

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 665

Introduced by Friesen, 34.

Read first time January 23, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-109,
2 39-101, 60-121, 60-337, 60-478, 60-636, 60-676, 60-678, 60-6,142,
3 60-6,241, 60-6,351, 60-6,375, and 60-6,377, Reissue Revised Statutes
4 of Nebraska, and sections 60-101, 60-123, 60-301, 60-339, 60-471,
5 60-4,182, 60-501, 60-601, 60-638, 60-639, 60-640, 60-680, 60-6,133,
6 60-6,144, 60-6,226, 60-6,349, and 60-6,376, Revised Statutes
7 Cumulative Supplement, 2018; to authorize the use of electric foot
8 scooters as prescribed; to define and redefine terms; to prescribe
9 rights and duties under the Nebraska Rules of the Road; to provide
10 regulatory powers to local authorities; to provide penalties; and to
11 repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-109, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-109 For purposes of the Nebraska Criminal Code, unless the
4 context otherwise requires:

5 (1) Act shall mean a bodily movement, and includes words and
6 possession of property;

7 (2) Aid or assist shall mean knowingly to give or lend money or
8 credit to be used for, or to make possible or available, or to further
9 activity thus aided or assisted;

10 (3) Benefit shall mean any gain or advantage to the beneficiary
11 including any gain or advantage to another person pursuant to the desire
12 or consent of the beneficiary;

13 (4) Bodily injury shall mean physical pain, illness, or any
14 impairment of physical condition;

15 (5) Conduct shall mean an action or omission and its accompanying
16 state of mind, or, where relevant, a series of acts and omissions;

17 (6) Conveyance shall mean a mode of transportation that includes any
18 vehicle, aircraft, or watercraft;

19 (7) Deadly physical force shall mean force, the intended, natural,
20 and probable consequence of which is to produce death, or which does, in
21 fact, produce death;

22 (8) Deadly weapon shall mean any firearm, knife, bludgeon, or other
23 device, instrument, material, or substance, whether animate or inanimate,
24 which in the manner it is used or intended to be used is capable of
25 producing death or serious bodily injury;

26 (9) Deface shall mean to alter the appearance of something by
27 removing, distorting, adding to, or covering all or a part of the thing;

28 (10) Dwelling shall mean a building or other thing which is used,
29 intended to be used, or usually used by a person for habitation;

30 (11) Government shall mean the United States, any state, county,
31 municipality, or other political unit, any branch, department, agency, or

1 subdivision of any of the foregoing, and any corporation or other entity
2 established by law to carry out any governmental function;

3 (12) Governmental function shall mean any activity which a public
4 servant is legally authorized to undertake on behalf of government;

5 (13) Motor vehicle shall mean every self-propelled land vehicle, not
6 operated upon rails, except self-propelled chairs used by persons who are
7 disabled, electric personal assistive mobility devices as defined in
8 section 60-618.02, ~~and~~ bicycles as defined in section 60-611, and
9 electric foot scooters as defined in section 16 of this act;

10 (14) Omission shall mean a failure to perform an act as to which a
11 duty of performance is imposed by law;

12 (15) Peace officer shall mean any officer or employee of the state
13 or a political subdivision authorized by law to make arrests, and shall
14 include members of the National Guard on active service by direction of
15 the Governor during periods of emergency or civil disorder;

16 (16) Pecuniary benefit shall mean benefit in the form of money,
17 property, commercial interest, or anything else, the primary significance
18 of which is economic gain;

19 (17) Person shall mean any natural person and where relevant a
20 corporation or an unincorporated association;

21 (18) Public place shall mean a place to which the public or a
22 substantial number of the public has access, and includes but is not
23 limited to highways, transportation facilities, schools, places of
24 amusement, parks, playgrounds, and the common areas of public and private
25 buildings and facilities;

26 (19) Public servant shall mean any officer or employee of
27 government, whether elected or appointed, and any person participating as
28 an advisor, consultant, process server, or otherwise in performing a
29 governmental function, but the term does not include witnesses;

30 (20) Recklessly shall mean acting with respect to a material element
31 of an offense when any person disregards a substantial and unjustifiable

1 risk that the material element exists or will result from his or her
2 conduct. The risk must be of such a nature and degree that, considering
3 the nature and purpose of the actor's conduct and the circumstances known
4 to the actor, its disregard involves a gross deviation from the standard
5 of conduct that a law-abiding person would observe in the actor's
6 situation;

7 (21) Serious bodily injury shall mean bodily injury which involves a
8 substantial risk of death, or which involves substantial risk of serious
9 permanent disfigurement, or protracted loss or impairment of the function
10 of any part or organ of the body;

11 (22) Tamper shall mean to interfere with something improperly or to
12 make unwarranted alterations in its condition;

13 (23) Thing of value shall mean real property, tangible and
14 intangible personal property, contract rights, choses in action,
15 services, and any rights of use or enjoyment connected therewith; and

16 (24) Voluntary act shall mean an act performed as a result of effort
17 or determination, and includes the possession of property if the actor
18 was aware of his or her physical possession or control thereof for a
19 sufficient period to have been able to terminate it.

20 Sec. 2. Section 39-101, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 39-101 For purposes of Chapter 39, unless the context otherwise
23 requires:

24 (1) Alley means a highway intended to provide access to the rear or
25 side of lots or buildings and not intended for the purpose of through
26 vehicular traffic;

27 (2) Divided highway means a highway with separated roadways for
28 traffic in opposite directions;

29 (3) Highway means the entire width between the boundary limits of
30 any street, road, avenue, boulevard, or way which is publicly maintained
31 when any part thereof is open to the use of the public for purposes of

1 vehicular travel;

2 (4) Intersection means the area embraced within the prolongation or
3 connection of the lateral curb lines or, if there are no lateral curb
4 lines, the lateral boundary lines of the roadways of two or more highways
5 which join one another at, or approximately at, right angles or the area
6 within which vehicles traveling upon different highways joining at any
7 other angle may come in conflict. When a highway includes two roadways
8 thirty feet or more apart, then every crossing of each roadway of such
9 divided highway by an intersecting highway shall be regarded as a
10 separate intersection. In the event such intersecting highway also
11 includes two roadways thirty feet or more apart, then every crossing of
12 two roadways of such highways shall be regarded as a separate
13 intersection. The junction of an alley with a highway shall not
14 constitute an intersection;

15 (5) Mail means to deposit in the United States mail properly
16 addressed and with postage prepaid;

17 (6) Maintenance means the act, operation, or continuous process of
18 repair, reconstruction, or preservation of the whole or any part of any
19 highway, including surface, shoulders, roadsides, traffic control
20 devices, structures, waterways, and drainage facilities, for the purpose
21 of keeping it at or near or improving upon its original standard of
22 usefulness and safety;

23 (7) Motor vehicle means every self-propelled land vehicle, not
24 operated upon rails, except mopeds as defined in section 60-637, self-
25 propelled chairs used by persons who are disabled, electric personal
26 assistive mobility devices as defined in section 60-618.02, ~~and~~ bicycles
27 as defined in section 60-611, and electric foot scooters as defined in
28 section 16 of this act;

29 (8) Park or parking means the standing of a vehicle, whether
30 occupied or not, otherwise than temporarily for the purpose of and while
31 actually engaged in loading or unloading merchandise or passengers;

1 (9) Pedestrian means any person afoot;

2 (10) Right-of-way means the right of one vehicle or pedestrian to
3 proceed in a lawful manner in preference to another vehicle or pedestrian
4 approaching under such circumstances of direction, speed, and proximity
5 as to give rise to danger of collision unless one grants precedence to
6 the other;

7 (11) Roadway means that portion of a highway improved, designed, or
8 ordinarily used for vehicular travel, exclusive of the berm or shoulder.
9 If a highway includes two or more separate roadways, the term roadway
10 refers to any such roadway separately but not to all such roadways
11 collectively;

12 (12) Shoulder means that part of the highway contiguous to the
13 roadway and designed for the accommodation of stopped vehicles, for
14 emergency use, and for lateral support of the base and surface courses of
15 the roadway;

16 (13) Sidewalk means that portion of a highway between the curb
17 lines, or the lateral lines of a roadway, and the adjacent property
18 lines, intended for use by pedestrians;

19 (14) Traffic means pedestrians, ridden or herded animals, and
20 vehicles and other conveyances either singly or together while using any
21 highway for purposes of travel; and

22 (15) Vehicle means every device in, upon, or by which any person or
23 property is or may be transported or drawn upon a highway, except devices
24 moved solely by human power, devices used exclusively upon stationary
25 rails or tracks, electric personal assistive mobility devices as defined
26 in section 60-618.02, ~~and~~ bicycles as defined in section 60-611, and
27 electric foot scooters as defined in section 16 of this act.

28 Sec. 3. Section 60-101, Revised Statutes Cumulative Supplement,
29 2018, is amended to read:

30 60-101 Sections 60-101 to 60-197 and section 4 of this act shall be
31 known and may be cited as the Motor Vehicle Certificate of Title Act.

1 Sec. 4. Electric foot scooter means any device weighing less than
2 one hundred pounds with two or three wheels, handlebars, and a floorboard
3 that can be stood upon while riding, which is solely powered by an
4 electric motor or human power, and whose maximum speed, with or without
5 human propulsion on a paved level surface, is no more than twenty miles
6 per hour.

7 Sec. 5. Section 60-121, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 60-121 Minibike means a two-wheel device which has a total wheel and
10 tire diameter of less than fourteen inches or an engine-rated capacity of
11 less than forty-five cubic centimeters displacement or any other two-
12 wheel device primarily designed by the manufacturer for off-road use
13 only. Minibike does not include an electric personal assistive mobility
14 device or electric foot scooter.

15 Sec. 6. Section 60-123, Revised Statutes Cumulative Supplement,
16 2018, is amended to read:

17 60-123 Motor vehicle means any vehicle propelled by any power other
18 than muscular power. Motor vehicle does not include (1) mopeds, (2) farm
19 tractors, (3) self-propelled equipment designed and used exclusively to
20 carry and apply fertilizer, chemicals, or related products to
21 agricultural soil and crops, agricultural floater-spreader implements,
22 and other implements of husbandry designed for and used primarily for
23 tilling the soil and harvesting crops or feeding livestock, (4) power
24 unit hay grinders or a combination which includes a power unit and a hay
25 grinder when operated without cargo, (5) vehicles which run only on rails
26 or tracks, (6) off-road designed vehicles not authorized by law for use
27 on a highway, including, but not limited to, golf car vehicles, go-carts,
28 riding lawnmowers, garden tractors, all-terrain vehicles, utility-type
29 vehicles, snowmobiles registered or exempt from registration under
30 sections 60-3,207 to 60-3,219, and minibikes, (7) road and general-
31 purpose construction and maintenance machinery not designed or used

1 primarily for the transportation of persons or property, including, but
2 not limited to, ditchdigging apparatus, asphalt spreaders, bucket
3 loaders, leveling graders, earthmoving carryalls, power shovels,
4 earthmoving equipment, and crawler tractors, (8) self-propelled chairs
5 used by persons who are disabled, (9) electric personal assistive
6 mobility devices, ~~and~~ (10) bicycles as defined in section 60-611, and
7 (11) electric foot scooters.

8 Sec. 7. Section 60-301, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 60-301 Sections 60-301 to 60-3,235 and section 8 of this act shall
11 be known and may be cited as the Motor Vehicle Registration Act.

12 Sec. 8. Electric foot scooter means any device weighing less than
13 one hundred pounds with two or three wheels, handlebars, and a floorboard
14 that can be stood upon while riding, which is solely powered by an
15 electric motor or human power, and whose maximum speed, with or without
16 human propulsion on a paved level surface, is no more than twenty miles
17 per hour.

18 Sec. 9. Section 60-337, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 60-337 Minibike means a two-wheel motor vehicle which has a total
21 wheel and tire diameter of less than fourteen inches or an engine-rated
22 capacity of less than forty-five cubic centimeters displacement or any
23 other two-wheel motor vehicle primarily designed by the manufacturer for
24 off-road use only. Minibike shall not include an electric personal
25 assistive mobility device or electric foot scooter.

26 Sec. 10. Section 60-339, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 60-339 Motor vehicle means any vehicle propelled by any power other
29 than muscular power. Motor vehicle does not include (1) mopeds, (2) farm
30 tractors, (3) self-propelled equipment designed and used exclusively to
31 carry and apply fertilizer, chemicals, or related products to

1 agricultural soil and crops, agricultural floater-spreader implements,
2 and other implements of husbandry designed for and used primarily for
3 tilling the soil and harvesting crops or feeding livestock, (4) power
4 unit hay grinders or a combination which includes a power unit and a hay
5 grinder when operated without cargo, (5) vehicles which run only on rails
6 or tracks, (6) off-road designed vehicles not authorized by law for use
7 on a highway, including, but not limited to, golf car vehicles, go-carts,
8 riding lawnmowers, garden tractors, all-terrain vehicles, utility-type
9 vehicles, snowmobiles registered or exempt from registration under
10 sections 60-3,207 to 60-3,219, and minibikes, (7) road and general-
11 purpose construction and maintenance machinery not designed or used
12 primarily for the transportation of persons or property, including, but
13 not limited to, ditchdigging apparatus, asphalt spreaders, bucket
14 loaders, leveling graders, earthmoving carryalls, power shovels,
15 earthmoving equipment, and crawler tractors, (8) self-propelled chairs
16 used by persons who are disabled, (9) electric personal assistive
17 mobility devices, ~~and~~ (10) bicycles as defined in section 60-611, and
18 (11) electric foot scooters.

19 Sec. 11. Section 60-471, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 60-471 Motor vehicle means all vehicles propelled by any power other
22 than muscular power. Motor vehicle does not include (1) bicycles as
23 defined in section 60-611, (2) self-propelled chairs used by persons who
24 are disabled, (3) farm tractors, (4) farm tractors used occasionally
25 outside general farm usage, (5) road rollers, (6) vehicles which run only
26 on rails or tracks, (7) electric personal assistive mobility devices as
27 defined in section 60-618.02, (8) electric foot scooters as defined in
28 section 16 of this act, and (9) ~~(8)~~ off-road designed vehicles not
29 authorized by law for use on a highway, including, but not limited to,
30 go-carts, riding lawn mowers, garden tractors, all-terrain vehicles and
31 utility-type vehicles as defined in section 60-6,355, minibikes as

1 defined in section 60-636, and snowmobiles as defined in section 60-663.

2 Sec. 12. Section 60-478, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-478 Vehicle shall mean every device in, upon, or by which any
5 person or property is or may be transported or drawn upon a highway,
6 except devices moved solely by human power or used exclusively upon
7 stationary rails or tracks or electric foot scooters.

8 Sec. 13. Section 60-4,182, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 60-4,182 In order to prevent and eliminate successive traffic
11 violations, there is hereby provided a point system dealing with traffic
12 violations as disclosed by the files of the director. The following point
13 system shall be adopted:

14 (1) Conviction of motor vehicle homicide - 12 points;

15 (2) Third offense drunken driving in violation of any city or
16 village ordinance or of section 60-6,196, as disclosed by the records of
17 the director, regardless of whether the trial court found the same to be
18 a third offense - 12 points;

19 (3) Failure to stop and render aid as required under section 60-697
20 in the event of involvement in a motor vehicle accident resulting in the
21 death or personal injury of another - 6 points;

22 (4) Failure to stop and report as required under section 60-696 or
23 any city or village ordinance in the event of a motor vehicle accident
24 resulting in property damage - 6 points;

25 (5) Driving a motor vehicle while under the influence of alcoholic
26 liquor or any drug or when such person has a concentration of eight-
27 hundredths of one gram or more by weight of alcohol per one hundred
28 milliliters of his or her blood or per two hundred ten liters of his or
29 her breath in violation of any city or village ordinance or of section
30 60-6,196 - 6 points;

31 (6) Willful reckless driving in violation of any city or village

1 ordinance or of section 60-6,214 or 60-6,217 - 6 points;

2 (7) Careless driving in violation of any city or village ordinance
3 or of section 60-6,212 - 4 points;

4 (8) Negligent driving in violation of any city or village ordinance
5 - 3 points;

6 (9) Reckless driving in violation of any city or village ordinance
7 or of section 60-6,213 - 5 points;

8 (10) Speeding in violation of any city or village ordinance or any
9 of sections 60-6,185 to 60-6,190 and 60-6,313:

10 (a) Not more than five miles per hour over the speed limit - 1
11 point;

12 (b) More than five miles per hour but not more than ten miles per
13 hour over the speed limit - 2 points;

14 (c) More than ten miles per hour but not more than thirty-five miles
15 per hour over the speed limit - 3 points, except that one point shall be
16 assessed upon conviction of exceeding by not more than ten miles per
17 hour, two points shall be assessed upon conviction of exceeding by more
18 than ten miles per hour but not more than fifteen miles per hour, and
19 three points shall be assessed upon conviction of exceeding by more than
20 fifteen miles per hour but not more than thirty-five miles per hour the
21 speed limits provided for in subdivision (1)(f), (g), (h), or (i) of
22 section 60-6,186; and

23 (d) More than thirty-five miles per hour over the speed limit - 4
24 points;

25 (11) Failure to yield to a pedestrian not resulting in bodily injury
26 to a pedestrian - 2 points;

27 (12) Failure to yield to a pedestrian resulting in bodily injury to
28 a pedestrian - 4 points;

29 (13) Using a handheld wireless communication device in violation of
30 section 60-6,179.01 or texting while driving in violation of subsection
31 (1) or (3) of section 60-6,179.02 - 3 points;

1 (14) Using a handheld mobile telephone in violation of subsection
2 (2) or (4) of section 60-6,179.02 - 3 points;

3 (15) Unlawful obstruction or interference of the view of an operator
4 in violation of section 60-6,256 - 1 point;

5 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
6 and

7 (17) All other traffic violations involving the operation of motor
8 vehicles by the operator for which reports to the Department of Motor
9 Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

10 Subdivision (17) of this section does not include violations
11 involving an occupant protection system or a three-point safety belt
12 system pursuant to section 60-6,270; parking violations; violations for
13 operating a motor vehicle without a valid operator's license in the
14 operator's possession; muffler violations; overwidth, overheight, or
15 overlength violations; autocycle, motorcycle, or moped protective helmet
16 violations; or overloading of trucks.

17 All such points shall be assessed against the driving record of the
18 operator as of the date of the violation for which conviction was had.
19 Points may be reduced by the department under section 60-4,188.

20 In all cases, the forfeiture of bail not vacated shall be regarded
21 as equivalent to the conviction of the offense with which the operator
22 was charged.

23 The point system shall not apply to persons convicted of traffic
24 violations committed while operating a bicycle as defined in section
25 60-611, ~~or~~ an electric personal assistive mobility device as defined in
26 section 60-618.02, or an electric foot scooter as defined in section 16
27 of this act.

28 Sec. 14. Section 60-501, Revised Statutes Cumulative Supplement,
29 2018, is amended to read:

30 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
31 unless the context otherwise requires:

1 (1) Department means Department of Motor Vehicles;

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

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

19 (4) License means any license issued to any person under the laws of
20 this state pertaining to operation of a motor vehicle within this state;

21 (5) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)
22 whose speed attainable in one mile is more than twenty miles per hour and
23 not more than twenty-five miles per hour on a paved, level surface, (ii)
24 whose gross vehicle weight rating is less than three thousand pounds, and
25 (iii) that complies with 49 C.F.R. part 571, as such part existed on
26 January 1, 2018, or (b) three-wheeled motor vehicle (i) whose maximum
27 speed attainable is not more than twenty-five miles per hour on a paved,
28 level surface, (ii) whose gross vehicle weight rating is less than three
29 thousand pounds, (iii) which is equipped with a windshield and an
30 occupant protection system, and (iv) that complies with 49 C.F.R. part
31 571, as such part existed on January 1, 2018. A motorcycle with a sidecar

1 attached is not a low-speed vehicle;

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

13 (7) Motor vehicle means any self-propelled vehicle which is designed
14 for use upon a highway, including trailers designed for use with such
15 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not
16 include (a) mopeds as defined in section 60-637, (b) traction engines,
17 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power
18 shovels, (g) well drillers, (h) every vehicle which is propelled by
19 electric power obtained from overhead wires but not operated upon rails,
20 (i) electric personal assistive mobility devices as defined in section
21 60-618.02, (j) off-road designed vehicles, including, but not limited to,
22 golf car vehicles, go-carts, riding lawnmowers, 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, ~~and~~ (k) bicycles as defined in section 60-611,
26 and (l) electric foot scooters as defined in section 16 of this act;

27 (8) Nonresident means every person who is not a resident of this
28 state;

29 (9) Nonresident's operating privilege means the privilege conferred
30 upon a nonresident by the laws of this state pertaining to the operation
31 by him or her of a motor vehicle or the use of a motor vehicle owned by

1 him or her in this state;

2 (10) Operator means every person who is in actual physical control
3 of a motor vehicle;

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

12 (12) Person means every natural person, firm, partnership, limited
13 liability company, association, or corporation;

14 (13) Proof of financial responsibility means evidence of ability to
15 respond in damages for liability, on account of accidents occurring
16 subsequent to the effective date of such proof, arising out of the
17 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
18 twenty-five thousand dollars because of bodily injury to or death of one
19 person in any one accident, (b) subject to such limit for one person, in
20 the amount of fifty thousand dollars because of bodily injury to or death
21 of two or more persons in any one accident, and (c) in the amount of
22 twenty-five thousand dollars because of injury to or destruction of
23 property of others in any one accident;

24 (14) Registration means registration certificate or certificates and
25 registration plates issued under the laws of this state pertaining to the
26 registration of motor vehicles;

27 (15) State means any state, territory, or possession of the United
28 States, the District of Columbia, or any province of the Dominion of
29 Canada; and

30 (16) The forfeiture of bail, not vacated, or of collateral deposited
31 to secure an appearance for trial shall be regarded as equivalent to

1 conviction of the offense charged.

2 Sec. 15. Section 60-601, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 60-601 Sections 60-601 to 60-6,383 and sections 16 and 24 of this
5 act shall be known and may be cited as the Nebraska Rules of the Road.

6 Sec. 16. Electric foot scooter means any device weighing less than
7 one hundred pounds with two or three wheels, handlebars, and a floorboard
8 that can be stood upon while riding, which is solely powered by an
9 electric motor or human power, and whose maximum speed, with or without
10 human propulsion on a paved level surface, is no more than twenty miles
11 per hour.

12 Sec. 17. Section 60-636, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 60-636 Minibike shall mean a two-wheel motor vehicle which has a
15 total wheel and tire diameter of less than fourteen inches or an engine-
16 rated capacity of less than forty-five cubic centimeters displacement or
17 any other two-wheel motor vehicle primarily designed by the manufacturer
18 for off-road use only. Minibike shall not include an electric personal
19 assistive mobility device or electric foot scooter.

20 Sec. 18. Section 60-638, Revised Statutes Cumulative Supplement,
21 2018, is amended to read:

22 60-638 Motor vehicle shall mean every self-propelled land vehicle,
23 not operated upon rails, except bicycles, mopeds, self-propelled chairs
24 used by persons who are disabled, ~~and~~ electric personal assistive
25 mobility devices, and electric foot scooters.

26 Sec. 19. Section 60-639, Revised Statutes Cumulative Supplement,
27 2018, is amended to read:

28 60-639 Motorcycle means every motor vehicle having a seat or saddle
29 for the use of the rider and designed to travel on not more than three
30 wheels in contact with the ground, excluding tractors, ~~and~~ electric
31 personal assistive mobility devices, and electric foot scooters.

1 Motorcycle includes an autocycle.

2 Sec. 20. Section 60-640, Revised Statutes Cumulative Supplement,
3 2018, is amended to read:

4 60-640 (1) Motor-driven cycle means every motorcycle, including
5 every motor scooter, with a motor which produces not to exceed five brake
6 horsepower as measured at the drive shaft, mopeds, and every bicycle with
7 motor attached except for a bicycle as described in subdivision (2) of
8 section 60-611. Motor-driven cycle shall not include an electric personal
9 assistive mobility device or electric foot scooter.

10 (2) For purposes of this section, motorcycle does not include an
11 autocycle.

12 Sec. 21. Section 60-676, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 60-676 Vehicle shall mean every device in, upon, or by which any
15 person or property is or may be transported or drawn upon a highway,
16 except devices moved solely by human power or used exclusively upon
17 stationary rails or tracks or electric foot scooters.

18 Sec. 22. Section 60-678, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 60-678 The State of Nebraska or any department, board, commission,
21 or governmental subdivision thereof is hereby authorized, in its
22 respective jurisdiction, to enact regulations permitting, prohibiting,
23 and controlling the use of motor vehicles, minibikes, motorcycles, off-
24 road recreation vehicles of any and all types, other powered vehicles,
25 electric personal assistive mobility devices, ~~and~~ vehicles which are not
26 self-propelled, and electric foot scooters pursuant to section 24 of this
27 act. Any person who operates any of such vehicles without the permission
28 of the appropriate governmental entity or in a place, time, or manner
29 which has been prohibited by such entity shall be guilty of a Class III
30 misdemeanor.

31 Such governmental entity may further authorize the supervising

1 official of any area under its ownership or control to permit, control,
2 or prohibit operation of any motor vehicle, minibike, motorcycle, off-
3 road recreational vehicle of any or all types, other powered vehicle,
4 electric personal assistive mobility device, ~~or~~ vehicle which is not
5 self-propelled, or electric foot scooter on all or any portion of any
6 area under its ownership or control at any time by posting or, in case of
7 an emergency, by personal notice. Any person operating any such vehicle
8 where prohibited, where not permitted, or in a manner so as to endanger
9 the peace and safety of the public or as to harm or destroy the natural
10 features or manmade features of any such area shall be guilty of a Class
11 III misdemeanor.

12 Sec. 23. Section 60-680, Revised Statutes Cumulative Supplement,
13 2018, is amended to read:

14 60-680 (1) Any local authority with respect to highways under its
15 jurisdiction and within the reasonable exercise of the police power may:

16 (a) Regulate or prohibit stopping, standing, or parking;

17 (b) Regulate traffic by means of peace officers or traffic control
18 devices;

19 (c) Regulate or prohibit processions or assemblages on the highways;

20 (d) Designate highways or roadways for use by traffic moving in one
21 direction;

22 (e) Establish speed limits for vehicles in public parks;

23 (f) Designate any highway as a through highway or designate any
24 intersection as a stop or yield intersection;

25 (g) Restrict the use of highways as authorized in section 60-681;

26 (h) Regulate operation of bicycles and require registration and
27 inspection of such, including requirement of a registration fee;

28 (i) Regulate operation of electric personal assistive mobility
29 devices;

30 (j) Regulate or prohibit the turning of vehicles or specified types
31 of vehicles;

1 (k) Alter or establish speed limits authorized in the Nebraska Rules
2 of the Road;

3 (l) Designate no-passing zones;

4 (m) Prohibit or regulate use of controlled-access highways by any
5 class or kind of traffic except those highways which are a part of the
6 state highway system;

7 (n) Prohibit or regulate use of heavily traveled highways by any
8 class or kind of traffic it finds to be incompatible with the normal and
9 safe movement of traffic, except that such regulations shall not be
10 effective on any highway which is part of the state highway system unless
11 authorized by the Department of Transportation;

12 (o) Establish minimum speed limits as authorized in the rules;

13 (p) Designate hazardous railroad grade crossings as authorized in
14 the rules;

15 (q) Designate and regulate traffic on play streets;

16 (r) Prohibit pedestrians from crossing a roadway in a business
17 district or any designated highway except in a crosswalk as authorized in
18 the rules;

19 (s) Restrict pedestrian crossings at unmarked crosswalks as
20 authorized in the rules;

21 (t) Regulate persons propelling push carts;

22 (u) Regulate persons upon skates, coasters, sleds, and other toy
23 vehicles;

24 (v) Regulate operation of electric foot scooters pursuant to section
25 24 of this act;

26 (w) ~~(v)~~ Notwithstanding any other provision of law, adopt and
27 enforce an ordinance or resolution prohibiting the use of engine brakes
28 on the National System of Interstate and Defense Highways that has a
29 grade of less than five degrees within its jurisdiction. For purposes of
30 this subdivision, engine brake means a device that converts a power
31 producing engine into a power-absorbing air compressor, resulting in a

1 net energy loss;

2 ~~(x) (w)~~ Adopt and enforce such temporary or experimental regulations
3 as may be necessary to cover emergencies or special conditions; and

4 ~~(y) (x)~~ Adopt other traffic regulations except as prohibited by
5 state law or contrary to state law.

6 (2) No local authority, except an incorporated city with more than
7 forty thousand inhabitants as determined by the most recent federal
8 decennial census or the most recent revised certified count by the United
9 States Bureau of the Census, shall erect or maintain any traffic control
10 device at any location so as to require the traffic on any state highway
11 or state-maintained freeway to stop before entering or crossing any
12 intersecting highway unless approval in writing has first been obtained
13 from the Department of Transportation.

14 (3) No ordinance or regulation enacted under subdivision (1)(d),
15 (e), (f), (g), (j), (k), (l), (m), (n), (p), (q), or (s) of this section
16 shall be effective until traffic control devices giving notice of such
17 local traffic regulations are erected upon or at the entrances to such
18 affected highway or part thereof affected as may be most appropriate.

19 Sec. 24. (1) For purposes of this section:

20 (a) Scooter-share operator means a person offering shared scooters
21 for hire. All scooter-share operators must carry the following insurance
22 coverage dedicated exclusively for operation of shared scooters:

23 (i) Commercial general liability insurance coverage with a limit of
24 no less than one million dollars each occurrence and five million dollars
25 aggregate;

26 (ii) Automobile insurance coverage with a limit of no less than one
27 million dollars each occurrence and one million dollars aggregate;

28 (iii) Umbrella or excess liability coverage with a limit of no less
29 than five million dollars each occurrence and five million dollars
30 aggregate; and

31 (iv) In cases in which the scooter-share operator employs persons,

1 workers' compensation coverage of no less than required by law;

2 (b) Scooter-share program means the offering of shared scooters for
3 hire.

4 (2) A local authority may regulate the operation of electric foot
5 scooters within its jurisdiction by:

6 (a) Restricting the maximum speed a person may operate an electric
7 foot scooter in pedestrian zones, such as plazas and promenades; and

8 (b) Promulgating and assessing penalties for moving or parking
9 violations involving electric foot scooters to the person responsible for
10 such violation, which shall not exceed penalties assessed to riders of
11 bicycles; and

12 (c) Shared scooter means any electric foot scooter offered for hire.
13 All shared scooters must meet the following requirements to be offered
14 for hire:

15 (i) Bear a single unique alphanumeric identification visible from a
16 distance of five feet, which shall not be obfuscated by branding or other
17 markings, and which shall be used throughout the state, including by
18 local authorities, to identify the shared scooter; and

19 (ii) Have a locking mechanism to enable the user to lock the shared
20 scooter to a stationary physical object such as a bike rack.

21 (3) A local authority may regulate the operation of shared scooters
22 within its jurisdiction by:

23 (a) Requiring scooter-share operators to pay fees, provided that the
24 total amount of such fees collected shall not exceed the reasonable cost
25 to the local authority of administering scooter-share programs;

26 (b) Requiring scooter-share operators to indemnify the local
27 authority for claims, demands, costs, including reasonable attorneys'
28 fees, losses, or damages brought against such local authority, and
29 arising out of any negligent act, error, omission, or willful misconduct
30 by the scooter-share operator or its officers or employees, except to the
31 extent such claims, demands, costs, losses, or damages arise out of such

1 local authority's negligence;

2 (c) In the interests of safety and right-of-way management,
3 designating locations where scooter-share operators may not stage shared
4 scooters, so long as at least one location shall be permitted on each
5 side of each city block in commercial zones and business districts; and

6 (d) Promulgating and assessing penalties for moving or parking
7 violations involving shared scooters to the person responsible for such
8 violation, which shall not exceed the penalties assessed to riders of
9 bicycles.

10 (4) A local authority may require scooter-share operators, as a
11 condition for operating a scooter-share program, to provide to the local
12 authority anonymized fleet and ride activity data for all trips starting
13 or ending within the jurisdiction of the local authority on any vehicle
14 of the scooter-share operator or of any person or company controlled by,
15 controlling, or under common control with the scooter-share operator, so
16 long as, and to ensure individual privacy:

17 (a) Such data is provided via an application programming interface,
18 subject to the scooter-share operator's license agreement for such
19 interface, in compliance with a national data format specification such
20 as the mobility data specification;

21 (b) Any such data provided shall be treated as trade secret and
22 proprietary business information, shall not be shared to third parties
23 without the scooter-share operator's consent, and shall not be treated as
24 owned by the local authority; and

25 (c) Such data shall be considered personally identifiable
26 information, and shall under no circumstances be disclosed pursuant to
27 public records requests received by the local authority without prior
28 aggregation or obfuscation to protect individual privacy.

29 (5) In regulating shared scooters or scooter-share programs, a local
30 authority may not impose any unduly restrictive requirement on a scooter-
31 share operator, including requiring operation below cost, nor subject

1 riders of shared scooters to requirements more restrictive than those
2 applicable to riders of privately owned electric foot scooters or
3 bicycles.

4 Sec. 25. Section 60-6,133, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 60-6,133 Except when overtaking and passing on the right is
7 permitted, the following rules shall govern the overtaking and passing of
8 vehicles proceeding in the same direction:

9 (1) The driver of a vehicle overtaking another vehicle proceeding in
10 the same direction shall first give a visible signal of his or her
11 intention and shall pass to the left of the other vehicle at a safe
12 distance and shall not again drive to the right side of the roadway until
13 safely clear of the overtaken vehicle;

14 (2) The driver of an overtaken vehicle shall give way to the right
15 in favor of the overtaking vehicle and shall not increase the speed of
16 his or her vehicle until completely passed by the overtaking vehicle; and

17 (3) The driver of a vehicle overtaking a bicycle, an ~~or~~ electric
18 personal assistive mobility device, or an electric foot scooter
19 proceeding in the same direction shall exercise due care, which shall
20 include, but not be limited to, leaving a safe distance of no less than
21 three feet clearance, when applicable, when passing a bicycle, an ~~or~~
22 electric personal assistive mobility device, or an electric foot scooter
23 and shall maintain such clearance until safely past the overtaken
24 bicycle, ~~or~~ electric personal assistive mobility device, or electric foot
25 scooter.

26 Sec. 26. Section 60-6,142, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-6,142 No person shall drive on the shoulders of highways, except
29 that:

30 (1) Vehicles may be driven on the shoulders of highways (a) by
31 federal mail carriers while delivering the United States mail or (b) to

1 safely remove a vehicle from a roadway;

2 (2) Implements of husbandry may be driven on the shoulders of
3 highways; and

4 (3) Bicycles, ~~and~~ electric personal assistive mobility devices, and
5 electric foot scooters may be operated on paved shoulders of highways
6 included in the state highway system other than Nebraska segments of the
7 National System of Interstate and Defense Highways.

8 Sec. 27. Section 60-6,144, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 60-6,144 Use of a freeway and entry thereon by the following shall
11 be prohibited at all times except by permit from the Department of
12 Transportation or from the local authority in the case of freeways not
13 under the jurisdiction of the department:

14 (1) Pedestrians except in areas specifically designated for that
15 purpose;

16 (2) Hitchhikers or walkers;

17 (3) Vehicles not self-propelled;

18 (4) Bicycles, motor-driven cycles, motor scooters not having motors
19 of more than ten horsepower, ~~and~~ electric personal assistive mobility
20 devices, and electric foot scooters;

21 (5) Animals led, driven on the hoof, ridden, or drawing a vehicle;

22 (6) Funeral processions;

23 (7) Parades or demonstrations;

24 (8) Vehicles, except emergency vehicles, unable to maintain minimum
25 speed as provided in the Nebraska Rules of the Road;

26 (9) Construction equipment;

27 (10) Implements of husbandry, whether self-propelled or towed,
28 except as provided in section 60-6,383;

29 (11) Vehicles with improperly secured attachments or loads;

30 (12) Vehicles in tow, when the connection consists of a chain, rope,
31 or cable, except disabled vehicles which shall be removed from such

1 freeway at the nearest interchange;

2 (13) Vehicles with deflated pneumatic, metal, or solid tires or
3 continuous metal treads except maintenance vehicles;

4 (14) Any person standing on or near a roadway for the purpose of
5 soliciting or selling to an occupant of any vehicle; or

6 (15) Overdimensional vehicles.

7 Sec. 28. Section 60-6,226, Revised Statutes Cumulative Supplement,
8 2018, is amended to read:

9 60-6,226 (1) Any motor vehicle having four or more wheels which is
10 manufactured or assembled, whether from a kit or otherwise, after January
11 1, 1954, designed or used for the purpose of carrying passengers or
12 freight, any autocycle, or any trailer, in use on a highway, shall be
13 equipped with brake and turnsignal lights in good working order.

14 (2) Motorcycles other than autocycles, motor-driven cycles, motor
15 scooters, bicycles, electric personal assistive mobility devices,
16 electric foot scooters, vehicles used solely for agricultural purposes,
17 vehicles not designed and intended primarily for use on a highway, and,
18 during daylight hours, fertilizer trailers as defined in section 60-326
19 and implements of husbandry designed primarily or exclusively for use in
20 agricultural operations shall not be required to have or maintain in
21 working order signal lights required by this section, but they may be so
22 equipped. The operator thereof shall comply with the requirements for
23 utilizing hand and arm signals or for utilizing such signal lights if the
24 vehicle is so equipped.

25 Sec. 29. Section 60-6,241, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-6,241 (1) It shall be unlawful for any person to operate on the
28 roadway of any highway any slow-moving vehicle or equipment, any animal-
29 drawn vehicle, or any other machinery, designed for use at speeds less
30 than twenty-five miles per hour, including all road construction or
31 maintenance machinery except when engaged in actual construction or

1 maintenance work either guarded by a flagperson or clearly visible
2 warning signs, which normally travels or is normally used at a speed of
3 less than twenty-five miles per hour unless there is displayed on the
4 rear thereof an emblem as described in and displayed as provided in
5 subsection (2) of this section. The requirement of such emblem shall be
6 in addition to any lighting devices required by law. The emblem shall not
7 be displayed on objects which are customarily stationary in use except
8 while being transported on the roadway of any highway.

9 (2) The emblem shall be of substantial construction and shall be a
10 base-down equilateral triangle of fluorescent yellow-orange film with a
11 base of fourteen inches and an altitude of twelve inches. Such triangle
12 shall be bordered with reflective red strips having a minimum width of
13 one and three-fourths inches, with the vertices of the overall triangle
14 truncated such that the remaining altitude shall be a minimum of fourteen
15 inches. The emblem shall comply with the current standards and
16 specifications for slow-moving vehicle emblems of the American Society of
17 Agricultural Engineers. Such emblem shall be mounted on the rear of such
18 vehicle at a height of two to six feet above the roadway and shall be
19 maintained in a clean, reflective condition. This section shall not apply
20 to an electric personal assistive mobility device or electric foot
21 scooter.

22 Sec. 30. Section 60-6,349, Revised Statutes Cumulative Supplement,
23 2018, is amended to read:

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

31 Sec. 31. Section 60-6,351, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-6,351 It is the intent of the Legislature to remove from street
3 use and operation minibikes and similar two-wheeled, three-wheeled, or
4 four-wheeled miniature vehicles, the visibility, power, and equipment of
5 which are inadequate for mixing with normal vehicular traffic upon
6 streets and highways. This section shall not apply to an electric
7 personal assistive mobility device or electric foot scooter.

8 Sec. 32. Section 60-6,375, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 60-6,375 (1) An electric personal assistive mobility device, its
11 owner, and its operator shall be exempt from the requirements of the
12 Motor Vehicle Certificate of Title Act, the Motor Vehicle Operator's
13 License Act, the Motor Vehicle Registration Act, and the Motor Vehicle
14 Safety Responsibility Act.

15 (2) An electric foot scooter, its owner, and its operator shall be
16 exempt from the requirements of the Motor Vehicle Certificate of Title
17 Act, the Motor Vehicle Operator's License Act, the Motor Vehicle
18 Registration Act, and the Motor Vehicle Safety Responsibility Act and
19 other provisions relating to motor vehicles or vehicles unless
20 specifically applicable to an electric foot scooter.

21 Sec. 33. Section 60-6,376, Revised Statutes Cumulative Supplement,
22 2018, is amended to read:

23 60-6,376 (1) Any person who operates an electric personal assistive
24 mobility device or electric foot scooter on a highway shall have all of
25 the rights and shall be subject to all of the duties applicable to the
26 operator of a vehicle under the Nebraska Rules of the Road except (a) as
27 provided in special regulations specific to an electric personal
28 assistive mobility device or electric foot scooter ~~regulations~~ adopted
29 pursuant to the Nebraska Rules of the Road, (b) any provisions of the
30 Nebraska Rules of the Road which by their nature can have no application,
31 and (c) as provided in section 60-6,142 with respect to operating an

1 electric personal assistive mobility device or electric foot scooter on a
2 shoulder of a highway.

3 (2) An electric personal assistive mobility device or electric foot
4 scooter may be operated on any highway, alley, sidewalk, bike trail,
5 path, or any other area where persons travel, except as provided by the
6 Department of Transportation or local authority, and may be parked on a
7 sidewalk in such a manner as to not impede the normal flow of pedestrian
8 traffic. Regulations applicable to an electric personal assistive
9 mobility device or electric foot scooter shall apply whenever an electric
10 personal assistive mobility device or electric foot scooter is so
11 operated.

12 (3) An operator of an electric personal assistive mobility device or
13 electric foot scooter shall yield to pedestrian traffic and any human-
14 powered or animal-powered vehicle at all times. An operator of an
15 electric personal assistive mobility device or electric foot scooter
16 shall give an audible signal before overtaking and passing any pedestrian
17 or human-powered or animal-powered vehicle. No person under the age
18 authorized by law to operate a motor vehicle shall operate an electric
19 foot scooter. No person shall operate an electric foot scooter at a speed
20 greater than fifteen miles per hour. A person violating this subsection
21 shall be fined ten dollars for the first offense. A person violating this
22 subsection shall have his or her electric personal assistive mobility
23 device or electric foot scooter impounded for up to thirty days for each
24 subsequent offense.

25 Sec. 34. Section 60-6,377, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-6,377 When in use at nighttime, an electric personal assistive
28 mobility device or electric foot scooter or the operator of an electric
29 personal assistive device or electric foot scooter shall be equipped with
30 a light visible from a distance of at least five hundred feet to the
31 front on a clear night and with a red reflector on the rear of a type

1 which is visible on a clear night from all distances between one hundred
2 feet and six hundred feet to the rear when directly in front of lawful
3 lower beams of headlights on a motor vehicle. A red light visible from a
4 distance of five hundred feet to the rear may be used in addition to such
5 red reflector.

6 Sec. 35. Original sections 28-109, 39-101, 60-121, 60-337, 60-478,
7 60-636, 60-676, 60-678, 60-6,142, 60-6,241, 60-6,351, 60-6,375, and
8 60-6,377, Reissue Revised Statutes of Nebraska, and sections 60-101,
9 60-123, 60-301, 60-339, 60-471, 60-4,182, 60-501, 60-601, 60-638, 60-639,
10 60-640, 60-680, 60-6,133, 60-6,144, 60-6,226, 60-6,349, and 60-6,376,
11 Revised Statutes Cumulative Supplement, 2018, are repealed.