

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 530

Introduced by Kauth, 31.

Read first time January 22, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-306,
2 28-394, 60-682.01, 60-6,213, and 60-6,378, Reissue Revised Statutes
3 of Nebraska, and sections 60-601 and 60-605, Revised Statutes
4 Cumulative Supplement, 2024; to change provisions relating to motor
5 vehicle homicide, motor vehicle homicide of an unborn child, speed
6 limit violations, and passing a stopped vehicle; to define a term;
7 to redefine reckless driving under the Nebraska Rules of the Road;
8 to provide a requirement for motor vehicles operators who are
9 approaching or passing vulnerable road users; to provide and change
10 fines and penalties; to harmonize provisions; and to repeal the
11 original sections.
12 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-306, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-306 (1) A person who causes the death of another unintentionally
4 while engaged in the operation of a motor vehicle in violation of the law
5 of the State of Nebraska or in violation of any city or village ordinance
6 commits motor vehicle homicide.

7 (2) Except as provided in subsection (3) of this section, motor
8 vehicle homicide is a Class I misdemeanor.

9 (3)(a) If the proximate cause of the death of another is the
10 operation of a motor vehicle in violation of section 60-6,179.01,
11 60-6,179.02, 60-6,213, or 60-6,214, motor vehicle homicide is a Class
12 IIIA felony.

13 (b) If the proximate cause of the death of another is the operation
14 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
15 vehicle homicide is a Class IIA felony. ~~The court shall, as part of the~~
16 ~~judgment of conviction, order the person not to drive any motor vehicle~~
17 ~~for any purpose for a period of at least one year and not more than~~
18 ~~fifteen years and shall order that the operator's license of such person~~
19 ~~be revoked for the same period.~~

20 (c) If the proximate cause of the death of another is the operation
21 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
22 vehicle homicide is a Class II felony if the defendant has a prior
23 conviction for a violation of section 60-6,196 or 60-6,197.06, under a
24 city or village ordinance enacted in conformance with section 60-6,196,
25 or under a law of another state if, at the time of the conviction under
26 the law of such other state, the offense for which the defendant was
27 convicted would have been a violation of section 60-6,196. ~~The court~~
28 ~~shall, as part of the judgment of conviction, order the person not to~~
29 ~~drive any motor vehicle for any purpose for a period of fifteen years and~~
30 ~~shall order that the operator's license of such person be revoked for the~~
31 ~~same period.~~

1 (4) If the proximate cause of the death of another is the operation
2 of a motor vehicle in violation of section 9 of this act, motor vehicle
3 homicide is a Class IV felony.

4 (5)(a) For a conviction under subsection (2), subdivision (3)(a), or
5 subsection (4) of this section, the court may, as part of the judgment of
6 conviction, order the person not to drive any motor vehicle for any
7 purpose for a period of up to two years and order that the operator's
8 license of such person be suspended for the same period.

9 (b) For a conviction under subdivision (3)(b) or (c) of this
10 section, the court shall, as part of the judgment of conviction, order
11 the person not to drive any motor vehicle for any purpose for a period of
12 fifteen years and shall order that the operator's license of such person
13 be revoked for the same period.

14 (6) (d) An order of the court described in this section subdivision
15 (b) or (c) of this subsection shall be administered upon sentencing, upon
16 final judgment of any appeal or review, or upon the date that any
17 probation is revoked.

18 (7) (4) The crime punishable under this section shall be treated as
19 a separate and distinct offense from any other offense arising out of
20 acts alleged to have been committed while the person was in violation of
21 this section.

22 **Sec. 2.** Section 28-394, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 28-394 (1) A person who causes the death of an unborn child
25 unintentionally while engaged in the operation of a motor vehicle in
26 violation of the law of the State of Nebraska or in violation of any city
27 or village ordinance commits motor vehicle homicide of an unborn child.

28 (2) Except as provided in subsection (3) of this section, motor
29 vehicle homicide of an unborn child is a Class I misdemeanor.

30 (3)(a) If the proximate cause of the death of an unborn child is the
31 operation of a motor vehicle in violation of section 60-6,179.01,

1 ~~60-6,179.02, 60-6,213, or 60-6,214, motor vehicle homicide of an unborn~~
2 ~~child is a Class IIIA felony.~~

3 (b) Except as provided in subdivision (3)(c) of this section, if the
4 proximate cause of the death of an unborn child is the operation of a
5 motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
6 vehicle homicide of an unborn child is a Class IIIA felony. ~~and the court~~
7 ~~shall, as part of the judgment of conviction, order the person not to~~
8 ~~drive any motor vehicle for any purpose for a period of at least sixty~~
9 ~~days and not more than fifteen years after the date ordered by the court~~
10 ~~and shall order that the operator's license of such person be revoked for~~
11 ~~the same period. The revocation shall not run concurrently with any jail~~
12 ~~term imposed.~~

13 (c) If the proximate cause of the death of an unborn child is the
14 operation of a motor vehicle in violation of section 60-6,196 or
15 60-6,197.06 and the defendant has a prior conviction for a violation of
16 section 60-6,196 or a city or village ordinance enacted in conformance
17 with section 60-6,196, motor vehicle homicide of an unborn child is a
18 Class IIA felony. ~~and~~

19 (4)(a) For a conviction under subsection (2) or subdivision (3)(a)
20 of this section, the court may, as part of the judgment of conviction,
21 order the person not to drive any motor vehicle for any purpose for a
22 period of up to two years and order that the operator's license of such
23 person be suspended for the same period.

24 (b) For a conviction under subdivision (3)(b) or (c) of this
25 section, the court shall, as part of the judgment of conviction, order
26 the person not to drive any motor vehicle for any purpose for a period of
27 at least sixty days and not more than fifteen years after the date
28 ordered by the court and shall order that the operator's license of such
29 person be revoked for the same period. The revocation shall not run
30 concurrently with any jail term imposed.

31 (5) An order of the court described in this section shall be

1 administered upon sentencing, upon final judgment of any appeal or
2 review, or upon the date that any probation is revoked.

3 (6) (4) The crime punishable under this section shall be treated as
4 a separate and distinct offense from any other offense arising out of
5 acts alleged to have been committed while the person was in violation of
6 this section.

7 **Sec. 3.** Section 60-601, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 60-601 Sections 60-601 to 60-6,383 and sections 5 and 9 of this act
10 shall be known and may be cited as the Nebraska Rules of the Road.

11 **Sec. 4.** Section 60-605, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 60-605 For purposes of the Nebraska Rules of the Road, the
14 definitions found in sections 60-606 to 60-676 and section 5 of this act
15 shall be used.

16 **Sec. 5.** Vulnerable road user means:

17 (1) Any pedestrian who is:

18 (a) On a highway and constructing or repairing such highway;

19 (b) Working on utility facilities along a highway;

20 (c) Providing emergency services on or along a highway;

21 (d) In a crosswalk; or

22 (e) On the shoulder;

23 (2) Any individual operating any of the following on or along a
24 highway:

25 (a) Any bicycle;

26 (b) Any electric bicycle;

27 (c) Any motorcycle other than an autocycle;

28 (d) Any moped; or

29 (e) Any vehicle or device similar to any vehicle or device listed in
30 subdivisions (2)(a) through (2)(d) of this section;

31 (3) Any individual who is riding any animal or driving any animal-

1 drawn vehicle on or along a highway;

2 (4) Any individual operating an implement of husbandry, including a
3 farm tractor, that is on or along a highway; and

4 (5) Any individual who is in a crosswalk or on a shoulder and who is
5 on any:

6 (a) Coaster, skate, sled, ski, board, or toy vehicle;

7 (b) Electric personal assistive mobility device; or

8 (c) Wheelchair.

9 **Sec. 6.** Section 60-682.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-682.01 (1) Any person who operates a vehicle in violation of any
12 maximum speed limit established for any highway or freeway is guilty of a
13 traffic infraction.

14 (2) Upon and upon conviction for a violation of this section, a
15 person shall be fined:

16 (a) Fifty Ten dollars for traveling one to five miles per hour over
17 the authorized speed limit;

18 (b) Seventy-five Twenty-five dollars for traveling over five miles
19 per hour but not over ten miles per hour over the authorized speed limit;

20 (c) One hundred twenty-five Seventy-five dollars for traveling over
21 ten miles per hour but not over fifteen miles per hour over the
22 authorized speed limit;

23 (d) Two hundred One hundred twenty-five dollars for traveling over
24 fifteen miles per hour but not over twenty miles per hour over the
25 authorized speed limit;

26 (e) Three Two hundred dollars for traveling over twenty miles per
27 hour but not over thirty-five miles per hour over the authorized speed
28 limit; and

29 (f) Four Three hundred dollars for traveling over thirty-five miles
30 per hour over the authorized speed limit.

31 (3) (2) The fines prescribed in subsection (2) (1) of this section

1 shall be doubled if the violation occurs within a maintenance, repair, or
2 construction zone established pursuant to section 60-6,188. For purposes
3 of this subsection, maintenance, repair, or construction zone means (a)
4 (i) the portion of a highway identified by posted or moving signs as
5 being under maintenance, repair, or construction or (ii) the portion of a
6 highway identified by maintenance, repair, or construction zone speed
7 limit signs displayed pursuant to section 60-6,188 and (b) within such
8 portion of a highway where road construction workers are present. The
9 maintenance, repair, or construction zone starts at the location of the
10 first sign identifying the maintenance, repair, or construction zone and
11 continues until a posted or moving sign indicates that the maintenance,
12 repair, or construction zone has ended.

13 (4) ~~(3)~~ The fines prescribed in subsection (2) ~~(1)~~ of this section
14 shall be doubled if the violation occurs within a school crossing zone as
15 defined in section 60-658.01.

16 **Sec. 7.** Section 60-6,213, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 60-6,213 (1) Any person who drives any motor vehicle in such a
19 manner as to indicate an indifferent or wanton disregard for the safety
20 of persons or property shall be guilty of reckless driving.

21 (2) For purposes of determining if a person is guilty of reckless
22 driving, evidence that such person was driving a motor vehicle in excess
23 of double the maximum lawful speed limit shall be prima facie evidence
24 that the motor vehicle was being driven in a manner as to indicate an
25 indifferent or wanton disregard for the safety of persons or property.

26 **Sec. 8.** Section 60-6,378, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-6,378 (1)(a) The driver of a vehicle on a controlled-access
29 highway approaching or passing a stopped vehicle located on the same side
30 of the highway shall proceed with due care and caution as described in
31 this section. ~~A driver in a vehicle on a controlled-access highway~~

1 ~~approaching or passing a stopped authorized emergency vehicle or road~~
2 ~~assistance vehicle which makes use of proper audible or visual signals~~
3 ~~shall proceed with due care and caution as described in subdivision (b)~~
4 ~~of this subsection.~~

5 (b) If there are at least two adjacent lanes of travel in the same
6 direction on the same side of the highway as the stopped vehicle, the
7 driver of the approaching or passing vehicle shall proceed with due care
8 and caution and yield the right-of-way when approaching or passing the
9 stopped vehicle by moving into a lane at least one moving lane apart from
10 the stopped vehicle unless directed otherwise by any peace officer,
11 authorized emergency personnel, or road assistance personnel. On a
12 controlled-access highway with at least two adjacent lanes of travel in
13 the same direction on the same side of the highway where a stopped
14 authorized emergency vehicle or road assistance vehicle is using proper
15 audible or visual signals, the driver of the vehicle shall proceed with
16 due care and caution and yield the right-of-way by moving into a lane at
17 least one moving lane apart from the stopped authorized emergency vehicle
18 or road assistance vehicle unless directed otherwise by a peace officer
19 or other authorized emergency personnel. If moving into another lane is
20 not possible because of weather conditions, road conditions, or the
21 immediate presence of vehicular or pedestrian traffic or because the
22 controlled-access highway does not have two available adjacent lanes of
23 travel in the same direction on the same side of the highway where such a
24 stopped authorized emergency vehicle or road assistance vehicle is
25 located,

26 (c) If there are not two adjacent lanes of travel in the same
27 direction on the same side of the highway as the stopped vehicle or if
28 moving into another lane is not reasonably possible, the driver of the
29 approaching or passing vehicle shall:

30 (i) Reduce reduce his or her speed; 7

31 (ii) Maintain maintain a safe speed with regard to the location of

1 the stopped ~~authorized emergency vehicle or road assistance vehicle~~, the
2 weather conditions, the road conditions, and vehicular or pedestrian
3 traffic; ~~τ~~ and

4 (iii) Proceed ~~proceed~~ with due care and caution or proceed as
5 directed by any a peace officer, ~~or other~~ authorized emergency personnel,
6 or road assistance personnel.

7 (d) Any person who violates this subsection is guilty of a:

8 (i) Class IIIA misdemeanor for a second or subsequent violation
9 committed within five years after a conviction for a violation of this
10 subsection; or

11 (ii) Traffic infraction for any other violation.

12 ~~(c) Any person who violates this subsection is guilty of a traffic~~
13 ~~infraction for a first offense and Class IIIA misdemeanor for a second or~~
14 ~~subsequent offense.~~

15 (2) Subsection (1) of this section does not apply if the stopped
16 vehicle is unoccupied and there are no individuals present in or near the
17 stopped vehicle.

18 (3) ~~(2)~~ The Department of Transportation shall erect and maintain or
19 cause to be erected and maintained signs giving notice of subsection (1)
20 of this section along controlled-access highways.

21 (4) ~~(3)~~ Enforcement of subsection (1) of this section shall not be
22 accomplished using simulated situations involving a stopped ~~an authorized~~
23 ~~emergency vehicle or a road assistance vehicle.~~

24 (5) ~~(4)~~ This section does not relieve the driver of a stopped ~~an~~
25 ~~authorized emergency vehicle or a road assistance vehicle~~ from the duty
26 to operate or stop such vehicle ~~drive~~ with due regard for the safety of
27 all persons using the highway.

28 (6) ~~(5)~~ For purposes of this section:

29 (a) Moving into another lane is not reasonably possible if it would
30 be impractical or unsafe to do so because of weather conditions, road
31 conditions, or the immediate presence of vehicular or pedestrian traffic;

1 and

2 (b) Road ~~road~~ assistance personnel vehicle includes any agent of a
3 vehicle operated by the Nebraska Department of Transportation, ~~the~~ a
4 Nebraska State Patrol ~~motorist assistance vehicle, the~~ a United States
5 Department of Transportation ~~registered towing or roadside assistance~~
6 vehicle, ~~or and a utility service vehicle operated by a utility company.~~
7 A road assistance vehicle shall emit a warning signal utilizing properly
8 displayed emergency indicators such as strobe, rotating, or oscillating
9 lights when stopped along a highway.

10 **Sec. 9.** (1) The operator of a motor vehicle shall proceed with due
11 care and caution as described in subsection (2) of this section when
12 approaching or passing a vulnerable road user.

13 (2)(a) If there are at least two adjacent lanes of travel in the
14 same direction on the same side of the highway as the vulnerable road
15 user, the driver of the approaching or passing motor vehicle shall
16 proceed with due care and caution and yield the right-of-way when
17 approaching or passing the vulnerable road user by moving into a lane at
18 least one moving lane apart from the vulnerable road user unless directed
19 otherwise by any peace officer, authorized emergency personnel, or road
20 assistance personnel as defined in section 60-6,378.

21 (b) If there are not two adjacent lanes of travel in the same
22 direction on the same side of the highway as the vulnerable road user or
23 if moving into another lane is not reasonably possible as defined in
24 section 60-6,378, the driver of the approaching or passing vehicle shall:

25 (i) Reduce his or her speed;

26 (ii) Maintain a safe speed with regard to the location of the
27 vulnerable road user, the weather conditions, the road conditions, and
28 vehicular or pedestrian traffic; and

29 (iii) Proceed with due care and caution or proceed as directed by
30 any peace officer, authorized emergency personnel, or road assistance
31 personnel.

1 (3) Any person who violates this section is guilty of a:

2 (a) Class IIIA misdemeanor for a second or subsequent violation
3 committed within five years after a conviction for a violation of this
4 section; or

5 (b) Traffic infraction for any other violation.

6 (4) This section does not grant any vulnerable road user the right
7 to be on or along any highway in violation of any other state or local
8 law.

9 **Sec. 10.** Original sections 28-306, 28-394, 60-682.01, 60-6,213, and
10 60-6,378, Reissue Revised Statutes of Nebraska, and sections 60-601 and
11 60-605, Revised Statutes Cumulative Supplement, 2024, are repealed.