

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 612

Introduced by Lathrop, 12.

Read first time January 20, 2021

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 44-6408,
2 60-346, 60-509, 60-534, and 60-549, Reissue Revised Statutes of
3 Nebraska, and sections 60-310, 60-501, and 60-6,381, Revised Statutes
4 Cumulative Supplement, 2020; to change liability insurance and
5 financial responsibility requirements; to provide an operative date;
6 and to repeal the original sections.

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

1 Section 1. Section 44-6408, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-6408 (1) No policy insuring against liability imposed by law for
4 bodily injury, sickness, disease, or death suffered by a natural person
5 arising out of the ownership, operation, maintenance, or use of a motor
6 vehicle within the United States, its territories or possessions, or
7 Canada shall be delivered, issued for delivery, or renewed with respect
8 to any motor vehicle principally garaged in this state unless coverage is
9 provided for the protection of persons insured who are legally entitled
10 to recover compensatory damages for bodily injury, sickness, disease, or
11 death from (a) the owner or operator of an uninsured motor vehicle in
12 limits of fifty twenty-five thousand dollars because of bodily injury,
13 sickness, disease, or death of one person in any one accident and,
14 subject to such limit for one person, one hundred fifty thousand dollars
15 because of bodily injury, sickness, disease, or death of two or more
16 persons in any one accident, and (b) the owner or operator of an
17 underinsured motor vehicle in limits of fifty twenty-five thousand
18 dollars because of bodily injury, sickness, disease, or death of one
19 person in any one accident and, subject to such limit for one person, one
20 hundred fifty thousand dollars because of bodily injury, sickness,
21 disease, or death of two or more persons in any one accident.

22 (2) At the written request of the named insured, the insurer shall
23 provide higher limits of uninsured and underinsured motorist coverages in
24 accordance with its rating plan and rules, except that in no event shall
25 the insurer be required to provide limits higher than one hundred
26 thousand dollars per person and three hundred thousand dollars per
27 accident.

28 (3) After purchase of uninsured and underinsured motorist coverages,
29 no insurer or any affiliated insurer shall be required to notify any
30 policyholder in any renewal, reinstatement, substitute, amended, altered,
31 modified, transfer, or replacement policy as to the availability of

1 optional limits of such coverages. The named insured may, subject to the
2 limitations of this section, make a written request for additional
3 coverage or coverage more extensive than that provided in a prior policy.

4 Sec. 2. Section 60-310, Revised Statutes Cumulative Supplement,
5 2020, is amended to read:

6 60-310 Automobile liability policy means liability insurance written
7 by an insurance carrier duly authorized to do business in this state
8 protecting other persons from damages for liability on account of
9 accidents occurring subsequent to the effective date of the insurance
10 arising out of the ownership of a motor vehicle (1) in the amount of
11 fifty twenty-five thousand dollars because of bodily injury to or death
12 of one person in any one accident, (2) subject to the limit for one
13 person, in the amount of one hundred fifty thousand dollars because of
14 bodily injury to or death of two or more persons in any one accident, and
15 (3) in the amount of fifty twenty-five thousand dollars because of injury
16 to or destruction of property of other persons in any one accident. An
17 automobile liability policy shall not exclude, limit, reduce, or
18 otherwise alter liability coverage under the policy solely because the
19 injured person making a claim is the named insured in the policy or
20 residing in the household with the named insured.

21 Sec. 3. Section 60-346, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-346 Proof of financial responsibility means evidence of ability
24 to respond in damages for liability, on account of accidents occurring
25 subsequent to the effective date of such proof, arising out of the
26 ownership, maintenance, or use of a motor vehicle, (1) in the amount of
27 fifty twenty-five thousand dollars because of bodily injury to or death
28 of one person in any one accident, (2) subject to such limit for one
29 person, in the amount of one hundred fifty thousand dollars because of
30 bodily injury to or death of two or more persons in any one accident, and
31 (3) in the amount of fifty twenty-five thousand dollars because of injury

1 to or destruction of property of others in any one accident.

2 Sec. 4. Section 60-501, Revised Statutes Cumulative Supplement,
3 2020, is amended to read:

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

6 (1) Department means Department of Motor Vehicles;

7 (2) Former military vehicle means a motor vehicle that was
8 manufactured for use in any country's military forces and is maintained
9 to accurately represent its military design and markings, regardless of
10 the vehicle's size or weight, but is no longer used, or never was used,
11 by a military force;

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

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

29 (5) License means any license issued to any person under the laws of
30 this state pertaining to operation of a motor vehicle within this state;

31 (6) Low-speed vehicle means a (a) four-wheeled motor vehicle (i)

1 whose speed attainable in one mile is more than twenty miles per hour and
2 not more than twenty-five miles per hour on a paved, level surface, (ii)
3 whose gross vehicle weight rating is less than three thousand pounds, and
4 (iii) that complies with 49 C.F.R. part 571, as such part existed on
5 January 1, 2020, or (b) three-wheeled motor vehicle (i) whose maximum
6 speed attainable is not more than twenty-five miles per hour on a paved,
7 level surface, (ii) whose gross vehicle weight rating is less than three
8 thousand pounds, and (iii) which is equipped with a windshield and an
9 occupant protection system. A motorcycle with a sidecar attached is not a
10 low-speed vehicle;

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

22 (8) Motor vehicle means any self-propelled vehicle which is designed
23 for use upon a highway, including trailers designed for use with such
24 vehicles, minitrucks, and low-speed vehicles. Motor vehicle includes a
25 former military vehicle. Motor vehicle does not include (a) mopeds as
26 defined in section 60-637, (b) traction engines, (c) road rollers, (d)
27 farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers,
28 (h) every vehicle which is propelled by electric power obtained from
29 overhead wires but not operated upon rails, (i) electric personal
30 assistive mobility devices as defined in section 60-618.02, (j) off-road
31 designed vehicles, including, but not limited to, golf car vehicles, go-

1 carts, riding lawnmowers, garden tractors, all-terrain vehicles and
2 utility-type vehicles as defined in section 60-6,355, minibikes as
3 defined in section 60-636, and snowmobiles as defined in section 60-663,
4 and (k) bicycles as defined in section 60-611;

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

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

11 (11) Operator means every person who is in actual physical control
12 of a motor vehicle;

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

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

23 (14) Proof of financial responsibility means evidence of ability to
24 respond in damages for liability, on account of accidents occurring
25 subsequent to the effective date of such proof, arising out of the
26 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
27 fifty twenty-five thousand dollars because of bodily injury to or death
28 of one person in any one accident, (b) subject to such limit for one
29 person, in the amount of one hundred fifty thousand dollars because of
30 bodily injury to or death of two or more persons in any one accident, and
31 (c) in the amount of fifty twenty-five thousand dollars because of injury

1 to or destruction of property of others in any one accident;

2 (15) Registration means registration certificate or certificates and
3 registration plates issued under the laws of this state pertaining to the
4 registration of motor vehicles;

5 (16) State means any state, territory, or possession of the United
6 States, the District of Columbia, or any province of the Dominion of
7 Canada; and

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

11 Sec. 5. Section 60-509, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-509 No such policy or bond shall be effective under section
14 60-508 unless issued by an insurance company or surety company authorized
15 to do business in this state, except that if such motor vehicle was not
16 registered in this state or was a motor vehicle which was registered
17 elsewhere than in this state at the effective date of a policy or bond or
18 the most recent renewal thereof, such policy or bond shall not be
19 effective under section 60-508 unless the insurance company or surety
20 company, if not authorized to do business in this state, shall execute an
21 acknowledgment that the company shall be amenable to process issued by a
22 court of this state in any action upon such policy or bond arising out of
23 such accident. Every such policy or bond is subject, if the accident has
24 resulted in bodily injury, sickness, disease, or death, to a limit,
25 exclusive of interest and costs, of not less than fifty twenty-five
26 thousand dollars because of bodily injury to or death of one person in
27 any one accident and, subject to such limit for one person, to a limit of
28 not less than one hundred fifty thousand dollars because of bodily injury
29 to or death of two or more persons in any one accident and, if the
30 accident has resulted in injury to or destruction of property, to a limit
31 of not less than fifty twenty-five thousand dollars because of injury to

1 or destruction of property of others in any one accident. Upon receipt of
2 a notice of such accident, the insurance company or surety company which
3 issued such policy or bond shall furnish, for filing with the department,
4 a written notice that such policy or bond was in effect at the time of
5 such accident.

6 Sec. 6. Section 60-534, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-534 Such motor vehicle liability policy shall (1) designate by
9 explicit description or by appropriate reference all motor vehicles with
10 respect to which coverage is thereby to be granted and (2) insure the
11 person named therein and any other person, as insured, using any such
12 motor vehicle or motor vehicles with the express or implied permission of
13 such named insured, against loss from the liability imposed by law for
14 damages arising out of the ownership, maintenance, or use of such motor
15 vehicle or motor vehicles within the United States of America or the
16 Dominion of Canada, subject to limits exclusive of interest and costs,
17 with respect to each such motor vehicle as follows: Fifty Twenty-five
18 thousand dollars because of bodily injury to or death of one person in
19 any one accident and, subject to such limit for one person, one hundred
20 fifty thousand dollars because of bodily injury to or death of two or
21 more persons in any one accident, and fifty twenty-five thousand dollars
22 because of injury to or destruction of property of others in any one
23 accident.

24 Sec. 7. Section 60-549, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 60-549 Proof of financial responsibility may be evidenced by the
27 certificate of the State Treasurer that the person named in the
28 certificate has deposited with the State Treasurer an amount equal to the
29 sum of the amounts specified in subdivisions (14)(b) and (c) of section
30 60-501 him or her seventy-five thousand dollars per vehicle in cash or
31 securities such as may legally be purchased by savings banks or for trust

1 funds of a market value of such amount seventy-five thousand dollars. The
2 State Treasurer shall not accept any such deposit and issue a certificate
3 therefor and the department shall not accept such certificate unless it
4 is accompanied by evidence that there are no unsatisfied judgments of any
5 character against the depositor in the county where the depositor
6 resides.

7 Sec. 8. Section 60-6,381, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 60-6,381 (1)(a) A city or village may adopt an ordinance authorizing
10 the operation of golf car vehicles within the corporate limits of the
11 city or village if the operation is on streets adjacent and contiguous to
12 a golf course.

13 (b) A county board may adopt an ordinance pursuant to section 23-187
14 authorizing the operation of golf car vehicles within the county if the
15 operation is on roads adjacent and contiguous to a golf course.

16 (c) Any person operating a golf car vehicle as authorized under this
17 subsection shall have a valid Class O operator's license, and the owner
18 of the golf car vehicle shall have liability insurance coverage for the
19 golf car vehicle. The person operating the golf car vehicle shall provide
20 proof of such insurance coverage to any peace officer requesting such
21 proof within five days after such a request.

22 (d) The restrictions of subsection (2) of this section do not apply
23 to ordinances adopted under this subsection.

24 (2)(a) A city or village may adopt an ordinance authorizing the
25 operation of golf car vehicles on streets within the corporate limits of
26 the city or village if the operation is (i) between sunrise and sunset
27 and (ii) on streets with a posted speed limit of thirty-five miles per
28 hour or less. When operating a golf car vehicle as authorized under this
29 subsection, the operator shall not operate such vehicle at a speed in
30 excess of twenty miles per hour. A golf car vehicle shall not be operated
31 at any time on any state or federal highway but may be operated upon such

1 a highway in order to cross a portion of the highway system which
2 intersects a street as directed in subsection (3) of this section. A city
3 or village may, as part of such ordinance, implement standards for
4 operation of golf car vehicles that are more stringent than the
5 restrictions of this subsection for the safety of the operator and the
6 public.

7 (b) A county board may adopt an ordinance pursuant to section 23-187
8 authorizing the operation of golf car vehicles on roads within the county
9 if the operation is (i) between sunrise and sunset and (ii) on roads with
10 a posted speed limit of thirty-five miles per hour or less. When
11 operating a golf car vehicle as authorized under this subsection, the
12 operator shall not operate such vehicle at a speed in excess of twenty
13 miles per hour. A golf car vehicle shall not be operated at any time on
14 any state or federal highway but may be operated upon such highway in
15 order to cross a portion of the highway system which intersects a road as
16 directed in subsection (3) of this section. A county may, as part of such
17 ordinance, implement standards for operation of golf car vehicles that
18 are more stringent than the restrictions of this subsection for the
19 safety of the operator and the public.

20 (c) Any person operating a golf car vehicle as authorized under this
21 subsection shall have a valid Class 0 operator's license, and the owner
22 of the golf car vehicle shall have liability insurance coverage for the
23 golf car vehicle. The person operating the golf car vehicle shall provide
24 proof of such insurance coverage to any peace officer requesting such
25 proof within five days after such a request. The liability insurance
26 coverage shall be subject to limits, exclusive of interest and costs, as
27 follows: Fifty Twenty-five thousand dollars because of bodily injury to
28 or death of one person in any one accident and, subject to such limit for
29 one person, one hundred fifty thousand dollars because of bodily injury
30 to or death of two or more persons in any one accident, and fifty twenty-
31 five thousand dollars because of injury to or destruction of property of

1 others in any one accident.

2 (3) The crossing of a highway shall be permitted by a golf car
3 vehicle only if:

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

7 (b) The golf car vehicle is brought to a complete stop before
8 crossing the shoulder or roadway of the highway;

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

11 (d) In crossing a divided highway, the crossing is made only at an
12 intersection of such highway with a street or road, as applicable.

13 (4) For purposes of this section:

14 (a) Road means a public way for the purposes of vehicular travel,
15 including the entire area within the right-of-way; and

16 (b) Street means a public way for the purposes of vehicular travel
17 in a city or village and includes the entire area within the right-of-
18 way.

19 Sec. 9. This act becomes operative on January 1, 2022.

20 Sec. 10. Original sections 44-6408, 60-346, 60-509, 60-534, and
21 60-549, Reissue Revised Statutes of Nebraska, and sections 60-310,
22 60-501, and 60-6,381, Revised Statutes Cumulative Supplement, 2020, are
23 repealed.