



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 307**

Hearing Date: January 29, 2007

Committee On: Transportation and Telecommunications

Introducer(s): (Stuthman, 22)

Title: Restrict operation of all-terrain vehicles within municipalities

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

6	Yes	Senators Mines, Hudkins, Schimek, Fischer, Louden and Stuthman
	No	
1	Present, not voting	Senator Aguilar
1	Absent	Senator Pedersen

Proponents:

Senator Arnie Stuthman, Introducer
William Gumm

Gary Krumland

Representing:

District #22
Columbus Police Department and Police Chiefs of Nebraska
League of Nebraska Municipalities

Opponents:

Representing:

Neutral:

Robert Kay

Representing:

Star City Motor Sports

Summary of purpose and/or changes:

The bill amends § 60-6,356 to limit the use of ATV's for agricultural purposes on a highway. Operation on the highway must be outside the corporate limits of a municipality.

Under § 60-6,356 there are currently three exceptions, with varying requirements, that allow for the operation of an ATV on a highway. Subsection (3) allows ATV highway use for agriculture purposes, subsection (4) allows it for parades, and subsection (5) allows it for electric utility personnel operating within the scope of their employment. Only subsection (3) is affected by LB 307.

Explanation of amendments, if any:

The committee amendment, AM163, strikes the original sections and becomes the bill.

The amendment revises § 60-6,356 to make it clear what is allowed regarding the operation of an all-terrain vehicle (ATV) on a highway.

Subsection (1) states that an ATV shall not be operated on any controlled-access highway, and the crossing of any controlled-access highway shall not be permitted.

Subsection (2) outlines the three instances when operation of an ATV shall be permitted on a highway, other than a controlled-access highway:

1. Outside the corporate limits of a city, village, or unincorporated village if incidental to the vehicle's use for agricultural purposes;
2. Within the corporate limits of a city or village if authorized by ordinance;
3. Within an unincorporated village if authorized by the county board of the county in which the unincorporated village is located by resolution.

Subsection (3) outlines the requirements of operation on a highway as they currently exist in statute, including operation of the ATV during the day, a valid Class O license or farm permit, a speed of 30 m.p.h. or less, the headlight and taillight on, and a safety flag.

Subsection (4) states one that a person operating an ATV in an authorized parade does not have to comply with the requirements in subsection (3).

Subsection (5) outlines the method of crossing a highway that is currently in statute, and states that the ATV does not have to comply with the requirements of subsection (3).

Subsection (6) authorizes electric utility personnel to operate ATV's on highways outside the corporate limits of any municipality within the course of their employment in compliance with the requirements of subsection (3), except that operation need not be limited to the daylight hours.

Subsection (7) outlines the method by which a city or village may adopt an ordinance permitting operation of an ATV within the corporate limits of the city or village. The operation must be in accordance with the requirements of subsection (3), and the city or village may place other restrictions on the operation within its corporate limits.

Subsection (8) outlines the method by which a county board may adopt a resolution permitting operation of an ATV within an unincorporated village. The operation must be in accordance with the requirements of subsection (3), and the county may place other restrictions on the operation within the unincorporated village.

Senator Deb Fischer, Chairperson