

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1004

Introduced by Louden, 49; Harms, 48.

Read first time January 20, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections
2 60-471, 60-501, 60-6,348, and 60-6,349, Reissue Revised
3 Statutes of Nebraska, sections 60-102, 60-123, 60-137,
4 60-302, 60-339, and 60-605, Revised Statutes Cumulative
5 Supplement, 2008, and sections 23-187, 60-101, 60-301,
6 and 60-601, Revised Statutes Supplement, 2009; to allow
7 operation of golf car vehicles and low-speed vehicles
8 on highways as prescribed; to require titling and
9 registration for low-speed vehicles; to provide powers
10 for counties; to harmonize provisions; to provide an
11 operative date; and to repeal the original sections.

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

1 Section 1. Section 23-187, Revised Statutes Supplement,
2 2009, is amended to read:

3 23-187 (1) In addition to the powers granted by section
4 23-104, a county may, in the manner specified by sections 23-187 to
5 23-193, regulate the following subjects by ordinance:

6 (a) Parking of motor vehicles on public roads, highways,
7 and rights-of-way as it pertains to snow removal for and access by
8 emergency vehicles to areas within the county;

9 (b) Motor vehicles as defined in section 60-339 that are
10 abandoned on public or private property;

11 (c) Golf car vehicles and low-speed vehicles pursuant to
12 section 19 of this act;

13 ~~(e)~~ (d) Graffiti on public or private property;

14 ~~(d)~~ (e) False alarms from electronic security systems
15 that result in requests for emergency response from law enforcement
16 or other emergency responders; and

17 ~~(e)~~ (f) Violation of the public peace and good order of
18 the county by disorderly conduct, lewd or lascivious behavior, or
19 public nudity.

20 (2) For the enforcement of any ordinance authorized by
21 this section, a county may impose fines, forfeitures, or penalties
22 and provide for the recovery, collection, and enforcement of such
23 fines, forfeitures, or penalties. A county may also authorize
24 such other measures for the enforcement of ordinances as may be
25 necessary and proper. A fine enacted pursuant to this section shall

1 not exceed five hundred dollars for each offense.

2 Sec. 2. Section 60-101, Revised Statutes Supplement,
3 2009, is amended to read:

4 60-101 Sections 60-101 to 60-197 and sections 4 and 7
5 of this act shall be known and may be cited as the Motor Vehicle
6 Certificate of Title Act.

7 Sec. 3. Section 60-102, Revised Statutes Cumulative
8 Supplement, 2008, is amended to read:

9 60-102 For purposes of the Motor Vehicle Certificate of
10 Title Act, unless the context otherwise requires, the definitions
11 found in sections 60-103 to 60-136.01 and section 4 of this act
12 shall be used.

13 Sec. 4. Golf car vehicle means a vehicle that has at
14 least four wheels, has a maximum level ground speed of less than
15 twenty miles per hour, has a maximum payload capacity of one
16 thousand two hundred pounds, has a maximum gross vehicle weight
17 of two thousand five hundred pounds, and has a maximum passenger
18 capacity of not more than four persons.

19 Sec. 5. Section 60-123, Revised Statutes Cumulative
20 Supplement, 2008, is amended to read:

21 60-123 Motor vehicle means any vehicle propelled
22 by any power other than muscular power except (1) mopeds,
23 (2) farm tractors, (3) self-propelled equipment designed and
24 used exclusively to carry and apply fertilizer, chemicals, or
25 related products to agricultural soil and crops, agricultural

1 floater-spreader implements, and other implements of husbandry
 2 designed for and used primarily for tilling the soil and harvesting
 3 crops or feeding livestock, (4) power unit hay grinders or
 4 a combination which includes a power unit and a hay grinder
 5 when operated without cargo, (5) vehicles which run only on
 6 rails or tracks, (6) off-road designed vehicles not used on
 7 a highway, including, but not limited to, golf ~~earts~~, car
 8 vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain
 9 vehicles, snowmobiles registered or exempt from registration
 10 under sections 60-3,207 to 60-3,219, and minibikes, (7) road and
 11 general-purpose construction and maintenance machinery not designed
 12 or used primarily for the transportation of persons or property,
 13 including, but not limited to, ditchdigging apparatus, asphalt
 14 spreaders, bucket loaders, leveling graders, earthmoving carryalls,
 15 power shovels, earthmoving equipment, and crawler tractors, (8)
 16 self-propelled chairs used by persons who are disabled, and (9)
 17 electric personal assistive mobility devices , ~~and (10) low-speed~~
 18 ~~vehicles.~~

19 Sec. 6. Section 60-137, Revised Statutes Cumulative
 20 Supplement, 2008, is amended to read:

21 60-137 (1) The Motor Vehicle Certificate of Title Act
 22 applies to all vehicles as defined in the act, except:

23 (a) Farm trailers;

24 (b) ~~Low-speed~~ Golf car vehicles;

25 (c) Well-boring apparatus, backhoes, bulldozers, and

1 front-end loaders; and

2 (d) Trucks and buses from other jurisdictions required
3 to pay registration fees under the Motor Vehicle Registration Act,
4 except a vehicle registered or eligible to be registered as part of
5 a fleet of apportionable vehicles under section 60-3,198.

6 ~~(2)~~ (2) (a) All new all-terrain vehicles and minibikes
7 sold on or after January 1, 2004, shall be required to have
8 a certificate of title. An owner of an all-terrain vehicle or
9 minibike sold prior to such date may apply for a certificate of
10 title for such all-terrain vehicle or minibike as provided in rules
11 and regulations of the department.

12 (b) All new low-speed vehicles sold on or after January
13 1, 2011, shall be required to have a certificate of title. An
14 owner of a low-speed vehicle sold prior to such date may apply for
15 a certificate of title for such low-speed vehicle as provided in
16 rules and regulations of the department.

17 (3) An owner of a utility trailer may apply for a
18 certificate of title upon compliance with the Motor Vehicle
19 Certificate of Title Act.

20 (4) (a) Every owner of a manufactured home or mobile home
21 shall obtain a certificate of title for the manufactured home or
22 mobile home prior to affixing it to real estate.

23 (b) If a manufactured home or mobile home has been
24 affixed to real estate and a certificate of title was not issued
25 before it was so affixed, the owner of such manufactured home or

1 mobile home shall apply for and be issued a certificate of title
2 at any time for surrender and cancellation as provided in section
3 60-169.

4 Sec. 7. If a low-speed vehicle does not have a
5 manufacturer's vehicle identification number, the owner of the
6 low-speed vehicle may apply for a certificate of title by
7 presenting a manufacturer's statement of origin for the low-speed
8 vehicle, a statement that an inspection has been conducted on the
9 low-speed vehicle, and a vehicle identification number as described
10 in section 60-148. The certificate of title shall indicate the year
11 of the low-speed vehicle as the year application for title was made
12 and the make of the low-speed vehicle.

13 Sec. 8. Section 60-301, Revised Statutes Supplement,
14 2009, is amended to read:

15 60-301 Sections 60-301 to 60-3,222 and sections 10 and 12
16 of this act shall be known and may be cited as the Motor Vehicle
17 Registration Act.

18 Sec. 9. Section 60-302, Revised Statutes Cumulative
19 Supplement, 2008, is amended to read:

20 60-302 For purposes of the Motor Vehicle Registration
21 Act, unless the context otherwise requires, the definitions found
22 in sections 60-303 to 60-360 and section 10 of this act shall be
23 used.

24 Sec. 10. Golf car vehicle means a vehicle that has at
25 least four wheels, has a maximum level ground speed of less than

1 twenty miles per hour, has a maximum payload capacity of one
2 thousand two hundred pounds, has a maximum gross vehicle weight
3 of two thousand five hundred pounds, and has a maximum passenger
4 capacity of not more than four persons.

5 Sec. 11. Section 60-339, Revised Statutes Cumulative
6 Supplement, 2008, is amended to read:

7 60-339 Motor vehicle means any vehicle propelled
8 by any power other than muscular power except (1) mopeds,
9 (2) farm tractors, (3) self-propelled equipment designed and
10 used exclusively to carry and apply fertilizer, chemicals, or
11 related products to agricultural soil and crops, agricultural
12 floater-spreader implements, and other implements of husbandry
13 designed for and used primarily for tilling the soil and harvesting
14 crops or feeding livestock, (4) power unit hay grinders or
15 a combination which includes a power unit and a hay grinder
16 when operated without cargo, (5) vehicles which run only on
17 rails or tracks, (6) off-road designed vehicles not used on
18 a highway, including, but not limited to, golf carts, car
19 vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain
20 vehicles, snowmobiles registered or exempt from registration
21 under sections 60-3,207 to 60-3,219, and minibikes, (7) road and
22 general-purpose construction and maintenance machinery not designed
23 or used primarily for the transportation of persons or property,
24 including, but not limited to, ditchdigging apparatus, asphalt
25 spreaders, bucket loaders, leveling graders, earthmoving carryalls,

1 power shovels, earthmoving equipment, and crawler tractors, (8)
 2 self-propelled chairs used by persons who are disabled, and (9)
 3 electric personal assistive mobility devices, and ~~(10) low-speed~~
 4 ~~vehicles.~~

5 Sec. 12. For the registration of every low-speed vehicle,
 6 the fee shall be fifty dollars.

7 Sec. 13. Section 60-471, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 60-471 Motor vehicle means all vehicles propelled by
 10 any power other than muscular power except (1) self-propelled
 11 chairs used by persons who are disabled, (2) farm tractors, (3)
 12 farm tractors used occasionally outside general farm usage, (4)
 13 road rollers, (5) vehicles which run only on rails or tracks,
 14 (6) electric personal assistive mobility devices as defined in
 15 section 60-618.02, and (7) off-road designed vehicles not used on a
 16 highway, including, but not limited to, ~~gelf earts,~~ go-carts,
 17 riding lawn mowers, garden tractors, all-terrain vehicles as
 18 defined in section 60-6,355, minibikes as defined in section
 19 60-636, and snowmobiles as defined in section 60-663.

20 Sec. 14. Section 60-501, Reissue Revised Statutes of
 21 Nebraska, is amended to read:

22 60-501 For purposes of the Motor Vehicle Safety
 23 Responsibility Act, unless the context otherwise requires:

- 24 (1) Department means Department of Motor Vehicles;
 25 (2) Judgment means any judgment which shall have become

1 final by the expiration of the time within which an appeal might
2 have been perfected without being appealed, or by final affirmation
3 on appeal, rendered by a court of competent jurisdiction of any
4 state or of the United States, (a) upon a cause of action arising
5 out of the ownership, maintenance, or use of any motor vehicle for
6 damages, including damages for care and loss of services, because
7 of bodily injury to or death of any person or for damages because
8 of injury to or destruction of property, including the loss of
9 use thereof, or (b) upon a cause of action on an agreement of
10 settlement for such damages;

11 (3) License means any license issued to any person under
12 the laws of this state pertaining to operation of a motor vehicle
13 within this state;

14 (4) Motor vehicle means any self-propelled vehicle which
15 is designed for use upon a highway, including trailers designed for
16 use with such vehicles, except (a) mopeds as defined in section
17 60-637, (b) traction engines, (c) road rollers, (d) farm tractors,
18 (e) tractor cranes, (f) power shovels, (g) well drillers, (h)
19 every vehicle which is propelled by electric power obtained from
20 overhead wires but not operated upon rails, (i) electric personal
21 assistive mobility devices as defined in section 60-618.02, and
22 (j) off-road designed vehicles not used on a highway, including,
23 but not limited to, ~~gelf earts~~, go-carts, riding lawnmowers, garden
24 tractors, all-terrain vehicles as defined in section 60-6,355,
25 minibikes as defined in section 60-636, and snowmobiles as defined

1 in section 60-663;

2 (5) Nonresident means every person who is not a resident
3 of this state;

4 (6) Nonresident's operating privilege means the privilege
5 conferred upon a nonresident by the laws of this state pertaining
6 to the operation by him or her of a motor vehicle or the use of a
7 motor vehicle owned by him or her in this state;

8 (7) Operator means every person who is in actual physical
9 control of a motor vehicle;

10 (8) Owner means a person who holds the legal title of a
11 motor vehicle, or in the event (a) a motor vehicle is the subject
12 of an agreement for the conditional sale or lease thereof with the
13 right of purchase upon performance of the conditions stated in the
14 agreement and with an immediate right of possession vested in the
15 conditional vendee or lessee or (b) a mortgagor of a vehicle is
16 entitled to possession, then such conditional vendee or lessee or
17 mortgagor shall be deemed the owner for the purposes of the act;

18 (9) Person means every natural person, firm, partnership,
19 limited liability company, association, or corporation;

20 (10) Proof of financial responsibility means evidence
21 of ability to respond in damages for liability, on account of
22 accidents occurring subsequent to the effective date of such proof,
23 arising out of the ownership, maintenance, or use of a motor
24 vehicle, (a) in the amount of twenty-five thousand dollars because
25 of bodily injury to or death of one person in any one accident,

1 (b) subject to such limit for one person, in the amount of fifty
2 thousand dollars because of bodily injury to or death of two
3 or more persons in any one accident, and (c) in the amount of
4 twenty-five thousand dollars because of injury to or destruction of
5 property of others in any one accident;

6 (11) Registration means registration certificate or
7 certificates and registration plates issued under the laws of this
8 state pertaining to the registration of motor vehicles;

9 (12) State means any state, territory, or possession of
10 the United States, the District of Columbia, or any province of the
11 Dominion of Canada; and

12 (13) The forfeiture of bail, not vacated, or of
13 collateral deposited to secure an appearance for trial shall be
14 regarded as equivalent to conviction of the offense charged.

15 Sec. 15. Section 60-601, Revised Statutes Supplement,
16 2009, is amended to read:

17 60-601 Sections 60-601 to 60-6,378 and sections 17 to 19
18 of this act shall be known and may be cited as the Nebraska Rules
19 of the Road.

20 Sec. 16. Section 60-605, Revised Statutes Cumulative
21 Supplement, 2008, is amended to read:

22 60-605 For purposes of the Nebraska Rules of the Road,
23 the definitions found in sections 60-606 to 60-676 and section 17
24 of this act shall be used.

25 Sec. 17. Golf car vehicle means a vehicle that has at

1 least four wheels, has a maximum level ground speed of less than
2 twenty miles per hour, has a maximum payload capacity of one
3 thousand two hundred pounds, has a maximum gross vehicle weight
4 of two thousand five hundred pounds, and has a maximum passenger
5 capacity of not more than four persons. Golf car vehicle does not
6 include a low-speed vehicle.

7 Sec. 18. Low-speed vehicle means a vehicle that (1)
8 cannot travel more than twenty-five miles per hour on a paved,
9 level surface and (2) complies with 49 C.F.R. part 571, as such
10 part existed on January 1, 2010. Low-speed vehicle does not include
11 a golf car vehicle.

12 Sec. 19. A golf car vehicle or low-speed vehicle may
13 be operated during daytime on any highway on which the speed
14 limit is not more than thirty-five miles per hour. A golf car
15 vehicle or low-speed vehicle may cross a highway on which the speed
16 limit is more than thirty-five miles per hour. Nothing in this
17 section shall prevent a county, city, or village from adopting
18 more stringent ordinances governing golf car vehicle or low-speed
19 vehicle operation if the governing body of the county, city,
20 or village determines that such ordinances are necessary in the
21 interest of public safety. Any person operating a golf car vehicle
22 or low-speed vehicle as authorized under this section shall have a
23 valid Class O operator's license and shall have liability insurance
24 coverage for the golf car vehicle or low-speed vehicle. A golf
25 car vehicle being operated as authorized under this section shall

1 display on the rear thereof an emblem as described in subsection
2 (2) of section 60-6,241. The Department of Roads may prohibit the
3 operation of golf car vehicles or low-speed vehicles on any highway
4 under its jurisdiction if it determines that the prohibition is
5 necessary in the interest of public safety.

6 Sec. 20. Section 60-6,348, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-6,348 Minibikes and all off-road designed vehicles not
9 used on a highway, including, but not limited to, golf carts,
10 go-carts, riding lawnmowers, garden tractors, and snowmobiles,
11 shall be exempt from the provisions of sections 60-678 and 60-6,351
12 to 60-6,353 and section 19 of this act during any public emergency
13 or while being used in parades by regularly organized units of any
14 recognized charitable, social, educational, or community service
15 organization.

16 Sec. 21. Section 60-6,349, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 60-6,349 All minibikes and similar two-wheeled,
19 three-wheeled, and four-wheeled miniature vehicles offered for sale
20 in this state shall bear the following notice to the customer
21 and user: This vehicle as manufactured or sold is for off-road
22 use only. This section shall not apply to a golf car vehicle or
23 low-speed vehicle, as applicable to its design, or to an electric
24 personal assistive mobility device.

25 Sec. 22. This act becomes operative on January 1, 2011.

LB 1004

LB 1004

1 Sec. 23. Original sections 60-471, 60-501, 60-6,348, and
2 60-6,349, Reissue Revised Statutes of Nebraska, sections 60-102,
3 60-123, 60-137, 60-302, 60-339, and 60-605, Revised Statutes
4 Cumulative Supplement, 2008, and sections 23-187, 60-101, 60-301,
5 and 60-601, Revised Statutes Supplement, 2009, are repealed.