

LEGISLATIVE BILL 307

Approved by the Governor March 7, 2007

Introduced by Stuthman, 22

FOR AN ACT relating to all-terrain vehicles; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to change provisions relating to the operation of all-terrain vehicles as prescribed; and to repeal the original section.

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

Section 1. Section 60-6,356, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,356 (1) ~~Except as provided in subsections (2) through (5) of this section,~~ An all-terrain vehicle shall not be operated on any highway of this state. The controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (2), (3), and (5) through (8) of this section authorize and apply to operation of an all-terrain vehicle only on a highway other than a controlled-access highway with more than two marked traffic lanes.

~~(2) The crossing of a highway shall be permitted only 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 vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;~~

~~(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;~~

~~(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and~~

~~(e) Both the headlight and taillight of the vehicle are on when the crossing is made.~~

(2) An all-terrain vehicle may be operated in accordance with the operating requirements of subsection (3) of this section:

(a) Outside the corporate limits of a city, village, or unincorporated village if incidental to the vehicle's use for agricultural purposes;

(b) Within the corporate limits of a city or village if authorized by the city or village by ordinance adopted in accordance with this section; or

(c) Within an unincorporated village if authorized by the county board of the county in which the unincorporated village is located by resolution in accordance with this section.

(3) An all-terrain vehicle may be operated on a highway as authorized in subsection (2) of this section when such operation occurs only between the hours of sunrise and sunset, and such operation is incidental to the vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a highway as authorized in subsection (2) of this section shall have a valid Class O operator's license or a farm permit as provided in section 60-4,126, shall have liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on a highway, and shall not operate such vehicle at a speed in excess of thirty miles per hour. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. When operated on a highway, operating an all-terrain vehicle as authorized in subsection (2) of this section, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) All-terrain vehicles may be operated without complying with subsection (3) of this section on highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(5) Subject to subsection (1) of this section, the crossing of a highway shall be permitted by an all-terrain vehicle without complying with subsection (3) of this section only 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 vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made.

~~(5)~~ (6) All-terrain vehicles may be operated on highways outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection (3) of this section, except that the operation of the vehicle pursuant to this subsection need not be incidental to the use of the vehicle for agricultural purposes, limited to the hours between sunrise and sunset.

(7) A city or village may adopt an ordinance authorizing the operation of all-terrain vehicles within the corporate limits of the city or village if the operation is in accordance with subsection (3) of this section. The city or village may place other restrictions on the operation of all-terrain vehicles within its corporate limits.

(8) A county board may adopt a resolution authorizing the operation of all-terrain vehicles within any unincorporated village within the county if the operation is in accordance with subsection (3) of this section. The county may place other restrictions on the operation of all-terrain vehicles within the unincorporated village.

Sec. 2. Original section 60-6,356, Reissue Revised Statutes of Nebraska, is repealed.