

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 600

Introduced by DeBoer, 10.

Read first time January 22, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-696,
2 60-6,186, 60-6,378, and 60-3203, Reissue Revised Statutes of
3 Nebraska, and sections 60-601 and 60-605, Revised Statutes
4 Cumulative Supplement, 2024; to define terms, provide immunity from
5 damage resulting from removal of certain vehicles and other objects
6 from highways, change provisions relating to the maximum lawful
7 speed limit, provide for enforcement of the maximum lawful speed
8 limit for school crossing zones and highway work zones by means of a
9 speed control enforcement system, provide duties for drivers who are
10 approaching stopped motor vehicles, and provide for removal of
11 certain motor vehicles or other objects from highways under the
12 Nebraska Rules of the Road; to change when an automatic license
13 plate reader system may be used under the Automatic License Plate
14 Reader Privacy Act; to provide powers and duties for the Department
15 of Transportation; to harmonize provisions; to provide severability;
16 and to repeal the original sections.
17 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 60-601, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 60-601 Sections 60-601 to 60-6,383 and sections 3 to 5, 7, and 9 to
4 18, of this act shall be known and may be cited as the Nebraska Rules of
5 the Road.

6 **Sec. 2.** Section 60-605, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 60-605 For purposes of the Nebraska Rules of the Road, the
9 definitions found in sections 60-606 to 60-676 and sections 3 to 5 of
10 this act shall be used.

11 **Sec. 3.** Highway work zone means a maintenance, repair, or
12 construction zone described in section 60-6,188.

13 **Sec. 4.** Speed control enforcement system means any photographic
14 device, radar device, laser device, or other electrical or mechanical
15 device that is designed to:

16 (1) Detect and record the speed of a motor vehicle; and

17 (2) Obtain a clear photograph or other recorded image of the rear
18 license plate of a motor vehicle when the speed of such motor vehicle
19 exceeds the maximum lawful speed limit.

20 **Sec. 5.** Speed control enforcement system operator means a person
21 who has been certified to operate a speed control enforcement system by
22 completing training offered by the manufacturer of such speed control
23 enforcement system. Such training shall include procedures for deploying,
24 testing, and operating such speed control enforcement system.

25 **Sec. 6.** Section 60-696, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-696 (1) Except as provided in subsection (2) of this section, the
28 driver of any vehicle involved in an accident upon a public highway,
29 private road, or private drive, resulting in damage to property, shall
30 (a) immediately stop such vehicle at the scene of such accident and (b)
31 give his or her name, address, telephone number, and operator's license

1 number to the owner of the property struck or the driver or occupants of
2 any other vehicle involved in the collision.

3 (2) The driver of any vehicle involved in an accident upon a public
4 highway, private road, or private drive, resulting in damage to an
5 unattended vehicle or property, shall immediately stop such vehicle and
6 leave in a conspicuous place in or on the unattended vehicle or property
7 a written notice containing the information required by subsection (1) of
8 this section. In addition, such driver shall, without unnecessary delay,
9 report the collision, by telephone or otherwise, to an appropriate peace
10 officer.

11 (3)(a) A peace officer may remove or cause to be removed from a
12 roadway, without the consent of the driver or owner, any vehicle, cargo,
13 or other property which is obstructing the roadway creating or
14 aggravating an emergency situation or otherwise endangering the public
15 safety. Any vehicle, cargo, or other property obstructing a roadway shall
16 be removed by the most expeditious means available to clear the
17 obstruction, giving due regard to the protection of the property removed.

18 (b) This subsection does not apply if an accident results in or is
19 believed to involve the release of hazardous materials, hazardous
20 substances, or hazardous wastes, as those terms are defined in section
21 75-362.

22 (c) A peace officer and any person removing any vehicle, cargo, or
23 other property under this section shall not be held liable for any damage
24 caused to such vehicle, cargo, or other property.

25 (4) Any person violating subsection (1) or (2) of this section is
26 guilty of a Class II misdemeanor. If such person has had one or more
27 convictions under this section in the twelve years prior to the date of
28 the current conviction under this section, such person is guilty of a
29 Class I misdemeanor. As part of any sentence, suspended sentence, or
30 judgment of conviction under this section, the court may order the
31 defendant not to drive any motor vehicle for any purpose in the State of

1 Nebraska for a period of up to one year from the date ordered by the
2 court. If the court orders the defendant not to drive any motor vehicle
3 for any purpose in the State of Nebraska for a period of up to one year
4 from the date ordered by the court, the court shall also order that the
5 operator's license of such person be revoked for a like period.

6 **Sec. 7.** (1) The Department of Transportation or an agent of the
7 Department of Transportation may remove or cause to be removed from a
8 highway or the shoulder of a highway, without consent of the driver or
9 owner, any vehicle or other object that is:

10 (a) Located on such highway or such shoulder; and

11 (b) Impeding or could impede traffic on the highway.

12 (2) The Department of Transportation and any agent of the Department
13 of Transportation shall not be held liable for any damage caused to any
14 vehicle or other object that, under this section, is being removed from a
15 highway or the shoulder of a highway.

16 **Sec. 8.** Section 60-6,186, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 60-6,186 (1) Except when a special hazard exists that requires lower
19 speed for compliance with section 60-6,185, the limits set forth in this
20 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
21 the maximum lawful speeds unless reduced pursuant to subsection (2) of
22 this section, and no person shall drive a vehicle on a highway at a speed
23 in excess of such maximum limits:

24 (a) Twenty-five miles per hour in any residential district;

25 (b) Twenty miles per hour in any business district;

26 (c) Fifty miles per hour upon any highway that is gravel or not
27 dustless surfaced;

28 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
29 a part of the state highway system;

30 (e) Sixty-five miles per hour upon any four-lane divided highway not
31 a part of the state highway system;

1 (f) Sixty-five miles per hour upon any part of the state highway
2 system other than an expressway, a super-two highway, or a freeway;

3 (g) Seventy miles per hour upon an expressway or a super-two highway
4 that is part of the state highway system;

5 (h) Seventy miles per hour upon a freeway that is part of the state
6 highway system but not part of the National System of Interstate and
7 Defense Highways; and

8 (i) Seventy-five miles per hour upon the National System of
9 Interstate and Defense Highways, except that the maximum speed limit
10 shall be sixty-five miles per hour for:

11 (i) Any portion of the National System of Interstate and Defense
12 Highways located in Douglas County; and

13 (ii) That portion of the National System of Interstate and Defense
14 Highways designated as Interstate 180 in Lancaster County and Interstate
15 129 in Dakota County.

16 (2) The maximum speed limits established in subsection (1) of this
17 section may be reduced by the Department of Transportation or by local
18 authorities pursuant to section 60-6,188 or 60-6,190 or section 9 of this
19 act.

20 (3) The Department of Transportation and local authorities may erect
21 and maintain suitable signs along highways under their respective
22 jurisdictions in such number and at such locations as they deem necessary
23 to give adequate notice of the speed limits established pursuant to
24 subsection (1) or (2) of this section upon such highways.

25 **Sec. 9. (1)** The Department of Transportation may temporarily reduce
26 the maximum lawful speed for motor vehicles on any highway for any of the
27 following reasons:

28 (a) Any weather or environmental condition that reduces the
29 visibility of motor vehicle operators to approximately one-fourth of one
30 mile or less, including but not limited to fog, precipitation, smoke, or
31 dust;

1 (b) Any condition that could result in reduced motor vehicle
2 traction to the highway, including rain, water, ice, snow, oil, road
3 surface conditions, or any object on the highway;

4 (c) Any emergency situation; or

5 (d) Any traffic congestion, reduced traffic mobility, or reduced
6 traffic flow.

7 (2) Any reduction of the maximum lawful speed for motor vehicles on
8 a highway under subsection (1) of this section is only effective if the
9 Department of Transportation prominently displays an electronic or
10 digital sign with the following information along or above such highway:

11 (a) The reduced maximum lawful speed for motor vehicles on such
12 highway; and

13 (b) That the normal maximum lawful speed limit for such highway does
14 not apply until another electronic, digital, nonelectronic, or nondigital
15 sign indicates a return to the normal maximum lawful speed limit for such
16 highway.

17 (3) Any temporarily reduced maximum lawful speed limit under this
18 section shall be made in increments of five miles per hour.

19 (4) When the maximum lawful speed limit is temporarily reduced under
20 this section, there shall be no minimum speed limit for the corresponding
21 area of the temporarily reduced maximum lawful speed limit.

22 (5) The Department of Transportation shall:

23 (a) Develop and implement a policy for determining when to
24 temporarily reduce maximum lawful speed limits, what such speed limits
25 should be, and the increments to be used in reducing and reestablishing
26 the regular maximum lawful speed limit;

27 (b) Keep appropriate records that include when any maximum lawful
28 speed limit under this section has been changed, what such maximum lawful
29 speed limit was set at, and the reason for the change; and

30 (c) Keep appropriate records that include the maximum lawful speed
31 limit for each highway.

1 (6) The Department of Transportation may adopt and promulgate rules
2 and regulations to carry out this section.

3 **Sec. 10.** (1) The Department of Transportation may enforce any
4 violation of the maximum lawful speed limit for any school crossing zone
5 or highway work zone located on any highway by means of a speed control
6 enforcement system.

7 (2) Any local authority may enforce any violation of the maximum
8 lawful speed limit for any highway for any school crossing zone or
9 highway work zone located on any highway within the jurisdiction of such
10 local authority by means of a speed control enforcement system.

11 (3) The Department of Transportation or any local authority may
12 contract with any speed control enforcement system operator to operate
13 any such speed control enforcement system.

14 **Sec. 11.** (1)(a) The maximum lawful speed limit for a school
15 crossing zone shall only be enforced by means of a speed control
16 enforcement system if the school crossing zone warning lights are active
17 and there is signage displayed at the entry to the school crossing zone
18 that provides notice that a speed control enforcement system is or may be
19 in use.

20 (b) The maximum lawful speed limit for a highway work zone shall
21 only be enforced by means of a speed control enforcement system if there
22 is any worker present and there is signage displayed at the entry to the
23 highway work zone that provides notice that a speed control enforcement
24 system is or may be in use.

25 (2) A speed control enforcement system shall not record the speed of
26 a motor vehicle or an image of a motor vehicle unless the speed of the
27 motor vehicle detected by the speed control enforcement system:

28 (a) For a school crossing zone, exceeds six miles per hour over the
29 maximum lawful speed limit; or

30 (b) For a highway work zone, exceeds eleven miles per hour over the
31 maximum lawful speed limit.

1 **Sec. 12.** (1) For purposes of this section, owner:

2 (a) Includes a person who rents or is operating a vehicle owned by a
3 rental vehicle business; and

4 (b) Does not include any rental vehicle business.

5 (2) If a violation of the maximum lawful speed limit is enforced by
6 means of a speed control enforcement system, the registered owner of the
7 motor vehicle shall receive the following by electronic mail or first-
8 class mail:

9 (a) A copy of the photograph taken by the speed control enforcement
10 system;

11 (b) Information describing how to appeal such violation;

12 (c) Information describing how to pay the administrative fee charged
13 pursuant to section 14 of this act; and

14 (d)(i) For a second violation within three years, a citation for a
15 civil penalty of seventy-five dollars;

16 (ii) For a third or subsequent violation within five years, a
17 citation for a civil penalty of one hundred fifty dollars; and

18 (iii) For any other violation, a warning.

19 (3) For any violation of the maximum lawful speed limit that is
20 enforced by means of a speed control enforcement system, the Department
21 of Transportation or the local authority shall assess a civil penalty
22 against the registered owner of the motor vehicle that was issued a
23 citation under this section if such motor vehicle was:

24 (a) For a school crossing zone, exceeding the maximum lawful speed
25 limit by six miles per hour or more; or

26 (b) For a highway work zone, exceeding the maximum lawful speed
27 limit by eleven miles per hour or more.

28 (4) All civil penalties collected under this section shall be
29 remitted to the State Treasurer for distribution in accordance with
30 Article VII, section 5, of the Constitution of Nebraska.

31 **Sec. 13.** (1) For purposes of this section, owner:

1 (a) Includes a person who rents or is operating a vehicle owned by a
2 rental vehicle business; and

3 (b) Does not include any rental vehicle business.

4 (2) For any violation of the maximum lawful speed limit that is
5 enforced by means of a speed control enforcement system, there is a
6 rebuttable presumption that the registered owner of the motor vehicle was
7 operating the motor vehicle at the time of the violation.

8 (3) Any person that receives a warning or citation under section 12
9 of this act may request an administrative hearing to appeal such warning
10 or citation and to present evidence that such person:

11 (a) Was not operating the motor vehicle at the time of the
12 violation;

13 (b) Was not the registered owner of the motor vehicle in the
14 photograph included with the warning or citation; or

15 (c) Received a citation from a peace officer for the same occurrence
16 of a violation of the maximum lawful speed limit.

17 **Sec. 14.** (1) For any warning or citation issued under section 12 of
18 this act, an administrative fee may be charged and collected in an amount
19 reasonably based on the costs of carrying out the administrative duties
20 and operational costs for issuing the warning or citation.

21 (2) The Department of Transportation shall create a guidance
22 document that sets out the method to use to calculate such administrative
23 fee.

24 **Sec. 15.** (1) Any person who receives a citation issued by a peace
25 officer for a violation of the maximum lawful speed limit shall not be
26 liable for a civil penalty under section 12 of this act for the same
27 occurrence of a violation.

28 (2) Any person who receives a warning or citation under section 12
29 of this act shall not receive another warning or citation under section
30 12 of this act for the same occurrence of a violation.

31 **Sec. 16.** (1) Except as provided in subsection (2) of this section,

1 any image or other data captured by a speed control enforcement system:

2 (a) Is confidential and shall not be a public record subject to
3 disclosure pursuant to sections 84-712 to 84-712.09; and

4 (b) Shall only be used by the Department of Transportation or local
5 authority for purposes of section 12 or 13 of this act.

6 (2) An image or other data captured by a speed control enforcement
7 system may be disclosed pursuant to an order from a court of competent
8 jurisdiction.

9 **Sec. 17.** A speed control enforcement system used to enforce the
10 maximum lawful speed limit shall receive an annual calibration check
11 performed by a calibration laboratory that is independent from the
12 Department of Transportation or any local authority. Any such calibration
13 check is only valid for purposes of this section if the calibration
14 laboratory that performed the calibration check issued a certificate of
15 calibration for such speed control enforcement system that certifies that
16 the calibration check was performed, the date of the calibration check,
17 and that the speed control enforcement system was accurately calibrated
18 as of such date.

19 **Sec. 18.** A speed control enforcement system shall be operated by a
20 speed control enforcement system operator. Such operator shall complete a
21 daily log for the speed control enforcement system that contains the
22 following:

23 (1) The location where the speed control enforcement system is
24 deployed;

25 (2) The date and time of the deployment;

26 (3) For school crossing zones, the status of whether the school
27 crossing zone warning lights were operating during the operation of the
28 speed control enforcement system; and

29 (4) For highway work zones, whether any worker was present, and if
30 so, the approximate location of each such worker within the highway work
31 zone.

1 **Sec. 19.** Section 60-6,378, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-6,378 (1)(a) A driver in a vehicle on a controlled-access highway
4 approaching or passing a stopped motor vehicle ~~that authorized emergency~~
5 ~~vehicle or road assistance vehicle~~ which makes use of proper ~~audible or~~
6 visual signals shall proceed with due care and caution as described in
7 subdivision (b) of this subsection.

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

28 (c) Any person who violates this subsection is guilty of a traffic
29 infraction for a first offense and Class IIIA misdemeanor for a second or
30 subsequent offense.

31 (2) The Department of Transportation shall erect and maintain or

1 cause to be erected and maintained signs giving notice of subsection (1)
2 of this section along controlled-access highways.

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

6 (4) This section does not relieve the driver of any stopped motor ~~an~~
7 ~~authorized emergency vehicle or a road assistance vehicle~~ from the duty
8 to drive with due regard for the safety of all persons using the highway.

9 (5) For purposes of this section, proper visual signals includes the
10 hazard lights of a motor vehicle when such hazard lights are flashing.
11 ~~road assistance vehicle includes a vehicle operated by the Nebraska~~
12 ~~Department of Transportation, a Nebraska State Patrol motorist assistance~~
13 ~~vehicle, a United States Department of Transportation registered towing~~
14 ~~or roadside assistance vehicle, and a utility service vehicle operated by~~
15 ~~a utility company. A road assistance vehicle shall emit a warning signal~~
16 ~~utilizing properly displayed emergency indicators such as strobe,~~
17 ~~rotating, or oscillating lights when stopped along a highway -~~

18 **Sec. 20.** Section 60-3203, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 60-3203 (1) Except as otherwise provided in this section or in
21 section 60-3204, the use of an automatic license plate reader system by a
22 governmental entity is prohibited.

23 (2) An automatic license plate reader system may be used when such
24 use is:

25 (a) By a law enforcement agency of a governmental entity for the
26 purpose of:

27 (i) Identifying identifying:

28 (A) (i) Outstanding parking or traffic violations;

29 (B) (ii) An unregistered or uninsured vehicle;

30 (C) (iii) A vehicle in violation of the vehicle equipment
31 requirements set forth under the Nebraska Rules of the Road;

1 (D) ~~(iv)~~ A vehicle in violation of any other vehicle registration
2 requirement;

3 (E) ~~(v)~~ A vehicle registered to an individual for whom there is an
4 outstanding warrant;

5 (F) ~~(vi)~~ A vehicle associated with a missing person;

6 (G) ~~(vii)~~ A vehicle that has been reported as stolen; or

7 (H) ~~(viii)~~ A vehicle that is relevant and material to an ongoing
8 criminal investigation; or

9 (ii) Enforcing a violation of the maximum lawful speed by means of a
10 speed control enforcement system as defined in section 4 of this act;

11 (b) By a parking enforcement entity for regulating the use of a
12 parking facility;

13 (c) For the purpose of controlling access to a secured area;

14 (d) For the purpose of electronic toll collection; or

15 (e) To assist weighing stations in performing their duties under
16 section 60-1301.

17 **Sec. 21.** If any section in this act or any part of any section is
18 declared invalid or unconstitutional, the declaration shall not affect
19 the validity or constitutionality of the remaining portions.

20 **Sec. 22.** Original sections 60-696, 60-6,186, 60-6,378, and 60-3203,
21 Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-605,
22 Revised Statutes Cumulative Supplement, 2024, are repealed.