

## LEGISLATIVE BILL 901

Approved by the Governor April 15, 1996

Introduced by Chambers, 11; Maurstad, 30

AN ACT relating to motor vehicles; to amend sections 60-4,182, 60-601, 60-605, 60-683, 60-6,186 to 60-6,188, 60-6,190, and 81-2006, Reissue Revised Statutes of Nebraska, and section 60-321, Revised Statutes Supplement, 1995; to change provisions relating to liability insurance; to change speed limits; to provide for fines; to provide and change powers and duties relating to enforcement; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 60-321, Revised Statutes Supplement, 1995, is amended to read:

60-321. (1) It shall be unlawful for any owner of a motor vehicle which is being operated with In Transit decals pursuant to section 60-320, which is being operated pursuant to section 60-320.01, or which is required to be registered in this state and which is operated on a public highway of this state to allow the operation of the motor vehicle on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility. The owner shall be presumed to know of the operation of his or her motor vehicle on a public highway of this state in violation of this section when the motor vehicle is being operated by a person other than the owner. An owner of a motor vehicle who operates the motor vehicle or allows the operation of the motor vehicle in violation of this section shall be guilty of a Class II misdemeanor and shall be advised by the court that his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates will be suspended by the Department of Motor Vehicles until he or she complies with sections 60-505.02 and 60-528. Upon conviction the owner shall have his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates suspended by the department until he or she complies with sections 60-505.02 and 60-528. The owner shall also be required to comply with section 60-528 for a continuous period of three years after the violation. The penalty shall be mandatory and shall not be suspended by a court. This subsection shall not apply to motor vehicles registered in another state.

(2) An owner who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate law enforcement agency prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time of such request. Upon presentation of such proof, the citation shall be dismissed by the prosecutor or county attorney without cost to the owner and no prosecution for the offense cited shall occur.

(3) The department shall, for any person convicted for a violation of this section, reinstate such person's operator's license, motor vehicle certificate of registration, and license plates and rescind any order requiring such person to comply with section 60-528 without cost to such person upon presentation to the director that, at the time such person was cited for a violation of this section, a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time the citation was issued.

Sec. 2. Section 60-4,182, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,182. 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. 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 60-6,196, 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 60-6,196 -- 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 60-6,212 -- 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 60-6,213 -- 5 points;

(10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

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

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

(c) 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 (i)(e) or (e) (1)(e), (f), or (g) of section 60-6,186;

(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 60-497.01 and 60-497.02, not including violations involving an occupant protection system pursuant to section 60-6,270, 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 60-4,188.

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.

The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle.

Sec. 3. Section 60-601, Reissue Revised Statutes of Nebraska, is amended to read:

60-601. Sections 60-601 to 60-6,374 and sections 5 and 11 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 4. Section 60-605, Reissue Revised Statutes of Nebraska, is amended to read:

60-605. For purposes of the Nebraska Rules of the Road, the definitions found in sections 60-606 to 60-676 and section 5 of this act shall be used.

Sec. 5. Expressway shall mean a divided arterial highway designed primarily for through traffic with full or partial control of access which may have grade separations at intersections.

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

60-683. 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 to enforce the provisions of the Nebraska Rules of

the Road, including the specific enforcement of maximum speed limits, and any other law regulating the operation of vehicles or the use of the highways. To perform the official duties imposed by this section, 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. 7. Section 60-6,186, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,186. (1) Except when a special hazard exists that requires lower speed for compliance with section 60-6,185, the limits set forth in this section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 ~~or set pursuant to sections 60-6,188 to 60-6,190 shall be the maximum lawful speeds unless reduced pursuant to subsection (2) of this section, 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, 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 (e) of this subsection;

(d) Fifty miles per hour upon any highway that is not dustless surfaced and not part of the state highway system; and

(d) Fifty-five miles per hour upon any dustless-surfaced highway not a part of the state highway system;

(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.

(2)(e)(i) Until September 1, 1996, fifty-five miles per hour upon any part of the state highway system other than an expressway or a freeway; and

(ii) Beginning on and after September 1, 1996, sixty miles per hour upon any part of the state highway system other than an expressway or a freeway, except that the Department of Roads may, where existing design and traffic conditions allow, according to an engineering study, authorize a speed limit five miles per hour greater;

(f) Sixty-five miles per hour upon an expressway that is part of the state highway system; and

(g) Seventy-five miles per hour upon a freeway that is part of the state highway system and upon the National System of Interstate and Defense Highways, except that the maximum speed limit shall be sixty miles per hour for:

(i) Any portion of a freeway and the National System of Interstate and Defense Highways located in Douglas County; and

(ii) That portion of the National System of Interstate and Defense Highways designated as Interstate 180 in Lancaster County and Interstate 129 in Dakota County.

(2) The maximum speed limits established in subsection (1) of this section may be reduced by the Department of Roads or by local authorities pursuant to section 60-6,188 or 60-6,190.

(3) 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 deem necessary to give adequate notice of the speed limit limits established pursuant to subsection (1) or (2) of this section upon such highways.

Sec. 8. Section 60-6,187, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,187. (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.

(2) Notwithstanding the maximum speed limits established in section 60-6,186, no person shall operate any school bus carrying any school child at a speed in excess of:

(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 (i)(e) (1)(g) of section 60-6,186;

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

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

(3) During the nighttime, no person shall operate upon a roadway any motor-driven cycle at a speed in excess of:

(a) Thirty-five miles per hour unless such motor-driven cycle is equipped with one or more headlights capable of revealing a person or vehicle in such roadway three hundred feet ahead and with a 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 miles per hour if such headlight or headlights are not sufficient to reveal a person or vehicle in such roadway at least two hundred feet ahead; or

(c) Twenty miles per hour if such headlight or headlights do not reveal a person or vehicle in such roadway at least one hundred feet ahead.

If the 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.

Sec. 9. Section 60-6,188, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,188. (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 60-6,186, 60-6,187, 60-6,189, 60-6,190, 60-6,305, and 60-6,313. 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.

(4) The Department of Roads shall post signs in maintenance, repair, or construction zones which inform motorists that the fine for exceeding the posted speed limit in such zones is doubled.

Sec. 10. Section 60-6,190 Reissue Revised Statutes of Nebraska, is amended to read:

60-6,190. (1) Whenever the Department of Roads 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 that the maximum rural and freeway limits 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. ~~Buffering 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 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. Certified copies of such authorizations shall be available from the 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) 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 if the change is based on an engineering and traffic investigation comparable to that made by the department. The limit outside of a business or residential district shall not be decreased to less than thirty-five miles per hour.

(4) 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 if the change is based on engineering and traffic investigation, except that no imposition of speed limits on 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.

(5) The director of any state institution, the Game and Parks Commission, or a natural resources district, with regard to highways which are not a part of the state highway system, which are 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 if the change is based on an engineering and traffic investigation comparable to that made by the department.

(6) Not more than six such speed limits shall be set per mile along a 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 60-6,187, 60-6,305, and 60-6,313 cannot with safety travel at the speeds provided in sections 60-6,186, 60-6,187, 60-6,189, 60-6,305, and 60-6,313 or set pursuant to this section or section 60-6,188 or 60-6,189, 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.

Sec. 11. (1) Any person who operates a vehicle in violation of any

maximum speed limit established for any highway or freeway is guilty of a traffic infraction and upon conviction shall be fined:

(a) Ten dollars for traveling one to five miles per hour over the authorized speed limit;

(b) Twenty-five dollars for six to ten miles per hour over the authorized speed limit;

(c) Seventy-five dollars for traveling eleven to fifteen miles per hour over the authorized speed limit;

(d) One hundred twenty-five dollars for traveling sixteen to twenty miles per hour over the authorized speed limit; and

(e) Two hundred dollars for traveling twenty-one miles per hour or more over the authorized speed limit.

(2) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to section 60-6,188. For purposes of this subsection, maintenance, repair, or construction zone means (a) the portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction or (b) the portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to section 60-6,188. The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

Sec. 12. Section 81-2006, Reissue Revised Statutes of Nebraska, is amended to read:

81-2006. The 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 sheriffs, police officers, or other peace officers in enforcing the laws regulating the registration, operation, and use of vehicles upon the highway, including the specific enforcement of maximum speed limits. Performance of all duties, powers, and exercise of jurisdiction of the Nebraska State Patrol shall extend to all freeways as defined in section 60-621 or any part thereof which is located within the jurisdictional limits of local authority. Officers and employees of the patrol shall cooperate with sheriffs, police officers, or any other local peace officers, and such officers will share concurrent jurisdiction with the patrol concerning any such freeway within local limits.

Sec. 13. Sections 1, 13, 14, and 16 of this act become operative on their effective date. The other sections of this act become operative on June 1, 1996.

Sec. 14. Original section 60-321, Revised Statutes Supplement, 1995, is repealed.

Sec. 15. Original sections 60-4,182, 60-601, 60-605, 60-683, 60-6,186 to 60-6,188, 60-6,190, and 81-2006, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 16. Since an emergency exists, this act takes effect when passed and approved according to law.