made in writing to the sheriff on forms to be prescribed and furnished by the Superintendent of Law Enforcement and Public Safety. The application shall be accompanied by a statement that the applicant is a volunteer firefighter or ~~law enforcement~~ peace officer and requesting ~~is requesting~~ issuance of the permit. ~~The~~ The ~~which~~ statement shall be signed by the ~~chief of the applicant's fire department or law enforcement~~ applicant's superior.

(c) ~~The~~ Such permit shall be carried at all times in the vehicle named ~~therein in the permit~~. Each such permit shall expire on December 31 of each year and shall be renewed in the same manner as it was originally issued.

(d) The sheriff may at any time revoke such permit upon a showing of abuse thereof or upon receipt of notice from the ~~chief of the fire department~~ applicant's superior that the holder thereof is no longer an active volunteer firefighter or ~~law enforcement~~ peace officer. Any person whose permit has been so revoked shall upon demand surrender it to the sheriff or his or her authorized agent.

(2) A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights may be displayed on any motor vehicle being used by rescue squads actually en route to, at, or returning from any emergency requiring their services, or by any privately owned wrecker when engaged in emergency services at the scene of an accident, or at a disabled vehicle, located outside the city limits of a ~~metropolitan class or primary class~~ city of the metropolitan or primary class, but only after its use ~~shall have~~ has been authorized in writing by the county sheriff. Applications shall be made and may be ~~may be~~ revoked in the same manner as for volunteer firefighters as provided in subsection (1) of this section.

(3) ~~It shall be the duty of the operator of any motor vehicle to yield the right of way to any motor vehicle displaying a rotating or flashing red light or lights or such light or lights in combination with a blue light or lights.~~

Sec. 330. That section 39-6,152, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,152. Any person violating the provisions of sections 39-6,148 to 39-6,151 or section 39-6,154 who violates any provision of sections 326 to 329 of this act shall be guilty of a Class III misdemeanor and shall also be ordered to remove from any vehicle or equipment any light found to be in violation of such sections. 39-6,148 to 39-6,151.~~

Sec. 331. That section 39-6,127, Reissue Revised Statutes

of Nebraska, 1943, be amended to read as follows:

~~39-6,127.~~ Every vehicle, including road rollers, road machinery, combines, farm machinery, wagons, racks, and farm tractors, (1) having a width, including load, of eighty inches or more or (2) having any part thereof or having any load thereupon which extends forty inches or more to the left of the center of the chassis shall display, when driven, pulled, operated, or propelled upon any highway during the period from one-half hour after sunset until one-half hour before sunrise and at all other times when there is not sufficient light to render such vehicle clearly discernible, two clearance lights on the left side of such vehicle.

One ~~of such~~ clearance ~~lights~~ light shall be located at the front and display an amber light which is visible, under normal atmospheric conditions, from a distance of three hundred feet to the front of such vehicle. The other clearance light shall be located at the rear and display a red light which is visible, under normal atmospheric conditions, from a distance of three hundred feet to the rear of the vehicle. The light at the rear shall be so located as not to be confused with the taillight by those approaching from the rear.

Such lights shall be located on a line with the extreme outer point of such vehicle or the load on the vehicle, ~~thereon, except that suitable reflectors of like color and equal visibility may be substituted for such clearance lights.~~ The installation of ~~all lamps~~ the lights shall be made in such a manner that no hazard will be created by their use on the highway.

Suitable reflectors of like color and equal visibility may be substituted for such clearance lights.

Any person who violates any provision of this section shall be guilty of a Class III misdemeanor. In the event of such a conviction, as part of the judgment of conviction, the trial judge shall direct the person to produce in court or submit to the prosecuting attorney, before such person again operates the vehicle upon a highway, satisfactory proof showing that the light equipment involved in the person's conviction has been made to conform with the requirements of this section. The failure, refusal, or neglect of the convicted person to abide by such direction in the judgment of conviction shall be deemed an additional offense for which the person shall be prosecuted.

Sec. 332. That section 39-6,162, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,162.~~ Any ~~motor~~ vehicle required by section ~~39-6,127~~ 331 of this act to have clearance lights, while operating on the highways during the period from one-half hour after sunset to one-half hour before sunrise, shall at all times be equipped with at least three portable flares, or red emergency reflectors referred to in section ~~39-6,163~~ 333 of this act, which may be plainly visible for a distance of five hundred feet.

Sec. 333. That section 39-6,163, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,163:~~ The operator of any ~~motor~~ vehicle required

by section ~~39-6,127~~ 331 of this act to have clearance lights shall, immediately upon bringing his or her vehicle to a stop upon or immediately adjacent to the traveled portion of the highway at any time during the period of from one-half hour after sunset to one-half hour before sunrise, (1) place one lighted flare or one red emergency reflector at the side of such vehicle just inside the white line marking the center of paved highways and near the center of dirt or gravel highways, (2) place one lighted flare or one red emergency reflector approximately one hundred feet to the rear of such vehicle, and (3) place one lighted flare or one red emergency reflector approximately one hundred feet to the front of such vehicle. The operator shall maintain such lighted flares or red emergency reflectors in such positions during the time such vehicle remains parked, except that motor vehicles transporting flammables shall be required to use two flares or two red emergency reflectors to be placed as described in this section to the front and rear but shall not be permitted to place open flame flares adjacent to such vehicles.

Sec. 334. That section 39-6,164, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,164.~~ (1) Except as provided in subsection (2) of this section, between one-half hour before sunrise and one-half hour after sunset, ~~all vehicles~~ any vehicle described in section ~~39-6,162~~ 332 of this act shall be equipped with two red flags, ~~one to and when the vehicle is parked, one flag shall~~ be placed one hundred feet behind and the other one hundred feet ahead of such ~~parked vehicles~~ vehicle and in such position as to be visible to all approaching traffic during the daylight hours.

(2) In lieu of the requirements of subsection (1) of this section, ~~vehicles described in section 39-6,162~~ such a vehicle may be equipped with three red emergency reflectors. One of ~~such the~~ reflectors shall be placed alongside the vehicle on the traffic side and within ten feet of the front or rear of the vehicle. When there is two-way traffic, one reflector shall be placed one hundred feet ahead of the vehicle and one shall be placed one hundred feet behind the vehicle. When there is only one-way traffic, one reflector shall be placed one hundred feet and one two hundred feet behind the vehicle.

Sec. 335. That section 39-6,165, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,165.~~ Any person ~~or persons violating the provisions of sections 39-6,162 and 39-6,164~~ who violates any provision of sections 332 to 334 of this act shall be guilty of a Class V misdemeanor.

Sec. 336. That section 39-6,166, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,166.~~ Any person who ~~shall~~ willfully remove ~~removes~~ any flares or red flags placed upon the highways under the provisions of ~~sections 39-6,162 and 39-6,164~~ sections 332 to 334 of this act before the driver of such vehicle is ready to proceed immediately on the highway; shall be guilty of a Class V misdemeanor.

Sec. 337. That section 39-6,125, Reissue Revised Statutes

of Nebraska, 1943, be amended to read as follows:

~~39-6,125.~~ (1) It shall be unlawful, ~~after September 2, 1977,~~ for any person to operate on the roadway of any ~~public road~~ highway of this state any slow-moving vehicle or equipment, any animal-drawn vehicle, or any other machinery, designed for use at speeds less than twenty-five miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a ~~flagman~~ flapperperson or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as described in; and displayed as provided in subsection (2) of this section. The requirement of such emblem shall be in addition to any lighting devices required by law. The emblem shall not be displayed on objects which are customarily stationary in use except while being transported on the roadway of any ~~public road~~ highway of this state.

(2) The emblem ~~required by subsection (1) of this section~~ shall be of substantial construction; and shall be a base-down equilateral triangle of fluorescent yellow-orange film with a base of fourteen inches and an altitude of twelve inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen inches. The emblem shall comply with the current standards and specifications for slow-moving-vehicle emblems of the American Society of Agricultural Engineers. Such emblem shall be mounted on the rear of such vehicle at a height of two to six feet above the roadway; and shall be maintained in a clean, reflective condition.

(3) Any person who ~~shall violate the provisions~~ violates any provision of this section shall be fined not more than five dollars.

Sec. 338. That section 39-6,126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,126.~~ All vehicles, equipment, or machinery sold in this state ~~after January 1, 1968,~~ and required to display the emblem provided for in section ~~39-6,125,~~ 337 of this act shall be equipped with a bracket on which such emblem may be mounted.

Sec. 339. That section 39-6,130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,130.~~ Whenever the load on any vehicle ~~shall extend~~ extends more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise, there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

Sec. 340. That section 39-6,133, Reissue Revised Statutes

of Nebraska, 1943, be amended to read as follows:

~~39-6,133.~~ ~~(a)~~ (1) Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle ~~need~~ shall be required to be equipped with only one brake. All such brakes shall be maintained at all times in good working order.

~~(b)~~ (2) It shall be unlawful for any owner or operator of any motor vehicle, other than a motorcycle, to operate such motor vehicle upon a highway unless the brake equipment thereon qualifies ~~in the following respects~~ with regard to maximum stopping distances from a speed of twenty miles per hour on dry asphalt or concrete pavement free from loose materials as ~~hereinafter set forth~~ follows:

(1) ~~(a)~~ (a) Two-wheel brakes, maximum stopping distance, forty feet;

~~(2) four~~ (b) Four or more wheel brakes, vehicles up to seven thousand pounds; gross weight, maximum stopping distance, thirty feet;

~~(3) four~~ (c) Four or more wheel brakes, vehicles ~~over~~ seven thousand pounds or more gross weight, maximum stopping distance, thirty-five feet;

~~(4) all~~ (d) All hand, parking, or emergency brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, fifty-five feet; and

~~(5) all~~ (e) All hand, parking, or emergency brakes, vehicles ~~over~~ seven thousand pounds or more gross weight, maximum stopping distance, sixty-five feet.

~~(e)~~ (3) All braking distances specified in ~~subsection (b) above this section~~ shall apply to all vehicles whether unloaded or loaded to the maximum capacity permitted by law.

~~(d)~~ (4) The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line.

Sec. 341. Any person who violates any provision of section 340 of this act shall be guilty of a Class III misdemeanor. In the event of such conviction, as a part of the judgment of conviction, the trial judge shall direct the person so convicted to produce in court or submit to the prosecuting attorney, before such person again operates the motor vehicle upon a highway, satisfactory proof showing that the brake equipment involved in the person's conviction has been made to conform with the requirements of such section. The failure, refusal, or neglect of the convicted person to abide by such direction in the judgment of conviction shall be deemed an additional offense for which the person shall be prosecuted.

Sec. 342. That section 39-6,134, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,134.~~ (1) All commercial trailers with a carrying capacity of more than ten thousand pounds and semitrailers shall be equipped on each wheel with brakes that can be operated from the driving position of the towing vehicle.

(2) Travel trailers as defined in ~~sections 39-602 and section 110 of this act and section 71-4603 and recreational trailers as defined in section 39-602~~ having a gross loaded weight of three thousand pounds or more but less than six thousand five hundred pounds shall be equipped with brakes on at least two wheels, and such trailers with a gross loaded weight of six thousand five hundred pounds or more shall be equipped with brakes on each wheel. The brakes shall be operable from the driving position of the towing vehicle. Such trailers shall also be equipped with a breakaway, surge, or impulse switch on the trailer so that the trailer brakes are activated ~~should if the trailer become~~ becomes disengaged from the towing vehicle. For purposes of this subsection, recreational trailer shall mean a vehicular unit without motive power primarily designed for transporting a motorboat as defined in section 37-1204 or vessel as defined in section 37-1203.

(3) Each trailer described in subsection (2) of this section shall be equipped with two safety chains which shall have a breaking load strength of three thousand pounds each. Such trailer shall be attached to the towing vehicle so that the tongue of the trailer will not touch the roadway ~~should if the trailer become~~ becomes disengaged from the towing vehicle.

Sec. 343. That section 39-6,161, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,161.~~ It shall be unlawful for any person, ~~firm, corporation, association or copartnership, either foreign or domestic,~~ to operate; or cause to be operated on the highways in the State of Nebraska; ~~motor trucks or buses or trucks~~ having a gross weight of the truck and load exceeding twelve thousand pounds; ~~unless such bus or truck or bus~~ is equipped with power brakes, auxiliary brakes, or some standard booster brake equipment. Any person, ~~firm, corporation, copartnership, or association who shall violate any of the provisions of~~ who violates this section shall be guilty of a Class V misdemeanor.

Sec. 344. That section 39-6,172, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,172.~~ In order to promote highway safety by providing the public with safe and efficient hydraulic fluids for motor vehicle braking systems, it shall be unlawful for any person to sell, offer to sell, or display for sale any hydraulic fluids for use in motor vehicle braking systems that do not equal or exceed the specifications for types SAE 70R1 or SAE 70R3 brake fluids as set forth in ~~SAE Standard J70, revised June 1961, and published by The Society of Automotive Engineers 49 C.F.R. 571.116.~~

Any person who violates this section shall be guilty of a Class V misdemeanor.

Sec. 345. The wheels of all vehicles, including trailers,

except vehicles operated at twenty miles per hour or less, shall be equipped with pneumatic tires.

Sec. 346. That section 39-6,131, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,131.~~ (1) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(2) No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:

(a) ~~this~~ This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch between November 1 and April 1, ~~however,~~ except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year; ;

(b) ~~it~~ It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; ; and

(c) ~~it~~ It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.

(3) No person shall operate or move on any highway any motor vehicle, trailer, or semitrailer (a) having any metal tire in contact with the roadway or (b) equipped with solid rubber tires, except that this subsection shall not apply to farm vehicles having a gross weight of ten thousand pounds or less ~~and all~~ or to implements of husbandry.

(4) The Department of Roads and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

Sec. 347. That section 39-6,131.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,131.08.~~ (1) No person shall alter the traction surface of pneumatic tires by regrooving.

(2) No person shall knowingly operate on any highway in this state any motor vehicle on which the traction surface of any pneumatic tire thereof has been regrooved. No person shall sell, exchange, or offer for sale or exchange such a tire.

(3) This section shall not apply to regrooved commercial vehicle tires which are designed and constructed in such a manner that any regrooving complies with the federal Motor Carrier Safety Regulations, 49 C.F.R. 393.75. ~~Such regulations in existence on August 30, 1987, are adopted as Nebraska law~~ adopted pursuant to section 75-363.

Sec. 348. That section 39-6,131.09, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,131.09.~~ (1) No person shall drive or move a motor vehicle on any highway unless such vehicle is equipped with tires in safe operating condition in accordance with subsection (2) of this section.

(2) A tire shall be considered unsafe if it has:

(a) Any bump, bulge, or knot affecting the tire structure;

(b) A break which exposes a tire body cord or is repaired with a boot or patch;

(c) A tread depth of less than two thirty-seconds of an inch measured in any two tread grooves at three locations equally spaced around the circumference of the tire or, on those tires with tread wear indicators, been worn to the point that the tread wear indicators contact the road in any two tread grooves at three locations equally spaced around the circumference of the tire, except that this subdivision shall not apply to truck tires with ten or more cord plies which are mounted on dual wheels; or

(d) Such other conditions as may be reasonably demonstrated to render the tire unsafe.

(3) No tire shall be used on any motor vehicle which is driven or moved on any highway in this state if such tire was designed or manufactured for nonhighway use.

(4) No person shall destroy, alter, or deface any marking on a new or usable tire which indicates whether the tire has been manufactured for highway or nonhighway use.

(5) No person shall sell any motor vehicle for highway use unless the vehicle is equipped with tires that are in compliance with this section.

Sec. 349. That section 39-6,123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,123:~~ Each truck shall be equipped with a rearview mirror which shall be kept clean, repaired, and installed, ~~according to the official-highway rules:~~

Any person operating any truck in violation of this section or any owner of a truck who permits operation of the truck in violation of this section shall be deemed guilty of a traffic infraction and, upon conviction thereof for the first, second, or third offense, shall be fined not less than ten dollars and not more than one hundred dollars. Upon the third conviction of violation of this section by the owner or operator of a truck, in addition to the fine, the license of the truck shall be revoked either by the trial court or by the Director of Motor Vehicles. In that event, the number plates and certificates of registration of the truck shall be returned to the county treasurer who issued them. The tribunal or Department of Motor Vehicles depriving the licensee of his or her license shall have authority, upon good cause shown, to order that a license be again issued to the licensee.

Sec. 350. That section 39-6,124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,124:~~ No person shall drive a motor vehicle, other

than a motorcycle, on a highway ~~which~~ when the motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position; unless such vehicle is equipped with a ~~right and left side~~ right side and a left side outside mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Temporary outside mirrors and attachments used when towing a ~~cabin trailer~~ vehicle shall be removed from such motor vehicle or retracted within the outside dimensions thereof when it is operated upon the ~~public way~~ highway without such trailer.

Sec. 351. That section 39-6,136, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,136.~~ (1) Every motor vehicle registered pursuant to Chapter 60, article 3, except motorcycles, shall be equipped with a front windshield.

(2) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side ~~wings~~ wing vents, or side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law. The front windshield, side wing vents, and side or rear windows may have a visor or other shade device which is easily moved aside or removable, is normally used by a motor vehicle operator during daylight hours, and does not impair the driver's field of vision.

(3) Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

Sec. 352. That section 39-6,170, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,170.~~ It shall be unlawful for any person to operate a motor vehicle with any object placed or hung in or upon such vehicle, except required or permitted equipment of the vehicle, in such a manner as to obstruct or interfere with the view of the operator through the windshield; or to prevent ~~him~~ the operator from having a clear and full view of the road and condition of traffic behind such vehicle. Any ~~any~~ **PROVIDED**, any sticker or identification authorized or required by the federal government or any agency thereof or the State of Nebraska or any political subdivision thereof may be placed upon the windshield without violating the provisions of this section. Any person violating the provisions of this section shall be guilty of a Class V misdemeanor.

Sec. 353. That section 39-6,136.01, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,136.01.~~ (1) It shall be unlawful for a person to drive a motor vehicle required to be registered in this state upon a highway:

(a) If the windows in such motor vehicle are tinted so that the driver's clear view through the windshield or side or rear windows is

reduced or the ability to see into the motor vehicle is substantially impaired;

(b) If the windshield has any sunscreening material that is not clear and transparent below the AS-1 line or if it has a suncreening material that is red, yellow, or amber in color above the AS-1 line;

(c) If the front side windows have any suncreening or other transparent material that has a luminous reflectance of more than thirty-five percent or has light transmission of less than thirty-five percent;

(d) If the rear window or side windows behind the front seat have suncreening or other transparent material that has a luminous reflectance of more than thirty-five percent or has light transmission of less than twenty percent except for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or

(e) If the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 C.F.R. 571.205.

(2) For purposes of this section and sections ~~39-6, 136.02 and 39-6, 136.03~~ 354 and 355 of this act:

(a) AS-1 line shall mean a line extending from the letters AS-1, found on most motor vehicle windshields, running parallel to the top of the windshield or shall mean a line five inches below and parallel to the top of the windshield, whichever is closer to the top of the windshield;

(b) Camper shall mean a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle with motive power for the purpose of providing shelter for persons;

(c) Glass-plastic glazing material shall mean a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle;

(d) Light transmission shall mean the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the suncreening or transparent material to the amount of total light falling on the motor vehicle window;

(e) Luminous reflectance shall mean the ratio of the amount of total light, expressed in percentages, which is reflected outward by the suncreening or transparent material to the amount of total light falling on the motor vehicle window;

(f) Motor home shall mean a multipurpose passenger vehicle that provides living accommodations;

(g) Multipurpose vehicle shall mean a motor vehicle designed to carry ten or fewer passengers that is constructed on a truck chassis or with special features for occasional off-road use;

(h) Pickup cover shall mean a camper having a roof and sides but without a floor designated to be mounted on and removable from the cargo area of a truck by the user;

(i) Slide-in camper shall mean a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user; and

(j) Sunscreening material shall mean a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

Sec. 354. That section 39-6,136.02, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,136.02. Any person owning or operating a motor vehicle in violation of section 39-6,136.01 on and after August 25, 1989, and prior to January 1, 1990, shall be issued a warning citation and on and after January 1, 1990, 353 of this act shall be guilty of a Class V misdemeanor.~~

Sec. 355. That section 39-6,136.03, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,136.03. After January 1, 1990, any~~ Any person who applies a sunscreening material or a glass-plastic glazing material in a manner which results in a motor vehicle having a window which violates the requirements prescribed in subsection (1) of section ~~39-6,136.01~~ 353 of this act shall be guilty of a Class III misdemeanor.

Sec. 356. That section 39-6,136.04, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,136.04. The Nebraska State Patrol or local law enforcement agency may grant a waiver of the standards in section 39-6,136.01 353 of this act for reasons of safety or security or for medical reasons based on an affidavit signed by a licensed physician. Such waiver shall be in writing and shall include the date issued, the vehicle identification number, the registration number, or other description to clearly identify the motor vehicle to which the waiver applies, the name of the owner of the vehicle, the reason for granting the waiver, the dates the waiver will be effective, and the signature of the head of the law enforcement agency granting the waiver. Such agency shall keep a copy of the waiver until the waiver expires.~~

Sec. 357. That section 39-6,136.05, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,136.05. Sections 39-6,136.01 to 39-6,136.03 353 to 355 of this act shall not apply to the side or rear windows of funeral coaches, hearses, or other vehicles operated in the normal course of business by a funeral establishment licensed under section 71-1327.~~

Sec. 358. That section 39-6,156, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,156. The term safety glass as used in section 39-6,155 shall be construed to~~ For purposes of section 359 of this act, safety glass shall mean any product composed of glass or such other or similar products as will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time and is so manufactured, fabricated, or treated as substantially to prevent or reduce in comparison with ordinary sheet glass or plate glass, when struck or broken, the likelihood of injury to persons.

Sec. 359. That section 39-6,155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,155.~~ It shall be unlawful to operate on any public highway or street in this state; any motor vehicle, other than a motorcycle, manufactured or assembled after January 1, 1935, which is designed or used for the purpose of carrying passengers; unless such vehicle is equipped in all doors, windows, and windshields with safety glass, ~~as defined in section 39-6,156.~~ Any windshield attached to a motorcycle shall be manufactured of products which will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time.

The owner or operator of any motor vehicle operated in violation of this section shall be guilty of a Class III misdemeanor.

Sec. 360. That section 39-6,160, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,160.~~ In case of any violation of section ~~39-6,155~~ 359 of this act by any common carrier or person operating a motor vehicle under a permit issued by the Director of Motor Vehicles, the Public Service Commission, or any other authorized body or officer, such permit shall be revoked or, in the discretion of such authorized department, commission, body, or officer, suspended until the provisions of such section are satisfactorily complied with.

Sec. 361. For purposes of sections 362 to 369 of this act, occupant protection system shall mean a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle which (1) restrains drivers and passengers and (2) conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.208, 571.209, and 571.210, or to the federal motor vehicle safety standards for passenger restraint systems applicable for the motor vehicle's model year.

Sec. 362. That section 39-6,171, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,171.~~ Every motor vehicle designated by the manufacturer as 1973 year model or later operated on any highway, road, or street in this state, except farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations, motorcycles, motor-driven cycles, mopeds, and buses, shall be equipped with an occupant protection system of a type which:

(1) ~~meets~~ Meets the requirements of 49 C.F.R. 571.208, 571.209, and 571.210 as such regulations currently exist or as the regulations existed when the occupant protection system was originally installed by the manufacturer; or

(2) ~~if~~ If the occupant protection system has been replaced, meets the requirements of 49 C.F.R. 571.208, 571.209, and 571.210 that applied to the originally installed occupant protection system or of a more recently issued version of such regulations. The purchaser of any such vehicle may designate the make or brand of or furnish such occupant protection system to be installed.

Any person selling a motor vehicle in this state not in compliance with this section shall be guilty of a Class V misdemeanor.

Sec. 363. That section 39-6,103.01, Revised Statutes

Supplement, 1992, be amended to read as follows:

~~39-6,103.01.~~ (1) Any person; who resides in Nebraska and drives any motor vehicle which has or is required to have an occupant protection system; shall ensure that:

(a) ~~at~~ All children under the age of four or weighing less than forty pounds being transported in such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration as of July 10, 1990, and which is correctly installed in such vehicle; and

(b) ~~at~~ All children weighing forty or more pounds or at least four years of age and younger than five years of age being transported in such vehicle use an occupant protection system.

This subsection shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208 except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(2) Whenever any physician licensed to practice medicine in Nebraska determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(3) The drivers of authorized emergency vehicles ~~as defined in section 39-602~~ shall not be subject to the requirements of subsection (1) of this section when operating such authorized emergency vehicles pursuant to their employment.

(4) The Department of Motor Vehicles shall develop and implement an ongoing public information and education program regarding the use of child passenger restraint systems and occupant protection systems.

Sec. 364. That section 39-6,103.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,103.02.~~ (1) A person violating any provision of subsection (1) of section ~~39-6,103.01~~ 363 of this act shall be guilty of an infraction as defined in section 29-431 and shall be fined twenty-five dollars for each violation. The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in such subsection, ~~(1) of section 39-6,103.01,~~ shall not be treated as a separate offense.

Any person who is charged with a violation of such subsection, ~~(1) of section 39-6,103.01,~~ who does not have in his or her possession a child restraint system meeting the requirements of Federal Motor Vehicle Safety Standard 213 as of August 26, 1983, and who

subsequently purchases or rents for a one-year period such a system prior to his or her court appearance; shall, upon presentation of proof of purchase or proof of rental for a one-year period of such a system, be able to utilize such presentation as an absolute defense and cause for dismissal of such charge.

(2) A person who has acquired the statement authorized by subsection (2) of section ~~39-6,103.01~~ 363 of this act, but fails to show ~~on a peace~~ officer such statement when requested to do so, shall be guilty of an infraction as defined in section 29-431 and shall be fined ten dollars for each offense. The failure to produce a statement for more than one child in the same vehicle at the same time shall not be treated as a separate offense.

Sec. 365. That section 39-6,103.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,103.03~~ Violations of the provisions of sections ~~39-6,103.01 and 39-6,103.02~~ 363 and 364 of this act shall not constitute prima facie evidence of negligence nor shall compliance with such sections constitute a defense to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident. Violation of such sections ~~39-6,103.01 and 39-6,103.02~~ by a driver shall not constitute a defense for another person to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident.

Sec. 366. That section 39-6,103.07, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,103.07~~ (1) Except as provided in subsection (2) of this section, no driver shall operate a motor vehicle upon a highway or street in this state unless (a) the driver and each front-seat occupant in the vehicle are wearing occupant protection systems, (b) any child passenger required by section ~~39-6,103.01~~ 363 of this act to be transported in a child passenger restraint system is using such restraint system, and (c) all occupant protection systems and child passenger restraint systems worn or used are properly adjusted and fastened.

(2) The following persons shall not be required to wear an occupant protection system:

(a) A person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons;

(b) A rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points; and

(c) A member of an ambulance or rescue service unit while involved in patient care.

(3) For purposes of this section, motor vehicle shall mean a vehicle required by section ~~39-6,171~~ 362 of this act to be equipped with an occupant protection system.

Sec. 367. That section 39-6,103.05, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,103-05.~~ Enforcement of section ~~39-6,103-07~~ 366 of this act by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense.

Sec. 368. That section 39-6,103.06, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,103-06.~~ Any person who violates subsection (1) of section ~~39-6,103-07~~ 366 of this act shall be guilty of a traffic infraction ~~as defined in section 39-602~~ and shall be fined twenty-five dollars, but no court costs shall be assessed against him or her nor shall any points be assessed against the driving record of such person. Regardless of the number of persons in such vehicle not wearing an occupant protection system pursuant to subdivision (1)(a) of such section, ~~39-6,103-07~~, only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and a violation of such subdivision is found.

Sec. 369. That section 39-6,103.08, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,103-08.~~ Evidence that a person was not wearing an occupant protection system at the time he or she was injured shall not be admissible in regard to the issue of liability or proximate cause; but may be admissible as evidence concerning mitigation of damages, except that it shall not reduce recovery for damages by more than five percent.

Sec. 370. That section 39-6,206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,206.~~ For purposes of sections ~~39-6,205 to 39-6,209, unless the context otherwise requires~~ 370 to 373 of this act:

(1) Radar transmission device shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;

(2) Possession shall mean to have a radar transmission device ~~defined in subdivision (1) of this section~~ in a motor vehicle if such device is not (a) disconnected from all power sources and (b) in the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle; and

(3) Transceiver shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver.

Sec. 371. That section 39-6,205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,205.~~ It shall be unlawful for any person to operate or possess any radar transmission device while operating a motor vehicle on any ~~road, street, highway, or interstate~~ highway in this state. Any

person who violates this section shall be guilty of a Class IIIA misdemeanor.

Sec. 372. That section 39-6,207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,207.~~ Section ~~39-6,205~~ 371 of this act shall not apply to (1) any transmitter, transceiver, or receiver of radio waves which has been lawfully licensed by the Federal Communications Commission or (2) any device being used by law enforcement officials in their official duties.

Sec. 373. That section 39-6,209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,209.~~ Any device prohibited by sections ~~39-6,205 to 39-6,208,~~ 371 and 372 of this act which is found as the result of an arrest made under ~~the provisions of sections 39-6,205 to 39-6,208;~~ such sections shall be seized, and when no longer needed as evidence, such device shall, if the owner was convicted of an offense under such sections, ~~39-6,205 to 39-6,209,~~ be considered as contraband and disposed of pursuant to section 29-820.

Sec. 374. That section 39-6,210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,210.~~ The Legislature hereby finds and declares that head injuries that occur to motorcyclists and moped operators which could be prevented or lessened by the wearing of helmets are a societal problem and that the financial and emotional costs of such injuries cannot be viewed solely on a personal level. It is the intent of the Legislature to prevent injuries and fatalities which occur due to motorcycle and moped accidents and to prevent the subsequent damage to society which results due to the cost of caring for injured people, the pain and suffering which accompanies such injuries and fatalities, and the loss of productive members of society from such injuries.

Sec. 375. That section 39-6,211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,211.~~ ~~Commencing January 1, 1989,~~ A person shall not operate or be a passenger on a motorcycle or moped on any highway, ~~as defined in section 39-602,~~ in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, ~~visor,~~ and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

Sec. 376. That section 39-6,212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,212.~~ The Department of Motor Vehicles shall ~~within sixty days after July 9, 1988,~~ publish a list of approved protective helmets which meet the requirements of section ~~39-6,211~~ 375 of this act. Such list shall not be inclusive. Any person wearing a protective helmet which meets the requirements established pursuant to ~~such~~ section ~~39-6,211~~ shall be deemed to be in compliance with such section.

Sec. 377. That section 39-6,213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,213.~~ Any person using a protective helmet purchased prior to July 9, 1988, which is labeled to show that it conforms with applicable federal motor vehicle safety standards shall be deemed to be in compliance with section ~~39-6,211~~ 375 of this act.

Sec. 378. That section 39-6,214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,214.~~ Any person who violates section ~~39-6,211~~ 375 of this act shall be guilty of a traffic infraction and shall be fined fifty dollars.

Sec. 379. That section 39-6,128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,128.~~ Every new motor vehicle or semitrailer purchased after January 1, 1956, and operated on any highway in this state shall be equipped with fenders, covers, or devices, including flaps or splash aprons, unless the body of the vehicle affords adequate protection to effectively minimize the spray or splash of water or mud to the rear of the motor vehicle or semitrailer. ~~Any person violating the provisions of this section shall, upon conviction thereof, be fined in a sum not less than ten dollars nor more than one hundred dollars.~~

Sec. 380. That section 39-6,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,132.~~ The drawbar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other, except a vehicle being towed with a connection device that is an integral component of the vehicle and is designed to attach to a lead unit with construction in such a manner as to allow articulation at the attachment point on the chassis of the towed vehicle but not to allow lateral or side-to-side movement. Such connecting device shall meet the safety standards for towbar failure or disconnection ~~that are in effect on March 28, 1980,~~ in the federal Motor Carrier Safety Regulations of the U.S. ~~Department of Transportation of the United States Government~~ adopted pursuant to section 75-363 and shall have displayed at approximately the halfway point between the towing vehicle and the towed vehicle on the connecting mechanism a red flag or other signal or cloth not less than twelve inches both in length and width that shall be at least five feet and not more than ten feet from the level of the paving and shall be displayed along the outside line on both sides of the towing and towed vehicles. Whenever such connection consists of a chain, rope, or cable, there shall be displayed upon such connection a red flag or other signal or cloth not

less than twelve inches both in length and width.

Sec. 381. That section 39-6,135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,135.~~ Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. Except as otherwise provided in this section, it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression, or spark plug whistle or for any person at any time to use a horn, otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren, or exhaust whistle.

Sec. 382. That section 39-6,137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,137.~~ No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise or annoying smoke. It shall be unlawful to use a muffler cutout on any motor vehicle upon a highway. ~~No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.~~

Sec. 383. That section 39-6,169, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,169.~~ It shall be unlawful to operate upon any public highway in this state a motor vehicle which is equipped with; or in which is located; a television set so placed that the viewing screen thereof is visible to the driver while operating such vehicle. Any person violating this section shall be guilty of a Class V misdemeanor.

Sec. 384. That section 39-6,177, Revised Statutes Supplement, 1992, be amended to read as follows:

~~39-6,177.~~ (1) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any portion of the National System of Interstate and Defense Highways. The Director-State Engineer shall adopt and promulgate rules and regulations, consistent with federal requirements, designating safety devices which shall be excluded in determining vehicle width.

(2) No vehicle which exceeds a total outside width of one hundred two inches, including any load but excluding designated safety devices, shall be permitted on any highway which is not a portion of the National System of Interstate and Defense Highways, except that such prohibition shall not apply to:

(a) Farm equipment in temporary movement, during daylight hours or during hours of darkness when the clearance light requirements of section ~~39-6,127~~ 331 of this act are fully complied

with, in the normal course of farm operations;

(b) Combines eighteen feet or less in width, while in the normal course of farm operations and while being driven during daylight hours or during hours of darkness when the clearance light requirements of such section 39-6,127 are fully complied with;

(c) Combines in excess of eighteen feet in width, while in the normal course of farm operations, while being driven during daylight hours for distances of twenty-five miles or less on highways; and while preceded by a well-lighted pilot vehicle or flagperson, except that such combines may be driven on highways while in the normal course of farm operations for distances of twenty-five miles or less and while preceded by a well-lighted pilot vehicle or flagperson during hours of darkness when the clearance light requirements of such section 39-6,127 are fully complied with;

(d) Combines and vehicles used in transporting combines, and only when transporting combines, to be engaged in harvesting, while being transported into or through the state during daylight hours, when the total width including the width of the combine being transported does not exceed fifteen feet, except that vehicles used in transporting combines may, when necessary to the harvesting operation, travel unloaded for distances not to exceed twenty-five miles, while the combine to be transported is engaged in a harvesting operation;

(e) Farm equipment dealers hauling, driving, delivering, or picking up farm equipment, including portable livestock buildings not exceeding fourteen feet in width, or implements of husbandry during daylight hours;

(f) Alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (i) the clearance light requirements of section 39-6,127 331 of this act are fully complied with, (ii) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (iii) there is a well-lighted pilot vehicle or flagperson at least three hundred feet in advance of such vehicles to give warning of the approach of overwidth equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways;

(g) Livestock forage vehicles loaded or unloaded that comply with subsection (2) of section 39-6,100 401 of this act;

(h) During daylight hours only, vehicles enroute to pick up, delivering, or returning unloaded from delivery of baled livestock forage which, including the load if any, may be twelve feet in width;

(i) Mobile homes or prefabricated livestock buildings not exceeding sixteen feet in width and with an outside tire width dimension not exceeding one hundred twenty inches moving during daylight hours;

(j) A rubber-tired crane with a fixed load when;

(i) ~~such vehicle~~ The crane will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city; ;

(ii) ~~the~~ The city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads; ;

(iii) ~~such vehicle~~ The crane will be escorted by another vehicle or vehicles assigned by the city; ;

(iv) ~~such vehicle's~~ The crane's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane; ; and

(v) if If a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds; or

(k) Vehicles which have been issued a permit pursuant to section ~~39-6,181-01~~ 395 of this act.

(3) The Director-State Engineer, with respect to highways under his or her jurisdiction, may designate certain highways upon which vehicles of no more than ninety-six inches in width may be permitted to travel. Highways so designated shall be limited to one or more of the following:

(a) Highways with traffic lanes of ten feet or less;

(b) ~~highways~~ Highways upon which are located narrow bridges; and

(c) ~~highways~~ Highways which because of sight distance, surfacing, unusual curves, topographic conditions, or other unusual circumstances would not in the opinion of the Director-State Engineer safely accommodate vehicles of more than ninety-six inches in width.

Sec. 385. That section 39-6,178, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,178.~~ (1) No vehicle unladen or with load shall exceed a height of fourteen feet, six inches, except;

(a) ~~combines~~ Combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall height does not exceed fifteen feet, six inches; ;

(b) ~~livestock~~ Livestock forage vehicles with or without load that comply with subsection (2) of section ~~39-6,100;~~ 401 of this act;

(c) Farm equipment or implements of husbandry being

driven, picked up, or delivered during daylight hours by farm equipment dealers shall not exceed fifteen feet, six inches; ;

~~(d) a Δ rubber-tired crane with a fixed load when (i) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (ii) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (iii) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (iv) such vehicle's gross weight does not exceed eighty five thousand pounds, if a four axle crane, or sixty seven thousand pounds, if a three axle crane, and (v) if a four axle crane, the maximum weight on each set of tandem axles does not exceed forty two thousand five hundred pounds, or if a three axle crane, the maximum weight on the front axle does not exceed twenty five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty two thousand five hundred pounds, or (e) vehicles the requirements of subdivision (2)(i) of section 384 of this act are met; or~~

~~(e) Vehicles which have been issued a permit pursuant to section 39-6,181.01 395 of this act.~~

~~(2) No person, firm, corporation, the State of Nebraska, or any political subdivision thereof shall be required to raise, alter, construct, or reconstruct any underpass, bridge, wire, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of twelve feet, six inches. The owners, lessees, and operators, jointly and severally, of vehicles exceeding twelve feet, six inches, in height shall assume the risk of loss to the vehicle or its load and shall be liable for any damages that result to overhead obstructions from operation of a vehicle exceeding twelve feet, six inches, in height.~~

Sec. 386. That section 39-6,179, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,179.~~ (1)(a) No vehicle shall exceed a length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers including load, except that;

(i) a Δ bus may exceed the forty-foot limitation by up to but not to exceed six inches when such excess length is caused by the projection of a front or rear safety bumper constructed, treated, or manufactured so that it absorbs energy upon impact; ;

(ii) a Δ truck-tractor may exceed the forty-foot limitation; ;

(iii) a Δ semitrailer operating in a truck-tractor single semitrailer combination, which semitrailer was actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation; ; and

(iv) a Δ semitrailer operating in a truck-tractor single

semitrailer combination, which semitrailer was not actually and lawfully operating in the State of Nebraska on December 1, 1982, may exceed the forty-foot limitation but shall not exceed a length of fifty-three feet including load.

(b) No combination of vehicles shall exceed a length of sixty-five feet, extreme overall dimensions, inclusive of front and rear bumpers and including load, except:

(i) ~~one~~ One truck and one trailer, loaded or unloaded, used in transporting a combine to be engaged in harvesting, while being transported into or through the state during daylight hours ~~and if~~ and if the total length does not exceed seventy-five feet including load; ;

(ii) ~~a~~ A truck-tractor single semitrailer combination; ;
and

(iii) ~~a~~ A truck-tractor semitrailer trailer combination, but the semitrailer trailer portion of such combination shall not exceed sixty-five feet inclusive of connective devices.

(c) ~~Two consecutive sets of tandem axes may carry a gross load of thirty four thousand pounds each when the overall distance between the first and last axes of such consecutive sets of tandem axes is thirty six, thirty seven, or thirty eight feet, except as provided in section 39-6,180.02. Such vehicles shall be subject to section 39-6,185.~~

(~~d~~) A truck shall be construed to be one vehicle for the purpose of determining length.

(~~d~~) A trailer shall be construed to be one vehicle for the purpose of determining length.

(2) Subsection (1) of this section shall not apply to:

(a) Extra-long vehicles which have been issued a permit pursuant to section ~~39-6,179.01; vehicles 388 of this act;~~

(b) Vehicles which have been issued a permit pursuant to section ~~39-6,181.01; the 395 of this act;~~

(c) ~~The~~ temporary moving of farm machinery during daylight hours in the normal course of farm operations;

(d) ~~The~~ the movement of unbaled livestock forage vehicles, loaded or unloaded;

(e) ~~The~~ the movement of public utility or other construction and maintenance material and equipment at any time;

(f) Farm ~~farm~~ equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry within the county in which the dealer maintains his or her place of business, or in any adjoining county or counties, and return;

(g) ~~The~~ the overhang of any motor vehicle being hauled upon any lawful combination of vehicles, but such overhang shall not exceed the distance from the rear axle of the hauled motor vehicle to the closest bumper thereof; or

(h) ~~Any~~ any rubber-tired crane with a fixed load when ~~(a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city. (b) the city in~~

which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (e) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty five thousand pounds, if a four axle crane, or sixty seven thousand pounds, if a three axle crane, and (e) if a four axle crane, the maximum weight on each set of tandem axles does not exceed forty two thousand five hundred pounds, or if a three axle crane, the maximum weight on the front axle does not exceed twenty five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty two thousand five hundred pounds the requirements of subdivision (2)(j) of section 384 of this act are met.

(3) The length limitations of this section shall be exclusive of safety and energy conservation devices; such as rearview mirrors, turnsignal ~~lamps~~ lights, marker ~~lamps~~ lights, steps and handholds for entry and egress, flexible fender extensions, mudflaps and splash and spray suppressant devices, load-induced tire bulge, refrigeration units or air compressors, and other devices necessary for safe and efficient operation of commercial motor vehicles, except that no device excluded from the limitations of this section shall have by its design or use the capability to carry cargo.

Sec. 387. That section 39-6,188, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,188. Any person, firm, association, partnership, or corporation who shall violate any of the provisions of sections 39-6,177 to 39-6,179, 60-301 to 60-343, or 79-488, or any person, firm, association, partnership, corporation, or agent thereof, who shall drive or move, cause or knowingly permit who violates any provision of sections 384 to 386 of this act or who drives, moves, causes, or knowingly permits to be moved on any public highway, road, street, or alley, highway any vehicle or vehicles which exceed the limitations as to width, length, or height, or weight, as provided in such sections 39-6,177 to 39-6,179, or the safety features provided in section 79-488 for which a penalty is not elsewhere provided; shall be guilty of a Class III misdemeanor. It shall be the duty of the sheriffs of the several counties and other police officials to enforce the provisions of sections 39-6,123, 39-6,125, 39-6,126, 39-6,177 to 39-6,187, 60-301 to 60-343, and 79-488.~~

Sec. 388. That section 39-6,179.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,179.01.~~ (1) The Department of Roads may issue permits for the use of extra-long vehicle combinations. Such permits shall allow the extra-long vehicle combinations to operate only on the National System of Interstate and Defense Highways and only if such vehicles are empty and are being delivered for the manufacturer or retailer, except that a highway located not more than six miles from the National System of

Interstate and Defense Highways may also be designated in such permits if it is determined by the Director-State Engineer that such designation is necessary for the permitholder to have access to the National System of Interstate and Defense Highways. An annual permit for such use may be issued to each qualified carrier company or individual. The carrier company or individual shall maintain a copy of such annual permit in each truck-tractor operating as a part of an extra-long vehicle combination. The fee for such permit shall be two hundred fifty dollars per year.

(2) The permit ~~in subsection (1) of this section~~ shall allow operation of the following extra-long vehicle combinations of not more than three cargo units and not fewer than six axles nor more than nine axles:

(a) A truck-tractor, a semitrailer, and two trailers having an overall combination length of not more than one hundred five feet. Semitrailers and trailers shall be of approximately equal lengths;

(b) A truck-tractor, semitrailer, and single trailer having an overall length of not more than one hundred five feet. Semitrailers and trailers shall be of approximately equal lengths; and

(c) A truck-tractor, semitrailer, or single trailer, one trailer of which is not more than forty-eight feet long, the other trailer of which is not more than twenty-eight feet long nor less than twenty-six feet long, and the entire combination of which is not more than ninety-five feet long. The shorter trailer shall be operated as the rear trailer.

For purposes of this subsection, a semitrailer used with a converter dolly shall be considered a trailer.

(3) The ~~Department of Roads~~ department shall adopt and promulgate rules and regulations governing the issuance of the permits, including, but not limited to, selection of carriers, driver qualifications, equipment selection, hours of operations, weather conditions, road conditions, and safety considerations.

(4) Any person who violates this section shall be guilty of a Class IV misdemeanor.

Sec. 389. That section 39-6,130.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,130.01:~~ A warning decal shall be attached to every truck-trailer combination, except trailers subject to section ~~39-6,130~~ 339 of this act, having a connection device between such vehicles which is more than twelve feet in length. Such decal shall be made of red reflectorized material and contain the words:

LONG VEHICLE
PASS WITH CARE

The letters shall be of white reflectorized material and shall be not less than three inches in height.

The decal shall be affixed to the sides and rear parts of the trailer at a height of not less than forty-eight inches nor more than seventy-four inches from the ground level.

Sec. 390. That section 39-6,180, Revised Statutes

Supplement, 1992, be amended to read as follows:

~~39-6,180. (1) The wheels of all vehicles, including trailers, except those operated at twenty miles per hour or less, shall be equipped with pneumatic tires.~~

(1) Every vehicle, whether operated singly or in a combination of vehicles, and every combination of vehicles shall comply with subsections (2) and (3) of this section except as provided in section 393 of this act. The limitations imposed by this section shall be supplemental to all other provisions imposing limitations upon the size and weight of vehicles.

~~(2) No wheel of a vehicle or trailer referred to in subsection (1) of this section equipped with pneumatic, or solid rubber, or cushion tires shall carry a gross load in excess of ten thousand pounds on any road or highway nor shall any axle carry a gross load in excess of twenty thousand pounds on any road or highway. An axle load shall be defined as the total load transmitted to the road highway by all wheels the centers of which may be included between two parallel transverse vertical planes forty inches apart extending across the full width of the vehicle.~~

~~(3) Every vehicle, whether operated singly or in a combination of vehicles, and every combination of vehicles shall comply with subsections (2) and (4) of this section except as provided in section 39-6,180.02. The limitations imposed by this section are supplemental to all other provisions imposing limitations upon the size and weight of vehicles.~~

~~(4) No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not exceed eighty thousand pounds on the National System of Interstate and Defense Highways unless the Director-State Engineer pursuant to section 39-6,180.01~~ 391 of this act ~~authorizes a greater weight.~~

Distance in feet

Maximum load in pounds carried on any group of two or more consecutive axles

between the extremes of any group of two or more consecutive axles

	Two Axles	Three Axles	Four Axles	Five Axles	Six Axles	Seven
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				

12	45,000	50,000			
13	45,500	50,500			
14	46,500	51,500			
15	47,000	52,000			
16	48,000	52,500	58,000		
17	48,500	53,500	58,500		
18	49,500	54,000	59,000		
19	50,000	54,500	60,000		
20	51,000	55,500	60,500		
21	51,500	56,000	61,000		
22	52,500	56,500	61,500		
23	53,000	57,500	62,500		
24	54,000	58,000	63,000		
25	54,500	58,500	63,500	69,000	
26	55,500	59,500	64,000	69,500	
27	56,000	60,000	65,000	70,000	
28	57,000	60,500	65,500	71,000	
29	57,500	61,500	66,000	71,500	
30	58,500	62,000	66,500	72,000	
31	59,000	62,500	67,500	72,500	
32	60,000	63,500	68,000	73,000	
33		64,000	68,500	74,000	
34		65,500	69,000	74,500	
34		64,500	69,000	74,500	
35		65,500	70,000	75,000	
36		66,000	70,500	75,500	
37		66,500	71,000	76,000	81,500
38		67,500	72,000	77,000	82,000
39		68,000	72,500	77,500	82,500
40		68,500	73,000	78,000	83,500
41		69,500	73,500	78,500	84,000
42		70,000	74,000	79,000	84,500
43		70,500	75,000	80,000	85,000
44		71,500	75,500	80,500	85,500
45		72,000	76,000	81,000	86,000
46		72,500	76,500	81,500	87,000
47		73,500	77,500	82,000	87,500
48		74,000	78,000	83,000	88,000
49		74,500	78,500	83,500	88,500
50		75,500	79,000	84,000	89,000
51		76,000	80,000	84,500	89,500
52		76,500	80,500	85,000	90,500
53		77,500	81,000	86,000	91,000
54		78,000	81,500	86,500	91,500
55		78,500	82,500	87,000	92,000
56		79,500	83,000	87,500	92,500
57		80,000	83,500	88,000	93,000
58			84,000	89,000	94,000

59	85,000	89,500	94,500
60	85,500	90,000	95,000

~~(5)~~ (4) The distance between axles shall be measured to the nearest foot. When a fraction is exactly one-half foot, the next larger whole number shall be used, except that:

(a) ~~any~~ Any group of three axles shall be restricted to a maximum load of thirty-four thousand pounds unless the distance between the extremes of the first and third axles is at least ninety-six inches in fact; and

(b) ~~the~~ The maximum gross load on any group of two axles, the distance between the extremes of which is more than eight feet but less than eight feet six inches, shall be thirty-eight thousand pounds.

~~(6)~~ (5) The limitations of subsections (2), ~~(4)~~, and ~~(5)~~ through (4) of this section shall apply as stated to all main, rural, and intercity roads highways but shall not be construed as inhibiting heavier axle loads in metropolitan areas, except on the National System of Interstate and Defense Highways, if such loads are not prohibited by city ordinance.

~~(7)~~ (6) The weight limitations of wheel and axle loads as defined in subsections (2), ~~(4)~~, and ~~(5)~~ through (4) of this section shall be restricted to the extent deemed necessary by the Department of Roads for a reasonable period where when road subgrades or pavements are weak or are materially weakened by climatic conditions.

(7) Two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each when the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six, thirty-seven, or thirty-eight feet except as provided in section 393 of this act. Such vehicles shall be subject to section 397 of this act.

(8) If any truck shall ~~cross~~ crosses a bridge with a total gross load in excess of the posted capacity of such bridge and as a result of such crossing any damage results to the bridge, the owner of such truck shall be responsible for all of such damage.

(9) Vehicles equipped with a greater number of axles than provided in the tables in subsection (4) (3) of this section shall be legal if they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, and the total gross weight, or any of such weights as provided in subsections (2) and (4) (3) of this section.

(10) Subsections (1) to through (9) of this section shall not apply to a vehicle which has been issued a permit pursuant to section ~~39-6-181-01~~ 395 of this act or to a rubber-tired crane with a fixed load when ~~(a) such crane will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway~~

containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such crane will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty five thousand pounds; if a four axle crane, or sixty seven thousand pounds, if a three axle crane, and (e) if a four axle crane, the maximum weight on each set of tandem axles does not exceed forty two thousand five hundred pounds, or if a three axle crane, the maximum weight on the front axle does not exceed twenty five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty two thousand five hundred pounds the requirements of subdivision (2)(i) of section 384 of this act are met.

(11) Any two consecutive axles the centers of which are more than forty inches and not more than ninety-six inches apart, measured to the nearest inch between any two adjacent axles in the series, shall be defined as tandem axles, and the gross weight transmitted to the road surface through such series shall not exceed thirty-four thousand pounds. No axle of the series shall exceed the maximum weight permitted under this section for a single axle.

(12) Dummy axles shall be disregarded in determining the lawful weight of a vehicle or vehicle combination for operation on the highway. Dummy axle shall mean an axle attached to a vehicle or vehicle combination in a manner so that it does not articulate or substantially equalize the load and does not carry at least eight percent of the gross weight of the vehicle or vehicle combination.

Sec. 391. That section 39-6,180.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,180.01.~~ Upon finding that no loss to the state of federal highway-user funds would result therefrom, the Director-State Engineer may authorize the carrying on the National System of Interstate and Defense Highways of the weights set forth in the table of weights in section ~~39-6,180~~ 390 of this act or such part thereof as would result in no loss to the state of such funds.

Sec. 392. That section 39-6,184, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,184.~~ (1) Any person operating any motor vehicle, ~~freight-carrying vehicle, bus, truck, truck tractor~~ semitrailer, or trailer, when the weight of the vehicle and load is in violation of the provisions of ~~subdivision (1)(e) of section 39-6,179 or section 39-6,180~~ section 390 of this act and the vehicle and load ~~does~~ do not qualify for the exceptions permitted by section ~~39-6,185~~ 397 of this act, shall be guilty of a traffic infraction ~~or traffic infractions~~ and shall, upon conviction thereof, be fined:

(a) ~~Twenty-five~~ (1) ~~twenty-five~~ dollars for carrying a gross load of five percent or less over the maximum;

(b) ~~One~~ (2) ~~one~~ hundred dollars for carrying a gross load of more than five percent but not more than ten percent over the maximum;

(c) ~~Two~~ (3) ~~two~~ hundred dollars for carrying a gross

load of more than ten percent but not more than fifteen percent over the maximum;

(d) Three ~~-(4)-three~~ hundred fifty dollars for carrying a gross load of more than fifteen percent but not more than twenty percent over the maximum;

(e) Six ~~-(5)-six~~ hundred dollars for carrying a gross load of more than twenty percent but not more than twenty-five percent over the maximum;

(f) One ~~-(6)-one~~ thousand dollars for carrying a gross load of more than twenty-five percent over the maximum;

(g) Twenty-five ~~-(7)-twenty-five~~ dollars for carrying a load on a single axle or a group of axles of five percent or less over the maximum;

(h) Seventy-five ~~-(8)-seventy-five~~ dollars for carrying a load on a single axle or a group of axles of more than five percent but not more than ten percent over the maximum;

(i) One ~~-(9)-one~~ hundred fifty dollars for carrying a load on a single axle or a group of axles of more than ten percent but not more than fifteen percent over the maximum;

(j) Three ~~-(10)-three~~ hundred twenty-five dollars for carrying a load on a single axle or a group of axles of more than fifteen percent but not more than twenty percent over the maximum;

(k) Five ~~-(11)-five~~ hundred dollars for carrying a load on a single axle or a group of axles of more than twenty percent ~~and~~ but not more than twenty-five percent over the maximum;

(l) Seven ~~-(12)-seven~~ hundred fifty dollars for carrying a load on a single axle or group of axles of more than twenty-five percent but not more than thirty percent over the maximum;

(m) Nine ~~-(13)-nine~~ hundred fifty dollars for carrying a load on a single axle or group of axles of more than thirty percent but not more than thirty-five percent over the maximum;

(n) One ~~-(14)-one~~ thousand one hundred fifty dollars for carrying a load on a single axle or group of axles of more than thirty-five percent but not more than forty percent over the maximum;

(o) Fifteen ~~-(15)-fifteen~~ hundred fifty dollars for carrying a load on a single axle or group of axles of more than forty percent but not more than forty-five percent over the maximum;

(p) Two ~~-(16)-two~~ thousand dollars for carrying a load on a single axle or group of axles of more than forty-five percent but not more than fifty percent over the maximum; and

(q) Twenty-five ~~-(17)-twenty-five~~ hundred dollars for carrying a load on a single axle or group of axles of more than fifty percent over the maximum.

(2) No person shall be guilty of multiple offenses when the violations (a) involve the excess weight of an axle or a group of axles and the excess weight of the gross load of a single vehicle or (b) occur on the National System of Interstate and Defense Highways.

Sec. 393. That section 39-6,180.02, Reissue Revised

Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,180.02.~~ The provisions of subdivision (1)(b) of section ~~39-6,179 and subsections (2) and (4) of section 39-6,180~~ 386 of this act and subsections (2) and (3) of section 390 of this act shall not apply when a disabled combination of vehicles is towed if the combination of vehicles, together with the wrecker or tow truck, does not exceed ninety-five feet, inclusive of front and rear bumpers including load. Such exception shall apply only if the disabled combination of vehicles is being towed directly to the nearest place of secure safekeeping. The towing vehicle shall be connected with the air brakes and brake lights of the towed vehicle.

Sec. 394. That section 39-6,181, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,181.~~ (1) The Department of Roads or the Nebraska State Patrol, with respect to highways under its jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor issue a special permit in writing authorizing the applicant or his or her designee;

(a) ~~to~~ To operate or move a vehicle, a combination of vehicles, or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary;

(i) To ~~to~~ further the national defense or the general welfare;

(ii) To ~~(b) to~~ permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment; or

(iii) Because ~~or is necessary because~~ of an emergency, an unusual circumstance, or a very special situation; or

(b) To ~~(c) to~~ operate vehicles, for a distance up to seventy miles, loaded up to fifteen percent greater than the maximum weight specified by law, ~~or~~ up to ten percent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are harvested to storage, market, or stockpile in the field or from stockpile to market or factory when failure to move such product or products in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare, except that no permit shall authorize a weight greater than twenty thousand pounds on any single axle.

No permit shall be issued under ~~subdivisions (a) and (b)~~ subdivision (a) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations, which ~~and which object~~ cannot be dismantled or reduced in size or weight without great difficulty, and which of necessity must be

moved over the highways to reach its intended destination. No permit shall be required for the temporary movement on ~~roads~~ highways other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment when such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle, ~~and~~ the load to be operated or moved, ~~and~~ whenever possible the particular highways, ~~roads, or streets~~ for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or county authority is authorized to issue or withhold such permit at its discretion or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety, and the department or county authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit. In ~~and in~~ case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless:

(a) ~~The~~ ~~the~~ violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied; or

(b) ~~The~~ ~~or unless the~~ total gross load is within the maximum authorized by the permit, ~~and~~ no axle is more than ten percent in excess of the maximum load for such axle or group of axles authorized by the permit, and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty ~~provided that such shift if it~~ is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and

a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or county authority issuing a permit as provided in this section may adopt and promulgate rules and regulations with respect to the issuance of permits provided for in this section.

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars, except that:

(a) ~~the~~ The fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one-hundred-eighty-day period, or one hundred dollars for a one-year period; and

(b) ~~the~~ The fee for permits issued pursuant to subdivision ~~(1)(e)~~ (1)(b) of this section shall be twenty-five dollars. Permits issued pursuant to such subdivision ~~(1)(e) of this section~~ shall be valid for thirty days and shall be renewable four times per year.

A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331; for the maximum gross vehicle weight that is permitted pursuant to section ~~39-6.180; 390 of this act~~ before a permit shall be issued.

Sec. 395. That section 39-6.181.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6.181.01:~~ (1) The Department of Roads may issue permits for vehicles moving a building or objects requiring specialized moving dollies. Such permits shall allow the vehicles transporting buildings or objects requiring specialized dollies to operate on highways under the jurisdiction of the department, excluding any portion of the National System of Interstate and Defense Highways. Such permit shall specify the maximum allowable width, length, height, and weight of the building to be transported, the route to be used, and the hours during which such building or object may be transported. Any vehicle moving a building or object requiring specialized moving dollies shall be escorted by another vehicle or vehicles in the manner determined by the ~~Department of Roads~~ department. Such vehicles shall travel at a speed which is not in excess of five miles per hour when carrying loads which are in excess of the maximum gross weight specified by law by more than twenty-five percent. The permit shall not be issued for travel on a state highway containing a bridge or structure which is structurally inadequate to carry such building or object as determined by the ~~Department of Roads~~ department. The department may prescribe conditions of operation of such vehicle when necessary to assure against damage to the road foundations, surfaces, or structures and require such security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(2) The application for any such permit shall specifically describe the vehicle, ~~and~~ the load to be moved, and; whenever possible; the particular highways for which the permit is requested. The

company or individual shall maintain a copy of the permit in each vehicle moving a building or object requiring specialized moving dollies which shall be open to inspection by any ~~police~~ peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. The fee for such permit shall be ten dollars.

(3) The ~~Department of Roads~~ department shall adopt and promulgate rules and regulations governing the issuance of the permits. Such rules and regulations shall include, but not be limited to, driver qualifications, equipment selection, hours of operation, weather conditions, road conditions, determination of any damage caused to highways or bridges, cutting or trimming of trees, removal or relocation of signs or other property of the state, raising or lowering of electric supply and communication lines, and such other safety considerations as the department ~~shall deem~~ deems necessary.

(4) Any person who violates the terms of a permit issued pursuant to this section or otherwise violates this section shall be guilty of a Class III misdemeanor.

Sec. 396. That section 39-6,182, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,182.~~ It shall be unlawful to operate upon the public highways of this state any ~~motor~~ truck, truck-tractor, or trailer that weighs in excess of the gross weight for which the registration fee on such vehicle has been paid plus one thousand pounds, but this section shall not apply to any ~~motor~~ truck, truck-tractor, or trailer being operated under a special permit issued pursuant to section ~~39-6,181~~ 394 of this act.

Any owner of such a vehicle who permits operation of the vehicle in violation of this section shall be guilty of a traffic infraction and shall, upon conviction, be fined twenty-five dollars for each one thousand pounds or fraction thereof in excess of the weight allowed to be carried under this section with tolerance.

Sec. 397. That section 39-6,185, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,185.~~ When any motor vehicle, ~~motor truck,~~ ~~truck-tractor~~ semitrailer, or trailer is operated upon the ~~public~~ highways of this state carrying a load in excess of the maximum weight permitted by section ~~39-6,179 or 39-6,180~~ 390 of this act, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state, except that:

(1) If any ~~truck, truck-tractor~~ motor vehicle, semitrailer, or trailer exceeds the maximum load on only one axle, only one tandem axle, or only one group of axles when (a) the distance between the first and last axle of such group of axles is twelve feet or less, (b) the excess axle load is no more than five percent in excess of the maximum load for such axle, tandem axle, or group of axles permitted by ~~section 39-6,179 or 39-6,180~~ such section, while the vehicle or combination of vehicles is within the maximum gross load, and (c) the load on such vehicle is such that it can be shifted or the configuration of the vehicle can be changed so that all axles, tandem axle, or groups of axles are within the maximum

permissible limit for such axle, tandem axle, or group of axles, such shift or change of configuration may be made without penalty;

(2) Any ~~truck, truck-tractor~~ motor vehicle, semitrailer, or trailer carrying only a load of livestock may exceed the maximum load as permitted by such section ~~39-6,179 or 39-6,180~~ on only one axle, only one tandem axle, or only one group of axles when the distance between the first and last axle of the group of axles is six feet or less if the excess load on the axle, tandem axle, or group of axles is caused by a shifting of the weight of the livestock by the livestock and if the vehicle or combination of vehicles is within the maximum gross load as permitted by ~~section 39-6,179 or 39-6,180~~ such section;

(3) With a permit issued by the Department of Roads or the Nebraska State Patrol, a truck with an enclosed body and a compacting mechanism, designed and used exclusively for the collection and transportation of garbage or refuse, may exceed the maximum load as permitted by such section ~~39-6,179 or 39-6,180~~ by no more than twenty percent on only one axle, only one tandem axle, or only one group of axles when the vehicle is laden with garbage or refuse if the vehicle is within the maximum gross load as permitted by ~~section 39-6,179 or 39-6,180~~ such section. There shall be a permit fee of ten dollars per month or one hundred dollars per year. The permit may be issued for one or more months up to one year, and the term of applicability shall be stated on the permit; and

(4) Any ~~truck, truck-tractor~~ motor vehicle, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five percent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading facility on the itinerary where the cargo can be properly protected. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

Nothing ~~contained~~ in this section shall be construed to permit to be operated on the National System of Interstate and Defense Highways any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system as contained in section ~~39-6,179 or 39-6,180~~ 390 of this act.

If the maximum legal gross weight or axle weight of any vehicle is exceeded by five percent or less and the arresting peace officer or carrier enforcement officer has reason to believe that such excessive weight is caused by snow, ice, or rain, ~~he or she~~ the officer may issue a warning citation to the operator.

Sec. 398. That section 39-6,185.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,185.01~~ Except for fifth-wheel repositioning done pursuant to section ~~39-6,185~~ 397 of this act, it shall be unlawful to reposition the fifth-wheel connection device of a truck-tractor and semitrailer combination while such combination is carrying cargo and on the state highway system. Any person violating this section shall be guilty of a Class IV misdemeanor.

Sec. 399. That section 39-6,186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,186. Any peace officer or carrier enforcement officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to require the driver to stop and submit to a weighing of the same. When an officer upon vehicle and load. Upon weighing a vehicle and load, if the officer as herein provided determines that the weight on any axle exceeds the lawful weight, that or when the weight on any group of two consecutive axles exceeds their lawful weight, or that and in all cases when the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section 39-6,180, he or she 390 of this act, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under such section. 39-6,180. All material so unloaded shall be cared for by the owner or driver of such vehicle at the risk of such owner or driver. Lawful weight as used in this section~~

For purposes of this section, lawful weight shall mean the maximum weight permitted by section 39-6,180 390 of this act.

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing or who refuses, when directed by a peace officer or carrier enforcement officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 400. That section 39-6,129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,129. (1) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, shifting, leaking, or otherwise escaping from the vehicle.

(2) No person shall transport any sand, gravel, rock less than two inches in diameter, or refuse in any motor vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering. Any person who shall violate any of the provisions of this section violates any provision of this subsection shall be guilty of a Class V misdemeanor.

Sec. 401. That section 39-6,100, Revised Statutes Supplement, 1992, be amended to read as follows:

39-6,100. (1) A (1) For purposes of this section, livestock forage vehicle shall mean a vehicle with chassis which has a special implement bolted, mounted, or attached thereto for loading, unloading, and moving livestock forage.

(2) All livestock forage vehicles shall:

(a) Not exceed a length of sixty-five feet, extreme overall dimensions inclusive of bumpers and load;

(b) Not exceed a width of eighteen feet;

(c) Not exceed a height of eighteen feet, either for equipment alone or for equipment and load combined. Such vehicles shall comply with subsection (2) of section 39-6,178 385 of this act; and

(d) Only be operated during hours of daylight.

(3) No person shall operate a livestock forage vehicle which carries unbaled livestock forage at a speed in excess of the following limits:

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

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

(c) Fifty miles per hour while upon any highway other than a freeway outside a business or residential district.

The speed limits provided in this section may be altered as provided in section 286 of this act.

(4) The load of baled livestock forage shall be securely fastened to the vehicle at all times while it is on a highway. Any person who transports unbaled or baled livestock forage shall be responsible for all damages occurring to other persons or property as a result of his or her negligence during the transportation of the same livestock forage and shall also be responsible for cleaning a highway of unbaled or baled livestock forage which falls or is dropped from the load onto a highway during the moving of the same livestock forage.

(5) Any person who uses equipment which exceeds the length, width, and height provisions set forth in subsection (2) of this section shall first obtain a permit from the county sheriff of the county in which he or she resides. The permit shall be valid to carry loads twenty feet wide in such county and in adjacent counties. Such permit shall be furnished to the sheriff's office by the Department of Motor Vehicles and shall be valid for one calendar year. The fee for such permit shall be ten dollars. Any person securing such a permit shall keep a record of all activity covered by such permit, which record shall be available to the issuing ~~officer~~ sheriff, his or her deputies and agents, or members of the Nebraska State Patrol at all times. The record shall include dates, items moved, route, and other pertinent information.

~~(6) Any person who violates the provisions of this section shall be guilty of a traffic infraction and shall, upon conviction thereof, be punished as provided in section 39-6,112. Enforcement of these provisions shall be the responsibility of the sheriffs and their deputies and the Nebraska State Patrol.~~

Sec. 402. That section 39-692, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-692: Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under sections 39-601 to 39-6,122; the Nebraska Rules of the Road except for special motorcycle regulations in sections 39-601 to 39-6,122 the rules and except for those provisions of sections 39-601 to 39-6,122 the rules which by their nature can have no application.~~

Sec. 403. That section 39-693, Reissue Revised Statutes of

Nebraska, 1943, be amended to read as follows:

~~39-693.~~ (1) Any person who operates a motorcycle shall ride only upon a permanent and regular seat attached thereto, and to the motorcycle. A person operating a motorcycle shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

(2) Any A person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that ~~will interfere~~ interferes with the operation or control of the motorcycle or the view of the operator.

(5) Any motorcycle which carries a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(6) No person shall operate any motorcycle with handlebars more than fifteen inches above the mounting point of the handlebars.

Sec. 404. That section 39-694, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-694.~~ (1) A motorcycle shall be entitled to full use of a traffic lane of any highway, and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane, except that motorcycles may be ~~This subsection shall not apply to motorcycles operated two abreast in a single lane.~~

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by a vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to ~~police~~ peace officers in the performance of their official duties.

(6) No person who rides upon a motorcycle shall attach himself, herself, or the motorcycle to any other vehicle on a roadway.

Sec. 405. That section 39-6,196, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,196. For purposes of sections 39-6,197 to 39-6,204 and 60-301, moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty~~

~~miles per hour on level ground.~~ Mopeds, their owners, and their operators shall be subject to Chapter 60, article 4, but shall be exempt from the requirements of Chapter 60, articles 1, 3, and 5.

Sec. 406. That section 39-6,197, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,197.~~ No person shall operate a moped upon the ~~streets, alleys, or public highways of the State of Nebraska~~ a highway unless such person has (1) a valid ~~motor vehicle~~ Class O operator's license or (2) a valid school or learner's permit.

Sec. 407. That section 39-6,198, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,198.~~ (1) Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under ~~sections 39-601 to 39-6,122;~~ the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of ~~such sections the rules~~ which by their nature can have no application.

(2) Regulations applicable to mopeds shall apply whenever a moped ~~shall be~~ is operated upon any highway or upon any path set aside by the Department of Roads or a local authority for the use of mopeds.

Sec. 408. That section 39-6,199, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,199.~~ (1) Any person who operates a moped shall ride only upon a permanent and regular seat attached ~~thereto, and to the moped.~~ A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one person.

(2) ~~Any~~ A person shall ride upon a moped only while sitting astride the seat, facing forward.

(3) No person shall operate a moped while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that ~~will interfere~~ interferes with the operation or control of the moped or the view of the operator.

(5) Any moped which carries a passenger shall be equipped with footrests for such passenger.

(6) No person shall operate any moped with handlebars more than fifteen inches above the mounting point of the handlebars.

Sec. 409. That section 39-6,200, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,200.~~ (1) A moped shall be entitled to full use of a traffic lane of any ~~street or~~ highway with an authorized speed limit of forty-five miles per hour or less, and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, ~~except that mopeds and motorcycles may be~~ — This subsection shall not apply to mopeds or motorcycle operated two abreast in a single lane.

(2) No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

(3) Mopeds shall not be operated more than two abreast in a single lane.

(4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five miles per hour shall ride as near to the right side of the roadway as practicable; and shall not ride more than single file.

(5) No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.

(6) Mopeds shall not be operated on the National System of Interstate and Defense Highways or on sidewalks.

(7) Notwithstanding the maximum speed limits in excess of twenty-five miles per hour established in section 282 of this act, no person shall operate any moped at a speed in excess of thirty miles per hour.

Sec. 410. That section 39-686, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-686.~~ (1) Any person who rides a bicycle upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under ~~sections 39-601 to 39-6,122,~~ the Nebraska Rules of the Road except for special bicycle regulations in ~~sections 39-601 to 39-6,122~~ the rules and except for those provisions of ~~sections 39-601 to 39-6,122~~ the rules which by their nature can have no application.

(2) Regulations applicable to bicycles shall apply whenever a bicycle ~~shall be~~ is operated upon any highway or upon any path set aside by the Department of Roads or a local authority for the exclusive use of bicycles.

Sec. 411. That section 39-688, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-688.~~ (1) Any person who rides a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) Any person who rides a bicycle shall not remove his or her feet from the pedals and shall have at least one hand on the handlebars at all times.

(3) Any person who operates a bicycle shall not carry any package, bundle, or article which prevents such operator from keeping at least one hand upon the handlebars.

(4) No bicycle shall be used to carry more persons at one time than the number for which it ~~shall be~~ is designed and equipped.

Sec. 412. That section 39-689, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-689.~~ Any person who rides upon any bicycle; ~~coaster, roller skates, sled, skis, or toy vehicle~~ shall not attach ~~such or~~ himself, herself, or the bicycle to any vehicle upon a roadway.

Sec. 413. That section 39-690, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-690.~~ (1) Any person who operates a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Any person who rides a bicycle upon a roadway shall not ride more than single file except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use such roadway.

(4) ~~Local~~ A local authority may, by ordinance, further regulate the operation of bicycles and may provide for registration and inspection of bicycles.

Sec. 414. That section 39-691, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-691.~~ (1) ~~Any bicycle when~~ When in use at nighttime, ~~a bicycle~~ shall be equipped with a light on the front which shall emit a white light visible from a distance of at least five hundred feet to the front on a clear night and with a red reflector on the rear of a type approved by the ~~department or~~ Department of Motor Vehicles or a local authority which shall be visible on a clear night from all distances between one hundred feet and six hundred feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector.

(2) Any bicycle used on a highway shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

Sec. 415. That section 39-6,138.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~39-6,138.01.~~ ~~On or after April 1, 1976, no~~ No commercial dealer shall sell or offer to sell at retail any bicycle unless such bicycle is equipped with pedals which display a white or amber reflective device or material on both the front and rear surfaces of the pedal and such reflective surface ~~shall be~~ is visible during the hours of darkness from four hundred feet when viewed from the front or rear under low beam ~~headlamps~~ headlights of a motor vehicle under normal atmospheric conditions.

All bicycles shall also be equipped with tires bearing a white or silver retroreflective material on each side; or a wide-angle reflector mounted on the spokes of each wheel. Such retroreflective material shall be at least three-sixteenths of an inch wide, ~~and~~ shall be affixed as an integral part of the tire or wheel, and shall remain effective for the life of the tire or wheel. The spoke-mounted, wide-angle reflector devices shall have a reflective surface of at least two square inches and shall be clear, amber, or red in color. Both the retroreflective tires and wide-angle spoke reflectors shall be visible; during the hours of darkness; from ~~a distance of~~ four hundred feet when viewed under

the low beam ~~headlamps~~ headlights of a motor vehicle under normal atmospheric conditions; when the bicycle is traveling at a ninety degree right angle to the direction of travel of the motor vehicle and is directly in front of such motor vehicle. Such reflective devices shall remain visible when the bicycle is turned forty degrees in either direction from such angle and crosses directly in front of such motor vehicle at a distance of four hundred feet.

No commercial dealer shall sell or offer to sell at retail any bicycle which does not comply with this section. Any person who violates this section shall be guilty of a Class V misdemeanor.

Sec. 416. That section 60-2001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2001. As used in sections 60-2001 to 60-2023, unless the context otherwise requires:~~

~~(1) Person shall mean any individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not;~~

~~(2) Snowmobile shall mean a self-propelled motor vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis or runners and propelled by a belt-driven track with or without steel cleats;~~

~~(3) Owner shall mean a person, other than a lienholder, having the property in or title to a snowmobile or entitled to the use or possession thereof;~~

~~(4) Operate shall mean to ride in or on and control the operation of a snowmobile;~~

~~(5) Operator shall mean every person who operates or is in actual physical control of a snowmobile;~~

~~(6) Register shall mean the act of assigning a registration number to a snowmobile;~~

~~(7) Director shall mean the Director of Motor Vehicles acting directly or through his authorized agent;~~

~~(8) Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel;~~

~~(9) For purposes of sections 416 to 442 of this act:~~

~~(1) Dealer shall mean any person engaged in the business of selling snowmobiles at wholesale or retail;~~

~~(10) (2) Manufacturer shall mean a person, partnership, or corporation engaged in the business of manufacturing snowmobiles; and~~

~~(3) Operate shall mean to ride in or on and control the operation of a snowmobile.~~

~~(11) Local authorities shall mean every municipal and other local board or body having authority to enact laws or regulations relating to traffic under the Constitution and laws of this state.~~

Sec. 417. That section 60-2002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2002. Except as otherwise provided in sections~~

~~60-2001 to 60-2023~~ 416 to 442 of this act, no person shall operate any snowmobile within the State of Nebraska unless such snowmobile has been registered in accordance with ~~the provisions of sections 60-2001 to 60-2023~~ sections 418 to 427 of this act.

Sec. 418. That section 60-2003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2003~~. Application for registration shall be made to the county treasurer in such form as the ~~director shall prescribe~~. Director of Motor Vehicles prescribes and shall state the name and address of the applicant, state a description of the snowmobile, including color, manufacturer, and identification number, and be signed by at least one owner. Application forms shall be made available through the county treasurer's office of each county in this state. Upon receipt of the application and the appropriate fee as provided in section ~~60-2004, such~~ 419 of this act, the snowmobile shall be registered by the county treasurer, and number plates shall be provided which shall be affixed to the snowmobile in such manner as the director ~~shall prescribe~~ prescribes.

Sec. 419. That section 60-2004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2004~~. The fee for registration of each snowmobile shall be:

(1) For each snowmobile owned by a person other than dealers or manufacturers, eight dollars per year and one dollar for a duplicate or transfer;

(2) For all snowmobiles owned by a dealer and operated for demonstration or testing purposes, twenty-five dollars per year; and

(3) For all snowmobiles owned by a manufacturer and operated for research, testing, experimentation, or demonstration purposes, one hundred dollars per year.

Dealer and manufacturer registrations shall not be transferable.

Sec. 420. That section 60-2005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2005~~. (1) The certificate of registration and number plates issued shall be valid for one year. The registration period for snowmobiles shall expire on the first day of the month one year from the month of issuance, and renewal shall become delinquent on the first day of the following month.

(2) Such registration may be renewed annually in the same manner as provided for the original registration. On making application for renewal, the registration certificate for the preceding registration period shall be presented with the application. If such certificate is not presented, a fee of one dollar shall be added to the registration fee.

(3) Every owner of a snowmobile shall renew his or her registration in the manner prescribed in sections ~~60-2001 to 60-2023,~~ 416 to 442 of this act upon payment of the registration fees provided in section ~~60-2004~~ 419 of this act.

Sec. 421. That section 60-2006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2006.~~ A registration number shall be issued without the payment of a fee for snowmobiles owned by the state or a political subdivision thereof upon application therefor.

Sec. 422. That section 60-2007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2007.~~ No registration shall be required for snowmobiles:

(1) Owned and used by the United States, another state, or a political subdivision thereof;

(2) Registered in a country other than the United States and temporarily used within this state;

(3) Covered by a valid license of another state and which have not been within this state for more than thirty consecutive days; and

(4) Which are operated only on land owned or leased by the owner thereof.

Sec. 423. That section 60-2008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2008.~~ Snowmobiles properly registered in another state shall be allowed to operate in the State of Nebraska on a reciprocal basis.

Sec. 424. That section 60-2009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2009.~~ (1) The county treasurers shall act as agents for the Department of Motor Vehicles in the collection of snowmobile registration fees; and shall retain twenty-five cents from the funds collected for each such registration.

(2) Twenty-five percent of the remaining amount of the fees from registration of snowmobiles shall be deposited with the State Treasurer to the credit of the General Fund, and seventy-five percent shall be deposited in the Nebraska Snowmobile Trail Cash Fund.

Sec. 425. That section 60-2009.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2009.01.~~ (1) There is hereby created the Nebraska Snowmobile Trail Cash Fund; into which shall be deposited a the portion of the fees collected from snowmobile registration as provided in ~~subsection (2) of section 60-2009~~ section 424 of this act.

(2) The Game and Parks Commission ~~is directed to~~ shall use the money in the Nebraska Snowmobile Trail Cash Fund for the operation, ~~and~~ maintenance, enforcement, planning, establishment, and marking of snowmobile trails throughout the state; and for the acquisition by purchase or lease of real property to carry out the provisions of this section.

(3) ~~The Game and Parks Commission~~ commission shall establish rules and regulations pertaining to the use and maintenance of snowmobile trails.

Sec. 426. That section 60-2010, Reissue Revised Statutes

of Nebraska, 1943, be amended to read as follows:

~~60-2010.~~ (1) Upon the transfer of ownership of any snowmobile, its registration shall expire.

(2) The person to whom ownership has been transferred shall register the snowmobile pursuant to ~~the provisions of sections 60-2001 to 60-2023~~ sections 418 to 423 of this act before operating such snowmobile in this state.

Sec. 427. That section 60-2010.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2010.01.~~ Upon transfer of ownership of any snowmobile or in case of loss of possession because of fire, theft, dismantlement, or junking, its registration shall expire, and the registered owner may, by returning the registration certificate and number plates and after making affidavit to the county treasurer of such transfer or loss, receive a refund of that part of the unused fees based on the number of unexpired months remaining in the registration period, except that when such snowmobile is transferred within the same calendar month in which acquired, no refund shall be allowed for such month. Application for registration or for reassignment of number plates to another snowmobile shall be made within fifteen days of the date of purchase.

Sec. 428. That section 60-2010.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2010.02.~~ The Department of Motor Vehicles shall keep a record of each snowmobile registered, employing such methods and practices as may be necessary to maintain an accurate record.

Sec. 429. That section 60-2011, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2011.~~ No political subdivision of this state shall require licensing or registration of snowmobiles covered by the provisions of sections ~~60-2001 to 60-2023~~ 416 to 442 of this act.

Sec. 430. That section 60-2012.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2012.01.~~ The Game and Parks Commission shall establish rules and regulations for:

(1) The operation of snowmobiles upon designated state-controlled or state-operated lakes within the State of Nebraska during the period of time when the lake is frozen and safe for the use of snowmobiles; and

(2) The operation of snowmobiles on established snowmobile courses or trails within public parks or on public land in this state owned or leased by the state.

Sec. 431. That section 60-2013, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2013.~~ (1) No person shall operate a snowmobile upon any ~~public way, shoulder, or inside bank or slope of any street or highway or highway right-of-way~~ highway except as provided in sections ~~60-2001 to 60-2023~~ 416 to 442 of this act. Subject to regulation by the Department of Roads and by local authorities, in their respective

jurisdictions, a snowmobile may be operated on the roadway of any ~~street or~~ highway, on the right-hand side of such roadway and in the same direction as the highway traffic, ~~except that~~ ; ~~PROVIDED~~, no snowmobile shall be operated at any time within the right-of-way of any ~~interstate highway or freeway~~ controlled-access highway within this state. †

(2) A snowmobile may make a direct crossing of a ~~street or~~ highway at any hour of the day if:

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

(b) The snowmobile is brought to a complete stop before crossing the shoulder or ~~main-traveled-way~~ roadway of the highway;

(c) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;

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

(e) If the crossing is made between the hours of one-half hour after sunset and one-half hour before sunrise or in conditions of reduced visibility, both ~~front and rear lights~~ the headlights and taillights are on. †

(3) No snowmobile shall be operated upon a ~~public street or~~ highway unless equipped with at least one ~~headlamp, one taillamp~~ headlight and one taillight, each of minimum candlepower as prescribed by regulations of the ~~director~~, Director of Motor Vehicles, with reflector material of a minimum area of sixteen square inches mounted on each side forward of the handlebars, and with brakes, each of which ~~shall conform~~ conforms to standards prescribed by rule of the director. †

(4) A snowmobile may be operated upon a ~~public street or~~ highway other than as provided by subsection (2) of this section in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical. †

(5) Unless otherwise provided in sections ~~60-2001 to 60-2023, all provisions of Chapters 39 and 416 to 442 of this act, all other provisions of Chapter~~ 60 shall apply to the operation of snowmobiles upon ~~streets and~~ highways; except for those relating to required equipment; and except those which by their nature have no application. † ~~and~~

(6) No person shall operate a snowmobile upon any private lands without first having obtained permission of the owner, lessee, or operator of such lands.

Sec. 432. That section 60-2014, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2014.~~ Nothing in sections ~~60-2001 to 60-2023~~ 416 to 442 of this act shall prohibit the use of snowmobiles within the right-of-way of any ~~state highway or other public road~~ highway in any international or other sponsored contest, ~~except~~ ; ~~PROVIDED~~; that

prior written permission for such contests shall first be obtained by the sponsoring persons or group from the official or board having jurisdiction over the highway ~~or public road~~ upon which the contest is to be held. Any person ~~or persons~~ holding a snowmobile contest on any right-of-way of a ~~public road or~~ highway without first obtaining written permission therefor shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided by section ~~60-2021~~ 440 of this act. In permitting such contest, the official or board having jurisdiction may prescribe such restrictions or conditions as may be deemed advisable.

Sec. 433. That section 60-2015, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2015:~~ It shall be unlawful for any person to drive or operate any snowmobile on any public land, ice, snow, park, right-of-way, trail, or course in the following unsafe or harassing ways:

(1) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(2) In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

(3) While under the influence of ~~intoxicating liquor or narcotics or habit forming drugs~~ alcoholic liquor or of any drug;

(4) Without a lighted ~~head~~ headlight and taillight when required for safety; and

(5) In any tree nursery or planing in a manner which damages or destroys growing stock.

Sec. 434. That section 60-2016, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2016: (1) Notwithstanding anything in this section to the contrary, a~~ (1) A county board may by resolution permit the operation of snowmobiles upon the roadway, shoulder, or inside bank or slope of any county ~~road~~ highway if safe operation in the ditch or outside bank or slope thereof is impossible, in which case the county board shall cause appropriate notice thereof to be given.

(2) Any county, city, or village may regulate the operation of snowmobiles on public lands, waters, and property under its jurisdiction and on ~~streets and~~ highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice. Such resolutions or ordinances shall not be inconsistent with other provisions of law or with ~~the provisions of sections 60-2001 to 60-2023~~ sections 416 to 442 of this act and rules and regulations promulgated thereunder, and no such governmental unit may adopt an ordinance which (a) imposes a fee for the use of public land or water under the jurisdiction of either the state or any agency of the state; or for the use of any access thereto owned by the state, ~~or a county, a city, or a village;~~ or (b) requires a snowmobile operator to possess ~~a motor vehicle driver's~~ an operator's license while operating a snowmobile.

Sec. 435. That section 60-2017, Reissue Revised Statutes

of Nebraska, 1943, be amended to read as follows:

~~60-2017.~~ Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound.

This section shall not apply to organized races or similar competitive events held on: (1) Private private lands, with the permission of the owner, lessee, or custodian of the land, † or (2) public lands, with the consent of the public agency owning the land.

No person shall have for sale, sell, or offer for sale on any new snowmobile any muffler that fails to comply with the specifications required by the rules and regulations of the ~~director~~ Director of Motor Vehicles.

Sec. 436. That section 60-2018, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2018.~~ (1) No person under the age of twelve years shall operate a snowmobile in this state unless accompanied by a parent, guardian, or other person over eighteen years of age.

(2) No person over the age of twelve years and under the age of sixteen years shall operate a snowmobile in this state unless such person (a) holds a valid snowmobile safety certificate, or (b) is accompanied by a person fourteen years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of eighteen years.

(3) The operator of a snowmobile shall not be required to hold ~~a motor vehicle~~ an operator's license.

Sec. 437. That section 60-2018.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2018.01.~~ (1) Application for a snowmobile safety certificate shall be made on uniform blanks prepared by the Director of Motor Vehicles.

(2) Such application shall contain all information and questions deemed necessary by the director to insure that the applicant is qualified and possesses reasonable ability to operate a snowmobile.

(3) No snowmobile safety certificate shall be issued until the applicant has appeared before an examiner and satisfied the examiner that the applicant possesses adequate vision and physical ability to operate a snowmobile.

(4) For purposes of ~~sections—60-2001—to—60-2023,~~ ~~examiner, as used in~~ this section, examiner shall refer to an examiner of the Department of Motor Vehicles.

Sec. 438. That section 60-2019, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2019.~~ It shall be unlawful for the owner of a snowmobile to permit such snowmobile to be operated contrary to the provisions of sections ~~60-2001 to 60-2023 or carry~~ 416 to 442 of this act

or for purposes of carrying a shotgun or rifle thereon unless such shotgun or rifle is unloaded and encased.

Sec. 439. That section 60-2020, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2020:~~ It shall be unlawful for any person to shoot, take, hunt, or kill or attempt to shoot, take, hunt, or kill any wild animal or bird from or with a snowmobile or for any person to carry or possess any shotgun or rimfire rifle while operating or riding on a snowmobile, or for any person to carry or possess any firearm, bow and arrow, or other projectile device on a snowmobile unless such bow and arrow or projectile device is enclosed in a carrying case or such firearm is unloaded and enclosed in a carrying case.

Sec. 440. That section 60-2021, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2021:~~ (1) Any person who ~~shall violate~~ violates any provision of sections ~~60-2001 to 60-2023~~ 416 to 442 of this act or any rule or regulation promulgated pursuant to such sections ~~60-2001 to 60-2023~~ shall be guilty of a Class III misdemeanor, and if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor.

(2) Any violation of such sections ~~60-2001 to 60-2023~~ which is also a violation under ~~Chapter 39 or any other provision of Chapter 60~~ may be punished under the penalty provisions thereof.

~~(3) Any peace officer of the state or any political subdivision thereof, including conservation officers of the Game and Parks Commission, are charged with the enforcement of the provisions of sections 60-2001 to 60-2023 and the rules and regulations promulgated thereunder:~~

Sec. 441. That section 60-2022, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2022:~~ A ~~law enforcement~~ peace officer shall seize any snowmobile used for the purpose of gaining access to property for the purpose of committing a felony thereon. Any snowmobile seized pursuant to this section shall be held, subject to the order of the district court of the county in which such felony was committed, and shall be confiscated after conviction of the person from whom the snowmobile was seized and disposed of by public auction which shall be conducted by the sheriff of the county in which such conviction occurred. ~~The and the~~ proceeds from the sale of a confiscated snowmobile shall be ~~paid into the state treasury and credited to the General Fund~~ remitted to the State Treasurer for credit to the permanent school fund.

Sec. 442. That section 60-2023, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2023:~~ (1) The operator of a snowmobile involved in a collision, accident, or other casualty occurring on any public land, ice, snow, park, right-of-way, trail, or course shall give his or her name; and address and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision,

accident, or other casualty.

(2) When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of one hundred dollars, the operator of such snowmobile shall within ten days file with the ~~director~~ Director of Motor Vehicles a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe.

Sec. 443. That section 60-2101.01, Revised Statutes Supplement, 1992, be amended to read as follows:

~~60-2101.01: For purposes of sections 60-2101.01 to 60-2108, minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches or an engine rated capacity of less than forty five cubic centimeters displacement or any other two-wheel motor vehicle primarily designed by the manufacturer thereof for off-road use only.~~ Minibikes, their owners, and their operators shall be exempt from the requirements of Chapter 60, articles 1, 3, 4, and 5.

Sec. 444. That section 60-2102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2102:~~ Minibikes and all off-road vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, and snowmobiles, shall be exempt from the provisions of sections ~~60-2101.01 to 60-2108~~ 174 and 447 to 449 of this act during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational, or community service organization.

Sec. 445. That section 60-2103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2103:~~ All minibikes and similar ~~two, three-~~ two-wheeled, three-wheeled, and four-wheeled miniature vehicles offered for sale in this state shall bear the following notice to the customer and user: This vehicle as manufactured or sold is for off-road use only.

Sec. 446. That section 60-2104, Revised Statutes Supplement, 1992, be amended to read as follows:

~~60-2104:~~ Nothing in sections ~~60-2102 to 60-2106~~ 174 and 444 to 447 of this act shall prohibit occasional necessary movement of vehicles described in section ~~60-2103~~ 445 of this act on streets for purposes of moving the vehicle across streets or a turnaround on the streets. All such vehicles when used under this section shall be exempt from all motor vehicle legal requirements.

Sec. 447. That section 60-2105, Revised Statutes Supplement, 1992, be amended to read as follows:

~~60-2105:~~ ~~It is the declared purpose of sections 60-2102 to 60-2106~~ It is the intent of the Legislature to remove from street use and operation minibikes and similar ~~two, three-~~ two-wheeled, three-wheeled, or four-wheeled miniature vehicles, ~~the whose~~ whose visibility, power, and equipment of which are inadequate for mixing with normal vehicular traffic upon streets and highways.

Sec. 448. That section 60-2107, Reissue Revised Statutes

of Nebraska, 1943, be amended to read as follows:

~~60-2107.~~ It shall be unlawful for any person to operate a minibike on any state ~~road or~~ highway except as permitted pursuant to section ~~60-2108~~ 449 of this act. Any person who violates this section shall be guilty of a Class III misdemeanor.

Sec. 449. That section 60-2108, Revised Statutes Supplement, 1992, be amended to read as follows:

~~60-2108.~~ Any department, board, or commission of the State of Nebraska with jurisdiction over state parks and state recreation areas as defined in section 81-815.22 and state wayside areas as described in section 81-711, wherein in which motor vehicles of any type are permitted, may adopt and promulgate rules and regulations permitting and controlling the operation of minibikes and designating the place, time, and manner of such operation in the public recreation area under its control. In designating the manner of such operation within a specific location and during a specific time, the department, board, or commission may establish speed limits and restrictions on the age of the operator, noise emission levels, and number of minibikes permitted to be operated within a specific area at the same time. The rules and regulations governing the use of public roads set forth in Chapter 39, article 6; other provisions of the Nebraska Rules of the Road not inconsistent with sections 60-2101.01 to 60-2108 174 and 443 to 449 of this act shall apply to the public area.

Such department, board, or commission may further authorize the supervising official of any area under its ownership or control to prohibit operation of any minibike in emergency situations by personal or posted notice.

Any person operating a minibike in a place, at a time, or in a manner not permitted by the department, board, or commission having control over the area shall be guilty of a Class III misdemeanor.

Any political subdivision of the State of Nebraska with jurisdiction over public alleys, streets, or highways may adopt and promulgate rules, regulations, ordinances, or resolutions in conformity with such sections.

Sec. 450. Any person who rides upon any coaster, roller skates, sled, skis, or toy vehicle shall not attach such or himself or herself to any vehicle upon a roadway.

Sec. 451. That section 60-2801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2801.~~ As used in sections 60-2801 to 60-2808, unless the context otherwise requires For purposes of sections 451 to 458 of this act, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty inches or less in width, (2) has a dry weight of six hundred pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control.

All-terrain vehicles which have been modified to include

additional equipment not required by sections ~~60-2803 and 60-2804~~ 453 and 454 of this act shall not be required to be registered under Chapter 60, article 3.

Sec. 452. That section 60-2802, Revised Statutes Supplement, 1992, be amended to read as follows:

~~60-2802.~~ (1) Except as provided in subsections (2), ~~(3),~~ (4), and through (5) of this section, an all-terrain vehicle shall not be operated on any ~~public street, road, or~~ highway of this state. The crossing of any ~~interstate or limited-access~~ controlled-access highway shall not be permitted.

(2) The crossing of a ~~public street, road, or~~ highway shall be permitted only if:

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

(b) The vehicle is brought to a complete stop before crossing the shoulder or ~~main traveled way~~ roadway of the ~~street, road, or~~ highway;

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

(d) In crossing a divided ~~street, road, or~~ highway, the crossing is made only at an intersection of such ~~street, road, or~~ highway with another ~~public street, road, or~~ highway; and

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

(3) ~~All-terrain vehicles~~ An all-terrain vehicle may be operated on a ~~public street, road, or~~ highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the ~~vehicles'~~ vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a ~~public street, road, or~~ highway shall have a valid ~~motor vehicle~~ Class O operator's license or a farm permit as provided in section 60-4,126 and shall not operate such vehicle at a speed in excess of thirty miles per hour. When operated on a ~~public street, road, or~~ highway, the headlight and taillight of the vehicle shall be on; and the ~~all-terrain~~ vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) All-terrain vehicles may be operated on ~~public streets, roads, and~~ highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(5) All-terrain vehicles may be operated on ~~public streets, roads, and~~ highways outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection (3) of this section, except that the operation of ~~such vehicles~~ the vehicle pursuant

to this subsection need not be incidental to the use of the vehicle for agricultural purposes.

Sec. 453. That section 60-2803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2803:~~ Every all-terrain vehicle shall display a lighted headlight and taillight during the period of time from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions.

Sec. 454. That section 60-2804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2804:~~ Every all-terrain vehicle shall be equipped with:
 (1) A brake system maintained in good operating condition;
 (2) An adequate muffler system in good working condition;
 and

(3) A United States Forest Service qualified spark arrester.
 Sec. 455. That section 60-2805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2805:~~ No person shall:
 (1) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device;
 (2) Operate an all-terrain vehicle with an exhaust system so modified; or

(3) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

Sec. 456. That section 60-2806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2806:~~ All-terrain vehicles participating in competitive events may be exempted from sections ~~60-2803 to 60-2805~~ 453 to 455 of this act at the discretion of the Director of Motor Vehicles.

Sec. 457. That section 60-2807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2807:~~ If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in section 60-505.

Sec. 458. That section 60-2808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2808:~~ (1) Any person who violates sections ~~60-2802 to 60-2807~~ 452 to 457 of this act shall be guilty of a Class III misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor.

(2) Any violation of such sections ~~60-2802 to 60-2807~~ which is also a violation under ~~Chapter 39 or any other provision of~~ Chapter 60 may be punished under the penalty provisions of such chapter.

~~(3) Any peace officer of the state or of any political~~

~~subdivision, including conservation officers of the Game and Parks Commission, shall be charged with the enforcement of the provisions of sections 60-2802 to 60-2807.~~

Sec. 459. That section 60-2201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2201. As used in sections 60-2201 to 60-2212, unless the context otherwise requires~~ For purposes of sections 459 to 470 of this act:

(1) Diesel-powered motor vehicle shall mean a self-propelled vehicle which is designed primarily for transporting persons or property on a ~~public street or~~ highway and which is powered by an internal combustion engine of the compression ignition type;

(2) Motor vehicle shall mean a self-propelled vehicle with a gross unloaded vehicle weight of ten thousand pounds or more; or any combination of vehicles of a type subject to registration; which is towed by such ~~motor a~~ vehicle;

(3) Smoke shall mean the solid or liquid matter, except water, discharged from a motor vehicle engine which obscures the transmission of light;

(4) Smokemeter shall mean a full-flow, light-extinction smokemeter of a type approved by the Department of Environmental Control Quality and operating on the principles described in the federal standards;

(5) Opacity shall mean the degree to which a smoke plume emitted from a diesel-powered motor vehicle engine will block the passage of a beam of light expressed as a percentage; and

(6) Smoke control system shall mean a system consisting of one or more devices and adjustments designed to control the discharge of smoke from diesel-powered motor vehicles. †

~~(7) Administrator shall mean the Director of Environmental Control of the State of Nebraska;~~

~~(8) State enforcement officials shall mean officials of the Department of Environmental Control; and~~

~~(9) This act shall mean sections 60-2201 to 60-2212.~~

Sec. 460. That section 60-2202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2202. Sections 60-2201 to 60-2212~~ 459 to 470 of this act shall apply to all diesel-powered motor vehicles operated within this state with the exception of the following:

(1) Emergency vehicles operated by federal, state, and local governmental authorities;

(2) Vehicles which are not required to be registered in accordance with ~~applicable motor vehicle laws of this state~~ Chapter 60, article 3;

(3) Vehicles used for research and development which have been approved by the ~~administrator~~ Director of Environmental Quality;

(4) Vehicles being operated while undergoing maintenance;

(5) Vehicles operated under emergency conditions;

(6) Vehicles being operated in the course of training programs which have been approved by the ~~administrator~~ director; and

(7) Other vehicles expressly exempted by the ~~administrator~~ director.

Sec. 461. That section 60-2203, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2203:~~ No one shall operate a diesel-powered motor vehicle on any ~~public street or~~ highway in this state in such a manner that smoke discharged from the exhaust is of a shade or density equal to or darker than that designated as Number 1 of the Ringelmann Chart or equivalent opacity of twenty percent for ten consecutive seconds or longer.

Sec. 462. That section 60-2204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2204:~~ No one shall intentionally make a change or other alteration to any diesel-powered motor vehicle equipped by its manufacturer with a smoke control system, including the basic fuel system, that may limit the ability of the system to control smoke, and no one shall remove such a smoke control system except for repair or installation of a proper replacement.

Sec. 463. That section 60-2205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2205:~~ ~~(1) State~~ (1) Officials of the Department of Environmental Quality and local enforcement officials shall have the authority to issue citations to suspected violators of the provisions of sections ~~60-2201 to 60-2212~~ 459 to 470 of this act on the basis of their visual evaluation of the smoke emitted from a diesel-powered motor vehicle. A citation ~~and such citations~~ shall give the suspected violator a reasonable time to furnish evidence to the ~~Department of Environmental Control~~ department that such alleged violation has been corrected or else such suspected violator shall be subject to the penalties set out in section ~~60-2211; PROVIDED, that a~~ 469 of this act. A suspected violator may demand that the suspected vehicle be tested by an approved smokemeter prior to a trial on the alleged violation.

(2) Smokemeter tests shall be conducted (a) by or under the supervision of a person or testing facility authorized by the ~~administrator~~ Director of Environmental Quality to conduct such tests; and (b) by installing an approved smokemeter on the exhaust pipe and operating the suspected vehicle at engine revolutions per minute equivalent to the engine revolutions per minute at the time of the alleged violation.

(3) The results of smokemeter tests run in accordance with ~~the provisions of sections 60-2201 to 60-2212~~ this section and after the alleged violation shall be admissible as evidence in legal proceedings.

Sec. 464. That section 60-2206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2206:~~ ~~(1) The administrator~~ (1) The Director of Environmental Quality shall have the power, after public hearings on due notice, to adopt and promulgate, consistent with and in furtherance of the provisions of sections ~~60-2201 to 60-2212~~ 459 to 470 of this act, rules

and regulations in accordance with which he or she will carry out his or her responsibilities and obligations under ~~the provisions of sections 60-2201 to 60-2212~~ such sections.

(2) Any rules or regulations promulgated by the ~~administrator pursuant to sections 60-2201 to 60-2212~~ director shall be consistent with the provisions of the federal standards, if any, relating to control of emissions from the diesel-powered motor vehicles affected by such rules and regulations. The ~~administrator~~ director shall not require, as a condition for the sale of any diesel-powered motor vehicle covered by ~~the provisions of sections 60-2201 to 60-2212~~ sections 459 to 470 of this act, the inspection, certification, or other approval of any feature or equipment designed for the control of noise or emissions from such diesel-powered motor vehicles; if such feature or equipment has been certified, approved, or otherwise authorized pursuant to laws or regulations of any federal governmental body as sufficient to make lawful the sale of any diesel-powered motor vehicle covered by such sections, ~~60-2201 to 60-2212.~~

Sec. 465. That section 60-2207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2207.~~ No person shall sell, or offer for sale, a new motor vehicle with a gross vehicle weight of ten thousand pounds or more that produces a maximum noise exceeding ~~the following~~ a noise limit of 80dB(A) at a distance of fifty feet from the centerline of travel under test procedures established by section ~~60-2210: (1) After January 1, 1972, 88dB(A); (2) after January 1, 1973, 86dB(A); (3) after January 1, 1975, 84dB(A); (4) after January 1, 1978, 83dB(A); and (5) after January 1, 1982, 80dB(A).~~ 468 of this act.

Sec. 466. That section 60-2208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2208.~~ No person shall operate within the speed limits specified in this section either a motor vehicle with a gross vehicle weight of ten thousand pounds or more or any combination of vehicles of a type subject to registration, towed by such motor vehicle, at any time or under any condition of grade, load, acceleration, or deceleration in such manner as to exceed the following noise limit based on a distance of not less than fifty feet from the centerline of travel under test procedures established by section ~~60-2210~~ 468 of this act: When the posted speed limit is thirty-five miles per hour or less, the noise limit shall not exceed 86dB(A), and when the posted speed limit is more than thirty-five miles per hour, the noise limit shall not exceed 90dB(A). ~~This~~ PROVIDED, that this section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of sections ~~60-2201 to 60-2212~~ 459 to 470 of this act relating to motor vehicle mufflers for noise control.

Sec. 467. That section 60-2209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2209.~~ No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of a

motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. Procedures used to establish compliance with this section shall be those used to establish compliance of a new motor vehicle with the requirements of sections ~~60-2201 to 60-2212~~ sections 459 to 470 of this act.

Sec. 468. That section 60-2210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2210:~~ (1) Noise measurements shall be made at a test site which is adjacent to; and includes a portion of, ~~a traveled lane of a public highway~~ a roadway. A microphone target point shall be established on the centerline of the ~~traveled portion of the highway~~ roadway, and a microphone location point shall be established on the ground surface at a distance of fifty feet from the microphone target point and on a line that is perpendicular to the centerline of the ~~traveled portion of the highway~~ roadway and that passes through the microphone target point. The microphone shall be placed such that it is at a height of not less than two feet and not more than six feet above the plane of the roadway surface. The test area shall include an open site within a fifty-foot radius of both the microphone target point and the microphone location point. The test site shall be essentially free of large sound-reflecting objects.

(2) Noise measurement conditions shall be as follows:

(a) Noise measurements may only be made if the measured average wind velocity is twelve miles per hour or less. Gust wind measurements of up to twenty miles per hour shall be allowed;

(b) Measurements shall be prohibited under any condition of precipitation, but measurements may be made with snow on the ground. The ground surface within the measurement area shall be free of standing water; and

(c) Road conditions shall be such that they would not cause a motor vehicle to emit irregular tire, body, or chassis-impact noise.

(3) In accordance with this section, a measurement shall be made of the sound level generated by a motor vehicle operating through the measurement area on the traveled portion of the highway within the test site, regardless of the highway grade, load, acceleration, or deceleration. The sound level generated by the motor vehicle shall be the highest reading observed on the sound level measurement system as the vehicle passes through the measurement area.

Sec. 469. That section 60-2211, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2211:~~ Every person who operates a diesel-powered or other motor vehicle in this state in violation of the standards established by ~~the provisions of sections 60-2201 to 60-2212~~ sections 459 to 470 of this act shall be guilty of a Class V misdemeanor, and every day that the diesel-powered or other motor vehicle is so operated shall be deemed to be a separate offense.

Sec. 470. That section 60-2212, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2212.~~ The provisions of sections ~~60-2201 to 60-2212~~ 459 to 470 of this act shall be exclusive and prevail over other provisions of law in this state or any of its subdivisions applied to smoke from diesel-powered motor vehicles.

Sec. 471. That section 60-1307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1307. (1) Whenever any person is arrested at one of the state weighing stations or portable scales for a violation of the laws relating to the trip permit provided in section 66-492 or to the size, weight, load, and registration of buses, ~~motor~~ trucks, truck-tractors, semitrailers, trailers, or towed vehicles, the arresting officer shall take the name and address of such person and the license number of his or her motor vehicle and issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest; unless the person arrested ~~shall demand~~ demands an earlier hearing. Such person shall, if he or she desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour. The hearing shall be before a magistrate within the county ~~wherein such~~ in which the offense was committed. Such officer shall, upon such person giving a written promise to appear at such time and place, ~~forthwith~~ release him or her from custody. Such person arrested and released shall not be permitted to operate the motor vehicle concerned until it is in compliance with ~~section 39-6,185 and Chapter 60, article 3, and section 397 of this act.~~ Any person refusing to give such written promise to appear shall be immediately taken by the arresting officer before the nearest or most accessible magistrate. Any person who willfully violates a written promise to appear; given in accordance with this section; shall be guilty of a Class III misdemeanor; regardless of the disposition of the charge upon which he or she was originally arrested.

(2) Subsection (1) of this section shall not apply to any person not a resident of the State of Nebraska. The arresting officer shall take such person forthwith before the nearest or most accessible magistrate.

(3)(a) The arresting officer shall seize and detain the motor vehicle concerned until the motor vehicle is in compliance with ~~sections 39-6,179 and 39-6,180~~ section 390 of this act or in conformity with the exceptions permitted by section ~~39-6,185~~ 397 of this act, and; unless all the violations pending before the magistrate relating to ~~sections 39-6,179 and 39-6,180~~ section 390 of this act have been the subject of a conviction, acquittal, or dismissal and all related fines and costs have been paid, the arresting officer may detain the motor vehicle concerned when the officer has reasonable grounds to believe that ~~(a)~~ (i) the accused will refuse to respond to the citation, ~~(b)~~ (ii) the accused has no ties to the jurisdiction reasonably sufficient to assure his or her appearance in court, or ~~(c)~~ (iii) the accused has previously failed to appear in response to a citation.

(b) If a motor vehicle detained pursuant to this section is

transporting livestock, procedures and precautions shall be taken if necessary to ensure the health and welfare of such livestock while the motor vehicle is detained.

(c) A motor vehicle detained pursuant to this subsection shall be released upon execution of a bond with such surety or sureties as the court deems proper or, in lieu of such surety or sureties and at the option of the accused, a cash deposit, conditioned upon his or her appearance before the proper court to answer the offense for which he or she may be charged and to appear at such times thereafter as the court so orders. Such bond shall be in an amount as set forth in the schedule adopted pursuant to section 29-901.05 and shall be administered, subject to review and forfeiture, in the same manner as bail bonds, except that for violations of ~~subdivision (1)(e) of section 39-6,179 and section 39-6,180~~ section 390 of this act, such bond or cash deposit shall be in an amount not less than the sum of costs together with the appropriate fine prescribed in section ~~39-6,184~~ 392 of this act.

(d) In addition to the operator, any owner or lessee of the motor vehicle may execute the bond or make the cash deposit required by this section. Upon execution of the bond or cash deposit, the arresting or custodial officer shall release the motor vehicle and cargo to the person who executed the bond or deposited the cash or to the designee of such person.

(e) Towing and storage charges, if any, shall be paid by the person to whom the motor vehicle is released prior to the release of the motor vehicle. Such charges shall be assessed as costs in any action for the forfeiture of the recognizance.

(4) Nothing in this section shall (a) prevent the owner or the owner's representative of such motor vehicle or the cargo on the motor vehicle from taking possession of the cargo and transferring it to another vehicle or taking possession of the cargo and the trailer, if the trailer can be separated from the power unit, or (b) create any liability for the state arising out of damage to such motor vehicle and its cargo.

Sec. 472. That section 60-1411.02, Revised Statutes Supplement, 1992, be amended to read as follows:

60-1411.02. The board may, upon its own motion, and shall, upon a sworn complaint in writing of any person, investigate the actions of any person licensed as a motor vehicle dealer, trailer dealer, motor vehicle or trailer salesperson, manufacturer, factory branch, distributor, factory representative, distributor representative, supplemental motor vehicle dealer, wrecker or salvage dealer, finance company, motorcycle dealer, or motor vehicle auction dealer. It shall have the power to deny any application for a license or to revoke or suspend any license issued under Chapter 60, article 14, when the applicant or licensee including any officer, stockholder, or partner; or any person having any financial interest in the applicant or licensee:

(1) Has had any license; issued to him or her under Chapter 60, article 14, revoked or suspended and, if the license has been suspended, has not complied with the terms of suspension;

(2) Has knowingly purchased, sold, or done business in stolen motor vehicles, motorcycles, or trailers or parts thereof;

(3) Has failed to provide and maintain an established place of business as defined in section 60-1401.02;

(4) Has been found guilty of any felony which has not been pardoned, has been found guilty of any misdemeanor concerning fraud or conversion, or has suffered any judgment in any civil action involving fraud, misrepresentation, or conversion. In the event felony charges are pending against an applicant, the board may refuse to issue a license to the applicant until there has been a final determination of the charges;

(5) Has made a false material statement in his or her application or any data attached thereto;

(6) Has willfully failed to perform any written agreement with any consumer or retail buyer;

(7) Has made a fraudulent sale, transaction, or repossession, or created a fraudulent security interest, as defined in the Uniform Commercial Code, in a motor vehicle, trailer, or motorcycle;

(8) Has failed to notify the board of a change in the location of his or her established place or places of business and in the case of a salesperson has failed to notify the board of any change in his or her employment;

(9) Has willfully failed to deliver to a purchaser a proper certificate of ownership for a motor vehicle, trailer, or motorcycle sold by the licensee or to refund the full purchase price if the purchaser cannot legally obtain proper certification of ownership within thirty days;

(10) Has forged the signature of the registered or legal owner on a certificate of title;

(11) Has failed to comply with Chapter 60, article 14, and any orders, rules, or regulations of the board adopted and promulgated under Chapter 60, article 14;

(12) Has failed to comply with the advertising and selling standards established in section 60-1411.03;

(13) Has failed to comply with the provisions of section 60-320, Chapter 60, article 1 or 14, or the rules or regulations adopted and promulgated by the board pursuant to Chapter 60, article 14;

(14) Has failed to comply with any provision of Chapter 71, article 46, or with any code, standard, or rule or regulation adopted or made under the authority of or pursuant to the provisions of Chapter 71, article 46;

(15) Has willfully defrauded any retail buyer, or other person, in the conduct of the licensee's business;

(16) Has employed any unlicensed salesperson or salespersons;

(17) Has failed to comply with ~~the provisions of Chapter 60, article 23~~ sections 49 to 55 of this act;

(18) Has engaged in any unfair methods of competition or unfair or deceptive acts or practices prohibited under Chapter 87, article 3; or

(19) Has conspired, as defined in section 28-202, with other persons to process titles in violation of the provisions of Chapter 60, article 1.

Sec. 473. That section 60-1417, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1417. Every motor vehicle, motorcycle, or trailer sale, except between a manufacturer or distributor, shall be evidenced by an instrument in writing upon a form that may be promulgated by the board and approved by the Attorney General which shall contain all the agreements of the parties and shall be signed by the buyer and seller or a duly acknowledged agent of the seller. Prior to or concurrent with any such motor vehicle, motorcycle, or trailer sale, the seller shall deliver to the buyer one instrument which shall contain the following information:

- (1) Name of seller;
- (2) ~~name~~ Name of buyer;
- (3) ~~year~~ Year of model and identification number;
- (4) ~~cash~~ Cash sale price;
- (5) ~~year~~ Year and model of trailer and serial number, if any;
- (6) ~~the~~ The amount of buyer's downpayment; and whether made in money or goods; or partly in money and partly in goods, including a brief description of any goods traded in;
- (7) ~~the~~ The difference between subdivisions (4) and (6) of this section;
- (8) ~~the~~ The amount included for insurance if a separate charge is made therefor, specifying the types of coverages;
- (9) ~~the~~ The basic time price, which is the sum of subdivisions (7) and (8) of this section;
- (10) ~~the~~ The time-price differential;
- (11) ~~the~~ The amount of the time-price balance, which is the sum of subdivisions (9) and (10) of this section payable in installments by the buyer to the seller;
- (12) ~~the~~ The number, amount, and due date or period of each installment payment;
- (13) ~~the~~ The time-sales price;
- (14) ~~whether~~ Whether the sale is as is or subject to warranty and, if subject to warranty, specifying the warranty; and
- (15) ~~if~~ If repairs or inspections arising out of the conduct of a dealer's business cannot be provided by the dealer in any representations or warranties that may arise, the instrument shall so state that fact and shall provide the purchaser with the location of a facility where such repairs or inspections, as provided for in the service contract, can be accomplished.

A copy of all such instruments shall be retained in the file of the dealer for five years from the date of sale. The dealer shall keep a copy of the odometer statement required by section 60-2303 51 of this act which is furnished to him or her for each motor vehicle the dealer purchases or sells. The dealer shall keep such statements for five years

from the date of the transaction as shown on the odometer statement.

Sec. 474. That section 60-2507, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2507. A motor vehicle used in a ride-sharing arrangement that has a seating capacity for not more than fifteen persons, including the driver, shall not be a bus or commercial vehicle under the portion of ~~Chapter 39 or~~ Chapter 60 relating to equipment requirements, rules of the road, or registration.

Sec. 475. That section 71-1907, Revised Statutes Supplement, 1992, be amended to read as follows:

71-1907. Any person furnishing child care who is subject to licensure under section 71-1902, when transporting in a motor vehicle any children for whom care is being furnished, shall use an approved child passenger restraint system for each child, except that an occupant protection system as defined in section ~~39-602~~ 361 of this act may be used for any child weighing forty or more pounds or four years of age or more.

Any person violating this section shall be guilty of an infraction as defined in section 29-431 and shall have his or her license to furnish child care revoked or suspended by the Department of Social Services.

For purposes of this section, approved child passenger restraint system shall mean a restraint system which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration as of July 17, 1982.

Sec. 476. That section 60-1201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-1201.~~ It shall be unlawful for any motor carrier of passengers or freight for hire, whether individually owned, a partnership, or a corporation, or the officers, agents, and servants of such motor carrier, to require or permit any driver or operator of a bus, truck, or motor vehicle, owned or operated by such carrier within this state, to drive or operate such bus, truck, or motor vehicle, or to remain on duty, for more than twelve hours of a consecutive period of twenty-four hours. Whenever such driver or operator ~~shall have~~ has been on duty for twelve hours of a consecutive period of twenty-four hours, such driver or operator shall be relieved from duty; and ~~he~~ shall not be permitted nor required by his or her employer to remain on duty; or to drive or operate a bus, truck, or motor vehicle, operated for hire, until the expiration of the off-duty period ~~herein defined; PROVIDED, sections 60-1201 and 60-1202~~ defined in this section.

This section and section 477 of this act shall not apply to taxicabs while driven and operated within the corporate boundaries of a city or village; ~~AND PROVIDED FURTHER, the provisions of said sections~~ and shall not apply in any case of a collision, a casualty, an unavoidable accident requiring emergency service, an emergency which, with reasonable care, could not have been foreseen and guarded against, or an act of God.

Sec. 477. That section 60-1202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-1202.~~ Any person, partnership, or corporation, doing business as a motor carrier as described in section ~~60-1201~~ 476 of this act, or any officer, agent, or servant thereof, requiring or permitting any bus, truck, or motor vehicle driver to drive or operate any such bus, truck, or motor vehicle for hire; or to be or remain on duty in violation of the provisions of ~~said~~ such section shall be deemed guilty of a Class IV misdemeanor.

Sec. 478. That section 77-1238, Revised Statutes Supplement, 1992, be amended to read as follows:

77-1238. As used in sections 77-1239 to 77-1242.02, unless the context otherwise requires:

(1) Motor vehicle shall mean every motor vehicle and trailer, excluding snowmobiles as defined in section ~~60-2001~~ 159 of this act, subject to the payment of registration fees, permit fees, or property taxes under the laws of this state and every cabin trailer as defined in section 60-301 subject to taxation and registered for operation upon the highways of this state;

(2) Taxing unit shall mean counties, townships, cities, villages, school districts, and all other political subdivisions and governmental agencies that have the power to levy or provide for the levy of general or special taxes;

(3) Registration period shall be that period from the date of registration to the first day of the month following one year from the date of issuance of such registration;

(4) Motor vehicle tax shall mean a tax imposed upon motor vehicles in lieu of property tax; and

(5) Dealer's vehicles on hand shall mean such motor vehicles as are owned and held for resale by motor vehicle dealers.

Sec. 479. Any person who violates any provision of section 79-488 or who drives, moves, or causes or knowingly permits to be moved on any highway any vehicle or vehicles which exceed the limitations as to the safety features provided in such section for which a penalty is not elsewhere provided shall be guilty of a Class III misdemeanor.

For purposes of this section, highway shall have the meaning provided in section 120 of this act.

Sec. 480. That section 79-488.07, Revised Statutes Supplement, 1992, be amended to read as follows:

79-488.07. (1) It shall be the duty of the school board or board of education, after consultation with a member of the Nebraska State Patrol, to determine the number of passengers that may be safely transported in each bus.

(2) It shall be the responsibility of any company or agency that provides transportation of pupils by school bus and contracts directly with the pupils or their parents, of the school board or board of education of the public schools, and of the governing authority of any private, denominational, or parochial school in this state to provide, at least twice

during each school year to each pupil who is transported in a school bus, instruction in safe riding practice and participation in emergency evacuation drills.

(3) The operator of a school bus equipped with an occupant protection system as defined in section ~~39-602~~ 361 of this act shall be required to wear such system whenever the vehicle is in motion.

Sec. 481. That section 81-805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-805. Except as herein otherwise provided, the Game and Parks Commission shall have sole charge of state parks, game and fish, recreation grounds, and all things pertaining thereto. All funds rendered available by law, including funds already collected for ~~said~~ such purposes, may be used by the commission in administering and developing such resources.

The commission shall adopt and carry into effect plans to replenish and stock the state with game and whenever it is in the best interest of the public to do so, to stock the streams, lakes, and ponds, whether public or private, of this state with fish. It may plan such extensions and additions to existing hatcheries and such new plants as may be necessary to supply fully the state with game and fish; and cause ~~said~~ the plans to be executed, after ascertaining the cost thereof.

With the consent of the Governor, it may by purchase, when funds on hand or appropriated therefor are sufficient, or by gift, devise, or otherwise, acquire title in the name of the State of Nebraska to sites therein situated outside organized municipalities, for additional state parks, hatcheries, recreation grounds, game farms, game refuges, and public shooting grounds, and may enter into appropriate contracts with reference thereto, all within the limits of amounts that may be appropriated, contributed, or available therefor.

For these purposes, the commission may enter into appropriate contracts, leases, or lease-purchase agreements.

The commission, with the consent of the Governor, is authorized to take, receive, and hold, either in the name of the state or in trust for the state, exempt from taxation, any grant or devise of lands and any gift or bequest of money or other personal property made in furtherance of the purposes contemplated by this section; and shall have such funds; or the proceeds of such property; invested. Such invested funds shall be known as the State Park and Game Refuge Fund, which fund is hereby created, and shall be used and expended under the direction of the commission. Any money in the State Park and Game Refuge Fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of~~ sections 72-1237 to ~~72-1259~~ 72-1276.

The commission is authorized to make a survey of all lands and areas in the state which are suitable for state parks, game refuges, or other similar purposes contemplated by this section; and to locate and designate any or all of such lands or areas, or parts thereof, and to take such action as may tend to preserve or conserve the same. The

commission shall publish such informational material as it deems necessary and may, at its discretion, charge appropriate fees therefor.

The commission is authorized and empowered to adopt and promulgate rules and regulations, under the procedures set forth in the Administrative Procedure Act, governing the administration and use of all property, real and personal, under its ownership or control, and the commission is charged with the duty and responsibility of adopting such regulations as it shall deem necessary to administer the following activities and facilities:

(1) The commission may adopt regulations to designate camping areas on appropriate lands under its ownership or control and to permit camping thereon. As a condition to such permission, the commission may prescribe such rules and regulations as are reasonable and proper governing public use of such camping areas, including, but not limited to, access to camping areas, area capacity, sanitation, opening and closing hours, public safety, fires, establishment and collection of fees ~~where~~ when appropriate, protection of property, and zoning of activities, such rules and regulations to be posted on appropriate signs at the areas, ~~Any~~ ~~;~~ ~~PROVIDED,~~ ~~that any~~ person who camps on lands owned or controlled by the commission not designated as a camping area by the commission, or any person who fails to observe the conditions of occupancy, use, or access, posted as provided in this section, shall not have permission. Any person violating the provisions of the regulations ~~above~~ authorized by this subdivision shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(2) The commission may adopt regulations permitting any type of fire, including the smoking of tobacco in any form, and providing for the size, location, and the conditions under which a fire may be established on any area under its ownership or control. The commission may enact regulations permitting the possession; or use; of any type of fireworks not prohibited by law on any areas under its ownership or control. The commission may adopt regulations authorizing management personnel to temporarily revoke permission by the posting of appropriate signs for all fires of any kind whatsoever, including smoking and the use of fireworks, in any area under its ownership or control, when such posting is in the interest of public health, safety, and welfare; or for the preservation of property. ~~Any~~ ~~;~~ ~~PROVIDED,~~ ~~that any~~ person who ~~shall light lights~~ any type of fire, who ~~shall use~~ uses any fireworks, ~~or who shall smoke who smokes~~ tobacco in any form, or who ~~shall leave leaves,~~ unattended and unextinguished, any fire of any type in any location, in any area under the ownership or control of the commission, unless the commission ~~shall have~~ has given permission, which permission ~~shall not have~~ has not been revoked, to such type of fire, to such use or possession of fireworks, or to such smoking of tobacco, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(3) The commission may adopt regulations permitting pets,

domestic animals, and poultry; to be brought upon; or possessed, grazed, maintained, or run at large; on any area; or portion of any area; under its ownership or control. ~~Any~~ ~~;~~ ~~PROVIDED, that any~~ person who brings, ~~upon~~; possesses, grazes, maintains, or permits to run at large his or her pets, domestic animals, or poultry on any area; or portion of any area; under the ownership or control of the commission, unless the commission ~~shall have~~ has permitted such bringing, ~~upon~~; possession, grazing, maintaining, or running at large, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(4) The commission is authorized to enact regulations, temporarily or permanently, permitting hunting, fishing, or the public use of firearms, bow and arrow, or any other projectile weapons or devices on any area or any portion of any area under its ownership or control. The commission is authorized to enact special regulations permitting trapping and other forms of fur harvesting on any such area or areas. ~~Any~~ ~~;~~ ~~PROVIDED, that any~~ person who, ~~shall~~, without the permission of the commission, ~~hunt, fish, trap, harvest fur, or use~~ hunts, fishes, traps, harvests fur, or uses firearms, bow and arrow, or any other projectile weapon or device on any area or any portion of any area under the ownership or control of the commission; shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(5) The commission is authorized to enact regulations permitting swimming, bathing, boating, wading, water-skiing, and the use of any floatation device on all or any portion of any area under its ownership or control. Such regulations may include permission for swimming, bathing, boating, water-skiing, wading, or the use of floatation devices, and all other water-related recreational activities in all areas; or any portion of any specific area; under the ownership or control of the commission; and may provide for special general conditions for specific swimming, water-skiing, boating, bathing, or wading areas, which regulations and conditions shall be posted at such areas. ~~Any~~ ~~;~~ ~~PROVIDED, that any~~ person who ~~shall swim, bathe, boat, wade, water-ski, or use~~ swims, bathes, boats, wades, water-skis, or uses any floatation device on all or any portion of any area under the ownership or control of the commission, unless the commission ~~shall have~~ has given permission for such activity in the specific area or portion thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(6) The commission may enact regulations relating to the protection, use, or removal of; any public real or personal property on any area under its ownership or control; and may regulate or prohibit the construction or installation of any privately owned structure on such area. The commission may close all or any portion of any area under its ownership or control to any form of public use or access with the erection of proper signs, without the enactment of formal written regulations. ~~Any~~ ~~;~~ ~~PROVIDED, that any~~ person who, ~~shall~~, without the

permission of the commission, ~~construct or install~~ constructs or installs any privately owned structure; or who ~~shall use or remove~~ uses or removes any public real or personal property, on any area under the ownership or control of the commission, or who ~~shall enter or remain~~ enters or remains upon all or any portion of any area under the ownership or control of the commission, where proper signs or public notices prohibiting the same have been erected or displayed, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(7) Any person who ~~shall abandon~~ abandons any motor vehicle, trailer, or other conveyance; in any area under the ownership or control of the commission; shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section;

(8) The commission is authorized to enact regulations permitting the sale, trade, or vending of any goods, products, or commodities of any type in any area under its ownership or control, ~~Any ; PROVIDED, that any~~ person who ~~shall sell, trade, or vend~~ sells, trades, or vends any goods, products, or commodities of any type; in any area under the ownership or control of the commission; without having received the prior permission of the commission for such activity; shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in subdivision (9) of this section; and

(9) ~~Where~~ When the permission of the commission is required as a prerequisite to any activity set out in this section, such permission shall be established by resolution of the commission, ~~The ; PROVIDED, that such~~ resolution may set out the circumstances under which the supervisor or managing official in charge of any area under the ownership or control of the commission may give such permission in emergency situations, and such resolutions may further provide for the revocation of such permission by the secretary of the commission; or by the supervisor or managing official of any area under the ownership and control of the commission. The commission, with regard to roads on any area under its ownership or control, may establish such regulations deemed necessary as authorized by sections ~~39-663 and 39-697~~ 176 and 286 of this act. Any law enforcement official, including any conservation officer or deputy conservation officer, is authorized to enforce the provisions of this section and the rules and regulations established under the authority of sections 176 and 286 of this act. ~~When 39-663 and 39-697. Where~~ a violation has occurred in or on any area under the ownership or control of the commission, any conservation officer or deputy conservation officer may arrest and detain any person committing such violation, or committing any misdemeanor or felony as provided by the laws of this state until a legal warrant can be obtained. Any person guilty of a violation as set forth in this section or rules and regulations established under the authority of sections 176 and 286 of this act ~~39-663 and 39-697~~ shall be guilty of a Class V misdemeanor.

The commission is authorized to issue, regardless of any

other requirements or qualifications of law, without cost, special fishing permits to wards of the state, on a group basis, for therapeutic purposes, when application has been made to the commission by the head of the appropriate state institution involved.

The commission is further authorized to enter into agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states. The commission may disseminate information on the state park system and the wildlife resources of the state so as to inform the public of the outdoor recreation opportunities to be found in Nebraska.

The commission is authorized to grant easements across real estate under its control for purposes that are in the public interest and do not negate the primary purpose for which the real estate is owned or controlled by the commission.

Sec. 482. That section 81-8,219, Revised Statutes Supplement, 1992, be amended to read as follows:

81-8,219. The State Tort Claims Act shall not apply to:

(1) Any claim based upon an act or omission of an employee of the state, exercising due care, in the execution of a statute, rule, or regulation, whether or not such statute, rule, or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion is abused;

(2) Any claim arising with respect to the assessment or collection of any tax or fee, or the detention of any goods or merchandise by any law enforcement officer;

(3) Any claim for damages caused by the imposition or establishment of a quarantine by the state whether such quarantine relates to persons or property;

(4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(5) Any claim by an employee of the state which is covered by the Nebraska Workers' Compensation Act;

(6) Any claim based on activities of the Nebraska National Guard when such claim is cognizable under the National Guard Tort Claims Act of the United States, 32 U.S.C.A. 715, or when such claim accrues as a result of active federal service or state service at the call of the Governor for quelling riots and civil disturbances;

(7) Any claim based upon the failure to make an inspection or making an inadequate or negligent inspection of any property other than property owned by or leased to the state to determine whether the property complies with or violates any statute, ordinance, rule, or regulation or contains a hazard to public health or safety unless the state had reasonable notice of such hazard or the failure to inspect or inadequate or negligent inspection constitutes a reckless disregard for public health or safety;

(8) Any claim based upon the issuance, denial, suspension,

or revocation of or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, or order. Such claim shall also not be filed against a state employee acting within the scope of his or her office;

(9) Any claim arising out of the malfunction, destruction, or unauthorized removal of any traffic or road sign, signal, or warning device unless it is not corrected by the governmental entity responsible within a reasonable time after actual or constructive notice of such malfunction, destruction, or removal. Nothing in this subdivision shall give rise to liability arising from an act or omission of any governmental entity in placing or removing any traffic or road signs, signals, or warning devices when such placement or removal is the result of a discretionary act of the governmental entity;

(10) Any claim arising out of snow or ice conditions or other temporary conditions caused by nature on any highway as defined in section ~~39-602~~ 120 of this act, bridge, public thoroughfare, or other state-owned public place due to weather conditions. Nothing in this subdivision shall be construed to limit the state's liability for any claim arising out of the operation of a motor vehicle by an employee of the state while acting within the course and scope of his or her employment by the state;

(11) Any claim arising out of the plan or design for the construction of or an improvement to any highway as defined in such section ~~39-602~~ or bridge, either in original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the governmental entity or some other body or employee exercising discretionary authority to give such approval; or

(12) Any claim arising out of the alleged insufficiency or want of repair of any highway as defined in such section, ~~39-602~~, bridge, or other public thoroughfare. Insufficiency or want of repair shall be construed to refer to the general or overall condition and shall not refer to a spot or localized defect. The state shall be deemed to waive its immunity for a claim due to a spot or localized defect only if the state has had actual or constructive notice of the defect within a reasonable time to allow repair prior to the incident giving rise to the claim.

Sec. 483. That section 81-1010, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1010. The chief of the transportation services bureau shall have the following duties and responsibilities:

(1) To establish, ~~within thirty days after May 23, 1981,~~ standards for which a state agency must qualify for the full-time assignment of state-owned motor vehicles;

(2) To create a motor pool or motor pools for the use of agencies whose travel requirements do not meet the qualifications set out in subdivision (1) of this section;

(3) To repair, maintain, and lease to state agencies all vehicles owned by the transportation services bureau and approve the acquisition, sale, or trade of each and every state-owned vehicle made by

the materiel division of the Department of Administrative Services. The bureau may provide for repair and maintenance pursuant to subdivision (8) of this section;

(4) To consult with the various state agencies using state vehicles and write specifications for state-owned vehicles to be purchased by the materiel division;

(5) To provide for the purchase only of vehicles used primarily for the transportation of state employees from funds received from the sale of surplus passenger-carrying motor vehicles;

(6) To present to the accounting division of the Department of Administrative Services cost and maintenance records of state-owned vehicles so that the various state agencies which use state-owned vehicles may be billed for such use. Income arising from these billings shall be deposited to the Transportation Services Bureau Revolving Fund, which fund is hereby created. All expenses of acquisition, operation, and maintenance of state-owned vehicles used primarily for transportation of state employees shall be paid from such fund. Money in the Transportation Services Bureau Revolving Fund may be transferred to the General Fund at the direction of the Legislature. The Department of Administrative Services shall develop a system of time and mileage charges for the purpose of billing the various state agencies for their vehicle usage. The daily, weekly, or monthly charge shall cover all fixed expenses of such vehicles, and the mileage charge shall cover the variable costs of operation;

(7) To monitor the utilization of permanently assigned motor vehicles and enforce minimum utilization standards by withdrawing permanently assigned motor vehicles from agencies which are not meeting such standards;

(8) To enter into service agreements for the repair and maintenance of bureau-controlled motor vehicles when it determines such action would be to the economic advantage of the state; and

(9) To insure compliance with section ~~60-1001~~ 484 of this act for all bureau-owned vehicles.

Sec. 484. That section 60-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-1001.~~ (1) All motor vehicles acquired by the State of Nebraska, ~~except shall be indelibly and conspicuously lettered, in plain letters of a contrasting color or reflective material;~~

(a) On each side thereof with the words State of Nebraska and following such words the name of whatever board, department, bureau, division, institution, including the University of Nebraska or state college, office, or other state expending agency of the state to which the motor vehicle belongs; and

(b) On the back thereof with the words State of Nebraska.

(2) This section shall not apply to motor vehicles used or controlled by:

(a) The ~~(1) the~~ Nebraska State Patrol, the Public Service Commission, the Game and Parks Commission, deputy state sheriffs

employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, inspectors employed by the Nebraska Liquor Control Commission, and persons employed by the Tax Commissioner for state revenue enforcement purposes, the exemption for state law enforcement purposes and state revenue enforcement purposes being confined strictly to the seven agencies specifically named;

(b) ~~The~~ ~~(2)~~ the Department of Public Institutions or the Department of Correctional Services for the purpose of apprehending and returning escaped offenders or parole violators to facilities in the Department of Correctional Services and transporting offenders and personnel of the Department of Correctional Services and patients and personnel of the Division of Medical Services who are engaged in off-campus program activities;

(c) ~~The~~ ~~(3)~~ the Military Department;

(d) Vocational ~~(4)~~ ~~vocational~~ rehabilitation counselors and the Department of Health for the purposes of communicable disease control, for the prevention and control of those communicable diseases which endanger the public health, or used by such department in the enforcement of drug control laws; and

(e) ~~The~~ ~~and~~ ~~(5)~~ the Department of Agriculture for special investigative purposes, ~~shall be indelibly and conspicuously lettered, in plain letters of a contrasting color or reflective material, on (a) each side thereof with the words State of Nebraska and following such words the name of whatever board, department, bureau, division, institution, including the University of Nebraska or state college, office, or other state-expending agency of the state to which such motor vehicle belongs and (b) the back thereof with the words State of Nebraska.~~

Sec. 485. That section 60-1001.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-1001.01:~~ In addition to the requirements of section ~~60-1001~~ 484 of this act, all motor vehicles used by the Nebraska State Patrol for patrol purposes shall, ~~after July 2, 1965,~~ be (1) equipped with a flashing red light on the top thereof with controls therefor readily accessible to the driver; and (2) on the back thereof indelibly and conspicuously lettered with the words State Patrol in plain letters of reflective material not less than two inches in height and with not less than one-fourth inch stroke.

Sec. 486. That section 60-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-1004:~~ Any employee or officer of the State of Nebraska who operates or has under his or her control any state-owned motor vehicle or unit of road machinery, not numbered, lettered, or marked as required by section ~~60-1001~~ 484 of this act, or who violates any of the other provisions of sections ~~60-1001 and 60-1001.01~~ 484 and 485 of this act and subsection (3) of section 60-311 shall be deemed guilty of official misconduct in office for a palpable omission of duty; and upon conviction thereof shall be guilty of a Class II misdemeanor, and the court shall have the power to add to the judgment that any officer so

convicted shall be removed from office or employment.

Sec. 487. That section 60-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-1005.~~ No officer or employee of the State of Nebraska shall use any motor vehicle owned by the State of Nebraska for any personal use whatsoever. Any officer or employee who ~~shall violate~~ violates any of the provisions of this section shall be deemed guilty of a Class V misdemeanor, and in addition thereto the officer or employee shall be deemed guilty of official misconduct in office for palpable omission of duty, and upon conviction thereof the court shall have the power to add to the judgment that any officer or employee so convicted shall be removed from office or employment.

Sec. 488. That section 60-1006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-1006.~~ Each operator of a state-owned motor vehicle, except members of the Nebraska State Patrol and operators of trucks and maintenance equipment of the Department of Roads, shall report the points between which ~~said~~ the state-owned motor vehicle traveled each time used and the ~~speedometer~~ odometer readings at such points, the time of arrival and departure, the necessity and purpose for such travel, ~~and~~ the license number of such motor vehicle, and the department to which such state-owned motor vehicle belongs. Such reports shall be transmitted at the end of each month by every operator to the head of his or her department, board, bureau, or commission, and such reports, after review by the head of the department, board, bureau, or commission, shall be transmitted to the Purchasing Agent on or before the tenth day of the month following such use of a state-owned motor vehicle. Such reports shall thereafter be open to public inspection for a period of two years, after which they may be destroyed, except ~~PROVIDED~~, that, when public inspection of a particular record would be detrimental to the investigation of a criminal case, such particular record shall be withheld from public inspection upon written certificate to that effect by the head of the law enforcement agency concerned.

Sec. 489. That section 81-1822, Revised Statutes Supplement, 1992, be amended to read as follows:

81-1822. No compensation shall be awarded:

(1) If the victim aided or abetted the offender in the commission of the unlawful act;

(2) If the offender will receive economic benefit or unjust enrichment from the compensation;

(3) If the victim violated a criminal law of the state, which violation caused or contributed to his or her injuries or death;

(4) If the victim is injured as a result of the operation of a motor vehicle, boat, or airplane (a) unless the vehicle was used in a deliberate attempt to injure or kill the victim, (b) unless the operator is charged with a violation of section ~~39-669.07 or 39-669.08~~ 292 or 293 of this act or a city or village ordinance enacted in conformance with either of such sections, or (c) unless any chemical test of the operator's

breath, blood, or urine indicates an alcohol concentration equal to or in excess of the limits prescribed in section ~~39-669.07~~ 292 of this act; or

(5) If the victim incurs an economic loss which does not exceed ten percent of his or her net financial resources. For purposes of this subdivision, a victim's net financial resources shall not include the present value of future earnings and shall be determined by the committee by deducting from the victim's total financial resources:

(a) One year's earnings;

(b) The victim's equity in his or her home, not exceeding thirty thousand dollars;

(c) One motor vehicle; and

(d) Any other property which would be exempt from execution under section 25-1552 or 40-101.

Nothing in this section shall limit payments to a victim by an offender which are made as full or partial restitution of the victim's actual pecuniary loss.

Sec. 490. That section 81-2005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2005. ~~The superintendent and all members Superintendent of Law Enforcement and Public Safety and all officers of the Nebraska State Patrol, and all other peace officers mentioned in section 39-6,192,~~ except all carrier enforcement officers assigned to the carrier enforcement division, shall have the power;

(1) ~~of Of~~ of peace officers for the purpose of enforcing the provisions of ~~this act and for the purpose of enforcing the Motor Vehicle Operator's License Act and~~ any other law regulating the registration or operation of vehicles or the use of the highways; ;

(2) ~~to To~~ To make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of ~~this the~~ the act; or of any other law regulating the operation of vehicles or the use of the highways, ~~or of the laws of the state relating to felonies,~~ if and when designated or called upon to do so as provided by law; ;

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

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

(4) ~~when~~ (5) When in uniform, to require the driver thereof of a vehicle to stop and exhibit his or her operator's license and registration card issued for the vehicle and submit to an inspection of such vehicle and the registration plates and registration card thereon and to require the drivers of motor vehicles to present such vehicles within five days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of

Nebraska or the rules and regulations of the Director of Motor Vehicles;

(5) to (6) To inspect any vehicle of a type required to be registered according to law in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking; ;

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

(7) to (8) To investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws.

Sec. 491. That section 81-2006, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2006. The ~~superintendent~~ Superintendent of Law Enforcement and Public Safety through his or her subordinate officers or employees in the Nebraska State Patrol shall properly patrol the highways of this state and cooperate with the sheriffs, police officers, or other peace officers in enforcing the laws regulating the registration, operation, and use of vehicles upon the highway. Performance of all duties, powers, and exercise of jurisdiction of the Nebraska State Patrol shall extend to all freeways as defined in section ~~39-1369~~ 117 of this act or any part thereof which is located within the jurisdictional limits of local authority. Officers and employees of the patrol shall ; ~~PROVIDED, that the patrol will~~ cooperate with the sheriffs, police officers, or any other local peace officers, and such officers will share concurrent jurisdiction with the patrol concerning any such freeway roadway within local limits.

Sec. 492. That section 89-187, Revised Statutes Supplement, 1992, be amended to read as follows:

89-187. The director shall:

(1) Maintain traceability of the primary standards to the National Institute of Standards and Technology;

(2) Enforce the provisions of the Weights and Measures Act;

(3) Adopt and promulgate reasonable rules and regulations for the enforcement of the act including the following:

(a) Requirements for the voluntary registration of sales and repair personnel for commercial weighing and measuring devices including:

(i) Registration fees for such personnel which shall not exceed the actual cost to defray the operation of the voluntary registration program;

(ii)(A) Qualifications for registration, which may include examinations, (B) performance standards to maintain registration, (C) types of equipment necessary for the work to be performed by the personnel, (D) responsibilities and privileges of registration, and (E) revocation and suspension of such registration and probation of the registrant; and

(iii) Minimum standards for the installation and

maintenance of commercial weighing and measuring devices;

(b) Additional standards not specifically provided for in the act;

(c) Standards for (i) attachments or parts entering into the construction or installation of commercial weighing and measuring devices which shall tend to secure correct results in the use of such devices and (ii) the setting of laboratory fees which shall not exceed the actual cost for testing, correcting, calibrating, and verifying secondary standards and the establishment of standard laboratory operating procedures;

(d) Requirements for the suitable use of commercial weighing and measuring devices; and

(e) Guidelines for the appropriate method of weighing or measuring whenever the director determines that such guidelines would further the purpose of the act;

(4) Establish standards of weight, measure, or count, reasonable standards of fill, and standards for the presentation of cost-per-unit information for any commodity;

(5) Upon an application filed with the department by the applicant, grant exemptions, including specific exemptions for single-use commercial weighing and measuring devices, from the provisions of the act or the rules and regulations when the applicant on such application provides assurances, acceptable to the director, that such exemption is appropriate to the maintenance of good commercial practices within the state. Notwithstanding any other provision of the act, meters used by a public utility system for the measurement of electricity, natural or manufactured gas, water, or the usage of communication services, the appliances or accessories associated with such meters, and all weighing and measuring devices inspected or tested by the Public Service Commission shall be exempt from the registration, inspection, and testing requirements of the act, except that this exemption shall not apply to meters which determine the weight or measurement of motor fuel;

(6) Conduct investigations to insure compliance with the act;

(7) Delegate to appropriate personnel any of these responsibilities for the proper administration of the director's office;

(8) In his or her discretion, inspect and test weighing and measuring devices kept for sale or sold;

(9) Inspect and test annually and from time to time, as in the director's judgment seems necessary, to ascertain whether commercial weighing and measuring devices are correct;

(10) Register and test as far as practical all commercial weighing and measuring devices used in checking the receipt or disbursement of supplies in every institution for which funds are appropriated by the Legislature;

(11) Test annually and at the request of the Nebraska State Patrol all weighing and measuring devices used for the enforcement of the provisions of sections ~~39-6, 180, 60-329,~~ and 60-331 and section 390 of this act. The agency responsible for such weighing and measuring devices

shall pay the department for the actual cost of such tests. The department shall bill test fees to such agency upon completion of the test;

(12) Approve for use and may mark commercial weighing and measuring devices which the director finds to be correct and shall reject and mark as rejected such commercial weighing and measuring devices which the director finds to be not correct. Commercial weighing and measuring devices that have been rejected may be seized if not made correct within the time specified or if used or disposed of in a manner not specifically authorized. The director shall condemn and may seize commercial weighing and measuring devices which are found not to be correct and not capable of being made correct;

(13) Weigh, measure, or inspect commodities kept for sale, sold, or in the process of delivery to determine whether they contain the amounts represented and whether they are kept for sale or sold in accordance with the act or the rules and regulations. When commodities are found not to contain the amounts represented or are found to be kept for sale, sold, or in the process of delivery in violation of the act, the director may issue stop-sale, hold, or removal orders and may mark or tag such commodities as being in violation of the act. In carrying out the provisions of this section, the director shall employ recognized procedures pursuant to subdivisions (1)(b) through (d) of section 89-186;

(14) Provide for the weights and measures training of inspection personnel and adopt and promulgate by rule and regulation minimum training requirements which shall be met by all inspection personnel;

(15) Adopt and promulgate rules and regulations prescribing the appropriate term or unit of measurement to be used whenever the director determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure, numerical count, or combination thereof does not facilitate value comparisons by consumers or offers an opportunity for consumer confusion;

(16) Allow reasonable variations from the stated quantity of contents which shall include those caused by loss or gain of moisture during the course of good distribution practice or by unavoidable deviations in good manufacturing practice only after the commodity has entered intrastate commerce;

(17) On or before July 1 of each year, notify all persons who have registered any commercial weighing or measuring device of the amount of fees which are due and that such fees shall be due on August 1 of each year and shall be delinquent after such date;

(18) Require, ~~on and after August 1, 1992,~~ all persons who operate a weighing and measuring establishment to obtain a permit to operate such establishment pursuant to section 89-187.01 and to pay to the department an application permit fee pursuant to section 89-187.02; and

(19) Require, on or before August 1 of each year, all persons who operate a weighing and measuring establishment to:

(a) Register each commercial weighing and measuring device with the department upon forms furnished by the director;

(b) ~~pay~~ Pay to the department a registration fee in the amounts designated in column A;

(c) ~~pay~~ Pay device inspection fees to the department in the amounts designated in column B:

Scales:	A	B
Total Fees		
Up to 35 pounds capacity	4.00	7.00
11.00		
Multiunit Scales	4.00	33.00
37.00		
Over 35 to 1,000 pounds capacity	4.00	10.00
14.00		
Over 1,000 to 4,000 pounds capacity	4.00	21.00
25.00		
Over 4,000 to 50,000 pounds capacity	4.00	25.00
29.00		
Over 50,000 to 150,000 pounds capacity	4.00	30.00
34.00		
Over 150,000 pounds capacity	4.00	51.00
55.00		
Length Measuring Devices:		
Cordage or fabric	4.00	9.00
13.00		
Pumps:		
Service Station Dispensers -- per hose	4.00	5.00
9.00		
High-capacity service station dispensers over 20 gallons per minute -- per hose	4.00	12.00
16.00		
Compressed natural gas -- per hose	4.00	50.00
54.00		
Meters:		
Vehicle tank meters	4.00	12.00
16.00		
Loading rack meters	4.00	22.00
26.00		
Liquid petroleum gas meters	4.00	20.00
24.00		
Liquid fertilizer meters	4.00	27.00

31.00		
Liquid feed meters	4.00	27.00
31.00		
Cryogenic	4.00	50.00
54.00		
Mass Flow Metering Systems:		
Mass flow meters (all liquid)	4.00	50.00
54.00;		
and		

(d) ~~pay~~ Pay a penalty as may be required by the department of twenty-five percent per month of the fees for each month any such fees are delinquent not to exceed one hundred percent of such fees. Such penalties paid shall be in addition to the fees due. The department's decision regarding whether penalties will be imposed shall be based upon the existence and extent of any mitigating circumstances that have resulted in the late payment of such fees.

Sec. 493. The Revisor of Statutes shall assign:

- (1) Sections 5 to 7 of this act to Chapter 25, article 21;
- (2) Sections 16 to 37 of this act to one or more articles in

Chapter 39;

- (3) Sections 49 to 55 of this act to Chapter 60, article 1;
- (4) Section 64 of this act to Chapter 60, article 3;
- (5) Sections 67, 70, 71, 75 to 78, and 80 to 86 of this act to

Chapter 60, article 4;

- (6) Sections 97 to 470 of this act to a new article in Chapter

60;

- (7) Sections 476 and 477 of this act to Chapter 75, article 4;
- (8) Section 479 of this act to Chapter 79, article 4; and
- (9) Sections 484 to 488 of this act to Chapter 81, article 10.

Sec. 494. This act shall become operative on January 1,

1994.

Sec. 495. That original sections 2-32,100, 13-1208, 28-109, 29-120, 29-422, 29-428, 29-431, 29-3604, 39-601, 39-604 to 39-618.02, 39-618.04, 39-620 to 39-648, 39-650 to 39-662, 39-663, 39-664, 39-665, 39-667, 39-669 to 39-669.05, 39-669.10, 39-669.13, 39-669.18, 39-669.21, 39-669.25, 39-669.29, 39-669.33, 39-669.38, 39-670 to 39-694, 39-697, 39-698, 39-699, 39-699.01, 39-6,101, 39-6,102, 39-6,103.02, 39-6,103.03, 39-6,104 to 39-6,105, 39-6,107, 39-6,108, 39-6,109, 39-6,111, 39-6,112, 39-6,115, 39-6,116, 39-6,118, 39-6,119, 39-6,120, 39-6,121, 39-6,123 to 39-6,130.01, 39-6,131, 39-6,131.08, 39-6,131.09, 39-6,132, 39-6,133, 39-6,135, 39-6,137, 39-6,138.01, 39-6,139, 39-6,140, 39-6,141, 39-6,142, 39-6,147, 39-6,148, 39-6,150, 39-6,152, 39-6,154, 39-6,155, 39-6,156, 39-6,160 to 39-6,166, 39-6,169, 39-6,170, 39-6,172, 39-6,178, 39-6,179, 39-6,179.01, 39-6,180.01, 39-6,180.02, 39-6,181, 39-6,181.01, 39-6,182 to 39-6,186, 39-6,188 to 39-6,191.01, 39-6,193, 39-6,196 to 39-6,200, 39-6,205, 39-6,206, 39-6,207, 39-6,209 to 39-6,214, 39-703 to 39-707, 39-712.01, 39-714.01, 39-715, 39-717, 39-892, 39-1302, 39-1367, 39-1801, 39-2113, 44-515, 48-1902, 53-1,120, 60-119, 60-122, 60-302.03, 60-311.02,

60-311.21, 60-331, 60-331.04, 60-335, 60-501, 60-505.03, 60-505.04, 60-1001, 60-1001.01, 60-1004, 60-1005, 60-1006, 60-1201, 60-1202, 60-1307, 60-1417, 60-2001 to 60-2011, 60-2012.01 to 60-2023, 60-2102, 60-2103, 60-2106, 60-2107, 60-2201 to 60-2212, 60-2301, 60-2302, 60-2305, 60-2306, 60-2307, 60-2507, 60-2801, 60-2803 to 60-2808, 81-805, 81-1010, 81-2005, and 81-2006, Reissue Revised Statutes of Nebraska, 1943, and sections 13-910, 18-1737, 28-306, 29-119, 39-603, 39-619, 39-619.01, 39-666, 39-668, 39-669.06, 39-669.07, 39-669.08, 39-669.09, 39-669.11, 39-669.12, 39-669.14, 39-669.15, 39-669.16, 39-669.17, 39-669.19, 39-669.20, 39-669.22, 39-669.23, 39-669.24, 39-669.26, 39-669.27, 39-669.28, 39-669.30, 39-669.37, 39-669.39, 39-6,100, 39-6,103.01, 39-6,103.05, 39-6,103.06, 39-6,103.07, 39-6,103.08, 39-6,110, 39-6,114.01, 39-6,122, 39-6,134, 39-6,136 to 39-6,136.05, 39-6,138, 39-6,149, 39-6,151, 39-6,171, 39-6,177, 39-6,180, 39-6,192, 60-102, 60-301, 60-311.15, 60-462, 60-463, 60-471, 60-474, 60-479, 60-496, 60-497, 60-498, 60-4,122, 60-4,127, 60-4,129, 60-4,130, 60-4,163, 60-4,167, 60-4,168, 60-1411.02, 60-2101.01, 60-2104, 60-2105, 60-2108, 60-2303, 60-2304, 60-2802, 71-1907, 77-1238, 79-488.07, 81-8,219, 81-1822, and 89-187, Revised Statutes Supplement, 1992, and also sections 39-649, 39-669.36, 39-695, 39-696, 39-6,112.01, 39-6,114, 39-6,117, 39-6,130.02, 39-6,131.10, 39-6,138.02, 39-6,153, 39-6,159, 39-6,176, 39-6,179.02, 39-6,181.02, 39-6,187, 39-6,201 to 39-6,204, 39-6,208, and 39-714.02, Reissue Revised Statutes of Nebraska, 1943, and sections 39-602 and 39-6,106.01, Revised Statutes Supplement, 1992, are repealed.