

LEGISLATIVE BILL 330

Approved by the Governor May 22, 1971

Introduced by John W. DeCamp, 40th District

AN ACT relating to motor vehicles; to define terms; to provide for licensing and registration of snowmobiles; to provide for use of snowmobiles on the streets and highways; to create exemptions; to set standards for safe operation and for equipment; to provide for rules and regulations; to provide penalties; and to provide duties.

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

Section 1. As used in this act, 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 lien-holder, 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) Dealer shall mean any person engaged in the business of selling snowmobiles at wholesale or retail; and

(10) Manufacturer shall mean a person, partnership, or corporation engaged in the business of manufacturing snowmobiles.

Sec. 2. Except as provided in this act, no person shall, after the effective date of this act, operate any snowmobile within the state unless such snowmobile has been registered in accordance with the provisions of this act.

Sec. 3. Application for registration shall be made to the director in such form as the director shall prescribe, and shall state the name and address of every owner of the snowmobile and be signed by at least one owner. Upon receipt of the application and the appropriate fee as provided in section 4 of this act, such snowmobile shall be registered and a registration number assigned which shall be affixed to the snowmobile in such manner as the director shall prescribe.

Sec. 4. 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. 5. Every owner of a snowmobile shall renew his registration in such manner as the director shall prescribe, upon payment of the registration fees provided in section 4 of this act.

Sec. 6. 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. 7. 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 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. 8. The director may issue special permits to out-of-state snowmobiles from a state or country where registration is not required to operate in this state for less than thirty days in connection with organized group outings, trailrides, races, rallies and other promotional events.

Sec. 9. Fees from registration of snowmobiles shall be deposited with the State Treasurer to the credit of the General Fund.

Sec. 10. Within fifteen days after the transfer of ownership, or any part thereof, other than a security interest, or the destruction or abandonment of any snowmobile, written notice thereof shall be given to the director in such form as he shall prescribe. Every owner or part owner of a snowmobile shall, upon failure to give such notice, be subject to the penalties imposed by this act.

Sec. 11. No political subdivision of this state shall require licensing or registration of snowmobiles covered by the provisions of this act.

Sec. 12. With a view to achieving maximum use of snowmobiles the director shall adopt rules and regulations for:

(1) Registration of snowmobiles and display of registration numbers;

(2) Uniform signs to be used by the state, counties, cities, villages, and boroughs, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles;

(3) Specifications relating to snowmobile mufflers;

(4) Safety devices to be carried on snowmobiles and safety precautions which should be observed when snowmobiles are operated; and

(5) Use of snowmobiles on streets and highways.

Sec. 13. (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 except as provided in this act. A snowmobile may be operated within the right-of-way of any street or highway, except between one half hour after sunset and one half hour before sunrise, on the right-hand side of such right-of-way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto; Provided, no snowmobile shall be operated at any time within the right-of-way of any interstate highway or freeway 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 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 are on;

(3) No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one head lamp, one tail lamp, each of minimum candlepower as prescribed by regulations of the director, reflector material of a minimum area of sixteen square inches mounted on each side forward of

the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the director pursuant to the authority vested in him by section 12 of this act;

(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) All provisions of Chapters 39 and 60, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, 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. 14. Nothing in this act shall prohibit the use of snowmobiles within the right-of-way of any state highway or other public road in any international or other sponsored contest; 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 21 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. 15. It shall be unlawful for any person to drive or operate any snowmobile 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;

(4) Without a lighted head and tail light when required for safety; and

(5) In any tree nursery or planting in a manner which damages or destroys growing stock.

Sec. 16. Notwithstanding anything in this section to the contrary, a county board may by resolution permit the operation of snowmobiles upon the roadway, shoulder, or inside bank or slope of any county road 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.

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; Provided, such regulations are not inconsistent with the provisions of this act and rules and regulations promulgated thereunder; and provided further, no such governmental unit may adopt an ordinance which (1) 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, city, or village, or (2) requires a snowmobile operator to possess a motor vehicle driver's license while operating a snowmobile.

Sec. 17. 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 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.

Sec. 18. Notwithstanding anything in this act to the contrary, no person under sixteen years of age shall make a direct crossing of a street or highway as the operator of a snowmobile.

Sec. 19. It shall be unlawful for the owner of a snowmobile to permit such snowmobile to be operated contrary to the provisions of this act or carry a shotgun or rifle thereon unless such shotgun or rifle is unloaded and encased.

Sec. 20. It shall be unlawful for any person to shoot, take, hunt or kill or to 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 car carrying case or such firearm is unloaded and enclosed in a carrying case.

Sec. 21. Any person who shall violate any provision of this act or any regulation of the director promulgated pursuant to this act shall be guilty of a misdemeanor and be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than ninety days. Any violation of this act which is also a violation under Chapter 39 or 60, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, may be punished under the penalty provisions thereof. Any peace officer, including conservation officers of the Game and Parks Commission, may enforce the provisions of this act.

Sec. 22. A law enforcement officer shall seize any snowmobile used for the purpose of gaining access to property for the purpose of committing the crime of burglary. Any snowmobile seized pursuant to this section shall be held, subject to the order of the district court of the county in which such burglary 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 and the proceeds from the sale of a confiscated snowmobile shall be paid into the state treasury and credited to the General Fund.

Sec. 23. (1) The operator of a snowmobile involved in a collision, accident or other casualty shall give his name, address and the number of such

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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 file with the director a full report of such collision, accident or other casualty in such form and detail as the director by regulation may prescribe.