

LEGISLATIVE BILL 365

Approved by the Governor June 2, 1973

Introduced by Waldron, 42

AN ACT to amend sections 60-509 and 60-534, Reissue Revised Statutes of Nebraska, 1943, and section 60-501, Revised Statutes Supplement, 1972, relating to the Motor Vehicle Safety Responsibility Act; to change the definition of proof of financial responsibility; to increase the minimum limits of motor vehicle liability insurance coverage; to provide an operative date; and to repeal the original sections.

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

Section 1. That section 60-501, Revised Statutes Supplement, 1972, be amended to read as follows:

60-501. The following words or phrases, when used in sections 60-501 to 60-569, shall, for the purposes of sections 60-501 to 60-569, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(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, 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 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 vehicles means any self-propelled vehicle which is designed for use upon a highway,

including trailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, and off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, and snowmobiles;

(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 of a motor vehicle, or the use of a motor vehicle owned by him, 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 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 in the event 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;

(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 said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of ~~ten fifteen~~ thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of ~~twenty thirty~~ thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ~~five ten~~ 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. 2. That section 60-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-509. No such policy or bond shall be effective under section 60-508 unless issued by an insurance company or surety company authorized to do business in this state, except that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of a policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under section 60-508 unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the Secretary of State to accept service of notice or process in its behalf, in any action upon such policy or bond arising out of such accident; Provided, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ten fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than twenty thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than five ten thousand dollars because of injury to or destruction of property of others in any one accident. Upon receipt of a notice of such accident, the insurance company or surety company which issued such policy or bond shall furnish, for filing with the department, a written notice that such policy or bond was in effect at the time of such accident.

Sec. 3. That section 60-534, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-534. Such motor vehicle liability policy: (1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and (2) shall

insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle as follows: ~~Ten Fifteen~~ thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, ~~twenty thirty~~ thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~five ten~~ thousand dollars because of injury to or destruction of property of others in any one accident.

Sec. 4. This act shall become operative January 1, 1975.

Sec. 5. That original sections 60-509 and 60-534, Reissue Revised Statutes of Nebraska, 1943, and section 60-501, Revised Statutes Supplement, 1972, are repealed.