

LEGISLATIVE BILL 26

Approved by the Governor February 20, 1993

Introduced by Chambers, 11; Lindsay, 9

AN ACT relating to rules of the road; to amend section 39-667, Reissue Revised Statutes of Nebraska, 1943; to require proof of the essential elements of the offense of speeding; and to repeal the original section.

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

Section 1. 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 39-6,122~~ 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. The speed at which defendant is alleged to have driven and the maximum speed are essential elements of the offense and shall be proved by competent evidence.

(2) The provisions of ~~sections 39-601 to 39-6,122~~ 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. 2. That original section 39-667, Reissue Revised Statutes of Nebraska, 1943, is repealed.