

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 755

Introduced by Brewer, 43.

Read first time January 03, 2018

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 section 60-6,356, Revised Statutes Cumulative Supplement, 2016; to
- 3 change provisions relating to the operation of all-terrain vehicles
- 4 and utility-type vehicles; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,356, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-6,356 (1) An all-terrain vehicle or a utility-type vehicle shall
4 not be operated on any controlled-access highway with more than two
5 marked traffic lanes. The crossing of any controlled-access highway with
6 more than two marked traffic lanes shall not be permitted except as
7 provided in subsection (9) of this section. Subsections (2), (3), and (5)
8 through (8) of this section authorize and apply to operation of an all-
9 terrain vehicle or a utility-type vehicle only on a highway other than a
10 controlled-access highway with more than two marked traffic lanes.

11 (2) An all-terrain vehicle or a utility-type vehicle may be operated
12 in accordance with the operating requirements of subsection (3) of this
13 section:

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

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

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

23 ~~(3) An all-terrain vehicle or a utility-type vehicle may be operated~~
24 ~~as authorized in subsection (2) of this section when such operation~~
25 ~~occurs only between the hours of sunrise and sunset. Any person operating~~
26 an all-terrain vehicle or a utility-type vehicle as authorized in
27 subsection (2) of this section shall have a valid Class 0 operator's
28 license or a farm permit as provided in section 60-4,126, shall have
29 liability insurance coverage for the all-terrain vehicle or a utility-
30 type vehicle while operating the all-terrain vehicle or a utility-type
31 vehicle on a highway, and shall not operate such vehicle at a speed in

1 excess of thirty miles per hour. The person operating the all-terrain
2 vehicle or a utility-type vehicle shall provide proof of such insurance
3 coverage to any peace officer requesting such proof within five days of
4 such a request. When operating an all-terrain vehicle or a utility-type
5 vehicle as authorized in subsection (2) of this section, the headlight
6 and taillight of the vehicle shall be on and the vehicle shall be
7 equipped with a bicycle safety flag which extends not less than five feet
8 above ground attached to the rear of such vehicle. The bicycle safety
9 flag shall be triangular in shape with an area of not less than thirty
10 square inches and shall be day-glow in color.

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

15 (5) The crossing of a highway other than a controlled-access highway
16 with more than two marked traffic lanes shall be permitted by an all-
17 terrain vehicle or a utility-type vehicle without complying with
18 subsection (3) of this section only if:

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

22 (b) The vehicle is brought to a complete stop before crossing the
23 shoulder or roadway of the highway;

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

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

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

30 (6) All-terrain vehicles and utility-type vehicles may be operated
31 outside the corporate limits of any municipality by electric utility

1 personnel within the course of their employment in accordance with the
2 operation requirements of subsection (3) of this section, ~~except that the~~
3 ~~operation of the vehicle pursuant to this subsection need not be limited~~
4 ~~to the hours between sunrise and sunset.~~

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

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

17 (9) The crossing of a controlled-access highway with more than two
18 marked traffic lanes shall be permitted by a utility-type vehicle if the
19 operation is in accordance with the operation requirements of subsection
20 (3) of this section and if the following requirements are met:

21 (a) The crossing is made at an intersection that:

22 (i) Is controlled by a traffic control signal; or

23 (ii) For any intersection located outside the corporate limits of a
24 city or village, is controlled by stop signs;

25 (b) The crossing at such intersection is made in compliance with the
26 traffic control signal or stop signs; and

27 (c) The crossing at such intersection is specifically authorized as
28 follows:

29 (i) If such intersection is located within the corporate limits of a
30 city or village, by ordinance of such city or village;

31 (ii) If such intersection is located within an unincorporated

1 village, by resolution of the county board of the county in which such
2 unincorporated village is located; or

3 (iii) If such intersection is located outside the corporate limits
4 of a city or village and outside any unincorporated village, by
5 resolution of the county board of the county in which such intersection
6 is located.

7 Sec. 2. Original section 60-6,356, Revised Statutes Cumulative
8 Supplement, 2016, is repealed.