

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1107**

Introduced by Pirsch, 4.

Read first time January 19, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend  
2 section 60-696, Reissue Revised Statutes of Nebraska; to  
3 change provisions relating to the movement of vehicles  
4 and other property after an accident; to provide immunity  
5 as prescribed; and to repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-696, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-696 (1) Except as otherwise provided in subsection (2)  
4 ~~of~~ this section, the driver of any vehicle involved in an accident  
5 upon a public highway, private road, or private drive, resulting in  
6 damage to property, shall (a) immediately stop such vehicle at the  
7 scene of such accident and (b) give his or her name, address,  
8 telephone number, and operator's license number to the owner of the  
9 property struck or the driver or occupants of any other vehicle  
10 involved in the collision.

11           (2) The driver of any vehicle involved in an accident  
12 upon a public highway, private road, or private drive, resulting in  
13 damage to property but not resulting in injury or death, may move his  
14 or her vehicle out of the traveled portion of the roadway to the  
15 nearest area of safety before providing the information required by  
16 subdivision (1)(b) of this section.

17           ~~(2)~~(3) The driver of any vehicle involved in an accident  
18 upon a public highway, private road, or private drive, resulting in  
19 damage to an unattended vehicle or property, shall immediately stop  
20 such vehicle and leave in a conspicuous place in or on the unattended  
21 vehicle or property a written notice containing the information  
22 required by ~~subsection (1)~~ subdivision (1)(b) of this section. In  
23 addition, such driver shall, without unnecessary delay, report the  
24 collision, by telephone or otherwise, to an appropriate peace  
25 officer.

1           ~~(3)(a)~~-(4)(a) A peace officer may remove or cause to be  
2 removed from a roadway, without the consent of the driver or owner,  
3 any vehicle, cargo, or other property which is obstructing the  
4 roadway creating or aggravating an emergency situation or otherwise  
5 endangering the public safety. Any vehicle, cargo, or other property  
6 obstructing a roadway shall be removed by the most expeditious means  
7 available to clear the obstruction, giving due regard to the  
8 protection of the property removed. Any peace officer, and his or her  
9 employing law enforcement agency, who removes or causes to be removed  
10 a vehicle, cargo, or other property which is obstructing the roadway  
11 creating or aggravating an emergency situation or otherwise  
12 endangering the public safety shall be immune from liability for any  
13 property damage necessarily or proximately caused to such vehicle,  
14 cargo, or other property by such removal.

15           (b) This subsection does not apply if an accident results  
16 in or is believed to involve the release of hazardous materials,  
17 hazardous substances, or hazardous wastes, as those terms are defined  
18 in section 75-362.

19           ~~(4)~~-(5) Any person violating subsection (1) or ~~(2)~~-(3) of  
20 this section is guilty of a Class II misdemeanor. If such person has  
21 had one or more convictions under this section in the twelve years  
22 prior to the date of the current conviction under this section, such  
23 person is guilty of a Class I misdemeanor. As part of any sentence,  
24 suspended sentence, or judgment of conviction under this section, the  
25 court may order the defendant not to drive any motor vehicle for any

1 purpose in the State of Nebraska for a period of up to one year from  
2 the date ordered by the court. If the court orders the defendant not  
3 to drive any motor vehicle for any purpose in the State of Nebraska  
4 for a period of up to one year from the date ordered by the court,  
5 the court shall also order that the operator's license of such person  
6 be revoked for a like period.

7                   Sec. 2. Original section 60-696, Reissue Revised Statutes  
8 of Nebraska, is repealed.