

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 92

FINAL READING

Introduced by Howard, 9; Flood, 19; Hansen, 42; Louden, 49; Wallman, 30; Cornett, 45; Nordquist, 7; Harms, 48; Pirsch, 4; Dierks, 40; Haar, 21; Lathrop, 12; Pahls, 31; Fischer, 43.

Read first time January 8, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to
2 amend section 60-601, Revised Statutes Cumulative
3 Supplement, 2008; to change provisions relating to
4 operation of vehicles approaching stopped authorized
5 emergency vehicles and road assistance vehicles on a
6 controlled-access highway; to provide penalties; to
7 harmonize provisions; and to repeal the original section.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-601 Sections 60-601 to 60-6,377 and section 2 of this
4 act shall be known and may be cited as the Nebraska Rules of the
5 Road.

6 Sec. 2. (1) (a) A driver in a vehicle on a
7 controlled-access highway approaching or passing a stopped
8 authorized emergency vehicle or road assistance vehicle which makes
9 use of proper audible or visual signals shall proceed with due care
10 and caution as described in subdivision (b) of this subsection.

11 (b) On a controlled-access highway with at least two
12 adjacent lanes of travel in the same direction on the same side
13 of the highway where a stopped authorized emergency vehicle or
14 road assistance vehicle is using proper audible or visual signals,
15 the driver of the vehicle shall proceed with due care and caution
16 and yield the right-of-way by moving into a lane at least one
17 moving lane apart from the stopped authorized emergency vehicle
18 or road assistance vehicle unless directed otherwise by a peace
19 officer or other authorized emergency personnel. If moving into
20 another lane is not possible because of weather conditions, road
21 conditions, or the immediate presence of vehicular or pedestrian
22 traffic or because the controlled-access highway does not have
23 two available adjacent lanes of travel in the same direction on
24 the same side of the highway where such a stopped authorized
25 emergency vehicle or road assistance vehicle is located, the

1 driver of the approaching or passing vehicle shall reduce his
2 or her speed, maintain a safe speed with regard to the location
3 of the stopped authorized emergency vehicle or road assistance
4 vehicle, the weather conditions, the road conditions, and vehicular
5 or pedestrian traffic, and proceed with due care and caution
6 or proceed as directed by a peace officer or other authorized
7 emergency personnel or road assistance personnel.

8 (c) Any person who violates this subsection is guilty of
9 a traffic infraction for a first offense and Class IIIA misdemeanor
10 for a second or subsequent offense.

11 (2) The Department of Roads shall erect and maintain
12 or cause to be erected and maintained signs giving notice of
13 subsection (1) of this section along controlled-access highways.

14 (3) Enforcement of subsection (1) of this section
15 shall not be accomplished using simulated situations involving an
16 authorized emergency vehicle or a road assistance vehicle.

17 (4) This section does not relieve the driver of an
18 authorized emergency vehicle or a road assistance vehicle from the
19 duty to drive with due regard for the safety of all persons using
20 the highway.

21 (5) For purposes of this section, road assistance vehicle
22 includes a vehicle operated by the Department of Roads, a
23 Nebraska State Patrol motorist assistance vehicle, and a United
24 States Department of Transportation registered towing or roadside
25 assistance vehicle. A road assistance vehicle shall emit a warning

1 signal utilizing properly displayed emergency indicators such as
2 strobe, rotating, or oscillating lights when stopped along a
3 highway.

4 Sec. 3. Original section 60-601, Revised Statutes
5 Cumulative Supplement, 2008, is repealed.