

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 930

Introduced by Brasch, 16; Christensen, 44; Larson, 40; Louden, 49;
Nelson, 6; Schilz, 47; Wallman, 30.

Read first time January 10, 2012

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-102,
2 Reissue Revised Statutes of Nebraska, and sections
3 23-187, 60-101, 60-123, 60-301, 60-302, 60-339, 60-471,
4 60-501, 60-520, 60-547, 60-601, 60-605, 60-6,348, and
5 60-6,349, Revised Statutes Supplement, 2011; to allow
6 operation of golf car vehicles on highways as prescribed;
7 to provide powers for counties, cities, and villages; to
8 harmonize provisions; to provide an operative date; and
9 to repeal the original sections.

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

1 Section 1. Section 23-187, Revised Statutes Supplement,
2 2011, 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) Low-speed vehicles as described and operated pursuant
12 to section 60-6,380;

13 (d) Golf car vehicles as described and operated pursuant
14 to section 19 of this act;

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

16 ~~(e)-(f)~~ False alarms from electronic security systems
17 that result in requests for emergency response from law enforcement
18 or other emergency responders; and

19 ~~(f)-(g)~~ Violation of the public peace and good order of
20 the county by disorderly conduct, lewd or lascivious behavior, or
21 public nudity.

22 (2) For the enforcement of any ordinance authorized by
23 this section, a county may impose fines, forfeitures, or penalties
24 and provide for the recovery, collection, and enforcement of such
25 fines, forfeitures, or penalties. A county may also authorize such

1 other measures for the enforcement of ordinances as may be necessary
2 and proper. A fine enacted pursuant to this section shall not exceed
3 five hundred dollars for each offense.

4 Sec. 2. Section 60-101, Revised Statutes Supplement,
5 2011, is amended to read:

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

9 Sec. 3. Section 60-102, Reissue Revised Statutes of
10 Nebraska, is amended to read:

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

15 Sec. 4. Golf car vehicle means a vehicle that has at
16 least four wheels, has a maximum level ground speed of less than
17 twenty miles per hour, has a maximum payload capacity of one thousand
18 two hundred pounds, has a maximum gross vehicle weight of two
19 thousand five hundred pounds, has a maximum passenger capacity of not
20 more than four persons, and is designed and manufactured for
21 operation on a golf course for sporting and recreational purposes.

22 Sec. 5. Section 60-123, Revised Statutes Supplement,
23 2011, is amended to read:

24 60-123 Motor vehicle means any vehicle propelled by any
25 power other than muscular power. Motor vehicle does not include (1)

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

21 Sec. 6. Section 60-301, Revised Statutes Supplement,
22 2011, is amended to read:

23 60-301 Sections 60-301 to 60-3,222 and section 8 of this
24 act shall be known and may be cited as the Motor Vehicle Registration
25 Act.

1 Sec. 7. Section 60-302, Revised Statutes Supplement,
2 2011, is amended to read:

3 60-302 For purposes of the Motor Vehicle Registration
4 Act, unless the context otherwise requires, the definitions found in
5 sections 60-302.01 to 60-360 and section 8 of this act shall be used.

6 Sec. 8. Golf car vehicle means a vehicle that has at
7 least four wheels, has a maximum level ground speed of less than
8 twenty miles per hour, has a maximum payload capacity of one thousand
9 two hundred pounds, has a maximum gross vehicle weight of two
10 thousand five hundred pounds, has a maximum passenger capacity of not
11 more than four persons, and is designed and manufactured for
12 operation on a golf course for sporting and recreational purposes.

13 Sec. 9. Section 60-339, Revised Statutes Supplement,
14 2011, is amended to read:

15 60-339 Motor vehicle means any vehicle propelled by any
16 power other than muscular power. Motor vehicle does not include (1)
17 mopeds, (2) farm tractors, (3) self-propelled equipment designed and
18 used exclusively to carry and apply fertilizer, chemicals, or related
19 products to agricultural soil and crops, agricultural floater-
20 spreader implements, and other implements of husbandry designed for
21 and used primarily for tilling the soil and harvesting crops or
22 feeding livestock, (4) power unit hay grinders or a combination which
23 includes a power unit and a hay grinder when operated without cargo,
24 (5) vehicles which run only on rails or tracks, (6) off-road designed
25 vehicles not authorized by law for use on a highway, including, but

1 not limited to, golf ~~earts,~~ car vehicles, go-carts, riding
2 lawnmowers, garden tractors, all-terrain vehicles, utility-type
3 vehicles, snowmobiles registered or exempt from registration under
4 sections 60-3,207 to 60-3,219, and minibikes, (7) road and general-
5 purpose construction and maintenance machinery not designed or used
6 primarily for the transportation of persons or property, including,
7 but not limited to, ditchdigging apparatus, asphalt spreaders, bucket
8 loaders, leveling graders, earthmoving carryalls, power shovels,
9 earthmoving equipment, and crawler tractors, (8) self-propelled
10 chairs used by persons who are disabled, and (9) electric personal
11 assistive mobility devices.

12 Sec. 10. Section 60-471, Revised Statutes Supplement,
13 2011, is amended to read:

14 60-471 Motor vehicle means all vehicles propelled by any
15 power other than muscular power. Motor vehicle does not include (1)
16 self-propelled chairs used by persons who are disabled, (2) farm
17 tractors, (3) farm tractors used occasionally outside general farm
18 usage, (4) road rollers, (5) vehicles which run only on rails or
19 tracks, (6) electric personal assistive mobility devices as defined
20 in section 60-618.02, and (7) off-road designed vehicles not
21 authorized by law for use on a highway, including, but not limited
22 to, ~~golf carts,~~ go-carts, riding lawn mowers, garden tractors, all-
23 terrain vehicles and utility-type vehicles as defined in section
24 60-6,355, minibikes as defined in section 60-636, and snowmobiles as
25 defined in section 60-663.

1 Sec. 11. Section 60-501, Revised Statutes Supplement,
2 2011, is amended to read:

3 60-501 For purposes of the Motor Vehicle Safety
4 Responsibility Act, unless the context otherwise requires:

5 (1) Department means Department of Motor Vehicles;

6 (2) Golf car vehicle means a vehicle that has at least
7 four wheels, has a maximum level ground speed of less than twenty
8 miles per hour, has a maximum payload capacity of one thousand two
9 hundred pounds, has a maximum gross vehicle weight of two thousand
10 five hundred pounds, has a maximum passenger capacity of not more
11 than four persons, and is designed and manufactured for operation on
12 a golf course for sporting and recreational purposes;

13 ~~(2)~~(3) Judgment means any judgment which shall have
14 become final by the expiration of the time within which an appeal
15 might have been perfected without being appealed, or by final
16 affirmation on appeal, rendered by a court of competent jurisdiction
17 of any state or of the United States, (a) upon a cause of action
18 arising out of the ownership, maintenance, or use of any motor
19 vehicle for damages, including damages for care and loss of services,
20 because of bodily injury to or death of any person or for damages
21 because of injury to or destruction of property, including the loss
22 of use thereof, or (b) upon a cause of action on an agreement of
23 settlement for such damages;

24 ~~(3)~~(4) License means any license issued to any person
25 under the laws of this state pertaining to operation of a motor

1 vehicle within this state;

2 ~~(4)~~ (5) Low-speed vehicle means a four-wheeled motor
3 vehicle (a) whose speed attainable in one mile is more than twenty
4 miles per hour and not more than twenty-five miles per hour on a
5 paved, level surface, (b) whose gross vehicle weight rating is less
6 than three thousand pounds, and (c) that complies with 49 C.F.R. part
7 571, as such part existed on January 1, 2011;

8 ~~(5)~~ (6) Minitruck means a foreign-manufactured import
9 vehicle or domestic-manufactured vehicle which (a) is powered by an
10 internal combustion engine with a piston or rotor displacement of one
11 thousand cubic centimeters or less, (b) is sixty-seven inches or less
12 in width, (c) has a dry weight of four thousand two hundred pounds or
13 less, (d) travels on four or more tires, (e) has a top speed of
14 approximately fifty-five miles per hour, (f) is equipped with a bed
15 or compartment for hauling, (g) has an enclosed passenger cab, (h) is
16 equipped with headlights, taillights, turnsignals, windshield wipers,
17 a rearview mirror, and an occupant protection system, and (i) has a
18 four-speed, five-speed, or automatic transmission;

19 ~~(6)~~ (7) Motor vehicle means any self-propelled vehicle
20 which is designed for use upon a highway, including trailers designed
21 for use with such vehicles, minitrucks, and low-speed vehicles, and
22 golf car vehicles. Motor vehicle does not include (a) mopeds as
23 defined in section 60-637, (b) traction engines, (c) road rollers,
24 (d) farm tractors, (e) tractor cranes, (f) power shovels, (g) well
25 drillers, (h) every vehicle which is propelled by electric power

1 obtained from overhead wires but not operated upon rails, (i)
2 electric personal assistive mobility devices as defined in section
3 60-618.02, and (j) off-road designed vehicles, including, but not
4 limited to, ~~golf carts, go-carts,~~ riding lawnmowers, garden tractors,
5 all-terrain vehicles and utility-type vehicles as defined in section
6 60-6,355, minibikes as defined in section 60-636, and snowmobiles as
7 defined in section 60-663;

8 ~~(7)~~—(8) Nonresident means every person who is not a
9 resident of this state;

10 ~~(8)~~—(9) Nonresident's operating privilege means the
11 privilege conferred upon a nonresident by the laws of this state
12 pertaining to the operation by him or her of a motor vehicle or the
13 use of a motor vehicle owned by him or her in this state;

14 ~~(9)~~—(10) Operator means every person who is in actual
15 physical control of a motor vehicle;

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

24 ~~(11)~~—(12) Person means every natural person, firm,
25 partnership, limited liability company, association, or corporation;

1 ~~(12)~~—(13) Proof of financial responsibility means
2 evidence of ability to respond in damages for liability, on account
3 of accidents occurring subsequent to the effective date of such
4 proof, arising out of the ownership, maintenance, or use of a motor
5 vehicle, (a) in the amount of twenty-five thousand dollars because of
6 bodily injury to or death of one person in any one accident, (b)
7 subject to such limit for one person, in the amount of fifty thousand
8 dollars because of bodily injury to or death of two or more persons
9 in any one accident, and (c) in the amount of twenty-five thousand
10 dollars because of injury to or destruction of property of others in
11 any one accident;

12 ~~(13)~~—(14) Registration means registration certificate or
13 certificates and registration plates issued under the laws of this
14 state pertaining to the registration of motor vehicles;

15 ~~(14)~~—(15) State means any state, territory, or possession
16 of the United States, the District of Columbia, or any province of
17 the Dominion of Canada; and

18 ~~(15)~~—(16) The forfeiture of bail, not vacated, or of
19 collateral deposited to secure an appearance for trial shall be
20 regarded as equivalent to conviction of the offense charged.

21 Sec. 12. Section 60-520, Revised Statutes Supplement,
22 2011, is amended to read:

23 60-520 Judgments in excess of the amounts specified in
24 subdivision ~~(12)~~—(13) of section 60-501 shall, for the purpose of the
25 Motor Vehicle Safety Responsibility Act only, be deemed satisfied

1 when payments in the amounts so specified have been credited thereon.
2 Payments made in settlement of any claims because of bodily injury,
3 death, or property damage arising from a motor vehicle accident shall
4 be credited in reduction of the respective amounts so specified.

5 Sec. 13. Section 60-547, Revised Statutes Supplement,
6 2011, is amended to read:

7 60-547 Proof of financial responsibility may be evidenced
8 by the bond of a surety company duly authorized to transact business
9 within this state, or a bond with at least two individual sureties
10 who each own real estate within this state, which real estate shall
11 be scheduled in the bond approved by a judge of a court of record.
12 The bond shall be conditioned for the payment of the amounts
13 specified in subdivision ~~(12)~~(13) of section 60-501. It shall be
14 filed with the department and shall not be cancelable except after
15 ten days' written notice to the department. Such bond shall
16 constitute a lien in favor of the state upon the real estate so
17 scheduled of any surety, which lien shall exist in favor of any
18 holder of a final judgment against the person who has filed such
19 bond, for damages, including damages for care and loss of services,
20 because of bodily injury to or death of any person, or for damages
21 because of injury to or destruction of property, including the loss
22 of use thereof, resulting from the ownership, maintenance, use, or
23 operation of a motor vehicle after such bond was filed, upon the
24 filing of notice to that effect by the department in the office of
25 the register of deeds of the county where such real estate shall be

1 located.

2 Sec. 14. Section 60-601, Revised Statutes Supplement,
3 2011, is amended to read:

4 60-601 Sections 60-601 to 60-6,380 and sections 16 and 19
5 of this act shall be known and may be cited as the Nebraska Rules of
6 the Road.

7 Sec. 15. Section 60-605, Revised Statutes Supplement,
8 2011, is amended to read:

9 60-605 For purposes of the Nebraska Rules of the Road,
10 the definitions found in sections 60-606 to 60-676 and section 16 of
11 this act shall be used.

12 Sec. 16. Golf car vehicle means a vehicle that has at
13 least four wheels, has a maximum level ground speed of less than
14 twenty miles per hour, has a maximum payload capacity of one thousand
15 two hundred pounds, has a maximum gross vehicle weight of two
16 thousand five hundred pounds, has a maximum passenger capacity of not
17 more than four persons, is designed and manufactured for operation on
18 a golf course for sporting and recreational purposes, and is not
19 being operated within the boundaries of a golf course.

20 Sec. 17. Section 60-6,348, Revised Statutes Supplement,
21 2011, is amended to read:

22 60-6,348 Minibikes and all off-road designed vehicles not
23 authorized by law for use on a highway, including, but not limited
24 to, ~~golf carts,~~ go-carts, riding lawnmowers, garden tractors, and
25 snowmobiles, shall be exempt from the provisions of sections 60-678,

1 60-6,351 to 60-6,353, and 60-6,380 and section 19 of this act during
2 any public emergency or while being used in parades by regularly
3 organized units of any recognized charitable, social, educational, or
4 community service organization.

5 Sec. 18. Section 60-6,349, Revised Statutes Supplement,
6 2011, is amended to read:

7 60-6,349 All minibikes and similar two-wheeled, three-
8 wheeled, and four-wheeled miniature vehicles offered for sale in this
9 state shall bear the following notice to the customer and user: This
10 vehicle as manufactured or sold is for off-road use only. This
11 section shall not apply to a golf car vehicle or a low-speed vehicle,
12 as applicable to its design, or to an electric personal assistive
13 mobility device.

14 Sec. 19. (1) A golf car vehicle may be operated in
15 accordance with this section if authorized as provided in subsection
16 (2) of this section.

17 (2)(a) A city or village may adopt an ordinance
18 authorizing the operation of golf car vehicles within the corporate
19 limits of the city or village if the operation is in accordance with
20 the operating limits and requirements set forth in this section.

21 (b) A county board may adopt a resolution authorizing the
22 operation of golf car vehicles within any unincorporated village
23 within the county if the operation is in accordance with the
24 operating limits and requirements set forth in this section.

25 (c) Nothing in this subsection shall prohibit a county,

1 city, or village from adopting more stringent ordinances or
2 resolutions governing golf car vehicle operation if the governing
3 body of the county, city, or village determines that such ordinances
4 or resolutions are necessary in the interest of public safety.

5 (3) A golf car vehicle may be operated during daytime on
6 any highway. A golf car vehicle shall not be operated on any
7 controlled-access highway with more than two marked traffic lanes. A
8 golf car vehicle may cross a controlled-access highway as provided in
9 subsection (4) of this section. Any person operating a golf car
10 vehicle as authorized under this section shall have a valid Class O
11 operator's license and shall have liability insurance coverage for
12 the golf car vehicle. The Department of Roads may prohibit the
13 operation of golf car vehicles on any highway under its jurisdiction
14 if it determines that the prohibition is necessary in the interest of
15 public safety.

16 (4) The crossing of a controlled-access highway by a golf
17 car vehicle shall be permitted if:

18 (a) The crossing is made at an angle of approximately
19 ninety degrees to the direction of the controlled-access highway and
20 at a place where no obstruction prevents a quick and safe crossing;

21 (b) The golf car vehicle is brought to a complete stop
22 before crossing the shoulder or roadway, whichever is encountered
23 first, of the controlled-access highway;

24 (c) The operator of the golf car vehicle yields the
25 right-of-way to all oncoming traffic that constitutes an immediate

1 potential hazard; and

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

4 (5) A golf car vehicle, when being operated on a highway,
5 shall:

6 (a) Have a brake system maintained in good operating
7 condition; and

8 (b) Have the headlight and taillight on and be equipped
9 with a bicycle safety flag which extends not less than five feet
10 above ground attached to the rear of the golf car vehicle. The
11 bicycle safety flag shall be triangular in shape with an area of not
12 less than thirty square inches and shall be day-glow in color.

13 Sec. 20. This act becomes operative on January 1, 2013.

14 Sec. 21. Original section 60-102, Reissue Revised
15 Statutes of Nebraska, and sections 23-187, 60-101, 60-123, 60-301,
16 60-302, 60-339, 60-471, 60-501, 60-520, 60-547, 60-601, 60-605,
17 60-6,348, and 60-6,349, Revised Statutes Supplement, 2011, are
18 repealed.