

LEGISLATIVE BILL 314

Approved by the Governor March 15, 1977

Introduced by Public Works Committee, Kremer, 34; Chmn.; Mills, 44; Kelly, 35; Merz, 1; Moylan, 6; Swigart, 8; Boughn, 21

AN ACT to amend sections 39-6,124, 39-6,133, 39-6,136, and 39-6,155, Reissue Revised Statutes of Nebraska, 1943, and sections 60-320 and 60-407, Revised Statutes Supplement, 1976, relating to motor vehicles; to change provisions relating to equipment on motorcycles as prescribed; to change provisions relating to learners' permits of motorcycle operators; to provide provisions for an In Transit decal for motorcycles; and to repeal the original sections, and also section 60-403.05, Reissue Revised Statutes of Nebraska, 1943, and section 60-403.02, Revised Statutes Supplement, 1976.

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

Section 1. That section 39-6,124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,124. No person shall drive a motor vehicle, other than a motorcycle, on a highway which motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless such vehicle is equipped with a right and left side outside mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Temporary outside mirrors and attachments used when towing a cabin trailer shall be removed from such motor vehicle or retracted within the outside dimensions thereof when it is operated upon the public way without such trailer.

Sec. 2. That section 39-6,133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,133. (a) Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle need be equipped with only

one brake. All such brakes shall be maintained at all times in good working order. (b) It shall be unlawful for any owner or operator of any motor vehicle, other than a motorcycle, to operate such motor vehicle upon a highway unless the brake equipment thereon qualifies in the following respects with regard to maximum stopping distances from a speed of twenty miles per hour on dry asphalt or concrete pavement free from loose materials as hereinafter set forth: (1) Two wheel brakes, maximum stopping distance, forty feet; (2) four or more wheel brakes, vehicles up to seven thousand pounds, gross weight, maximum stopping distance, thirty feet; (3) four or more wheel brakes, vehicles over seven thousand pounds gross weight, maximum stopping distance, thirty-five feet; (4) all hand, parking or emergency brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, fifty-five feet; and (5) all hand, parking or emergency brakes, vehicles over seven thousand pounds gross weight, maximum stopping distance, sixty-five feet. (c) All braking distances specified in subsection (b) above shall apply to all vehicles whether unloaded or loaded to the maximum capacity permitted by law. (d) The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line.

Sec. 3. That section 39-6,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,136. (a) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, side wings, side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law. (b) Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

Sec. 4. That section 39-6,155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,155. It shall be unlawful to operate on any public highway or street in this state, any motor vehicle, other than a motorcycle, manufactured or assembled after January 1, 1935, designed or used for the purpose of carrying passengers, unless such vehicle is equipped in all doors, windows and windshields with safety glass, as defined in section 39-6,156. Any

windshield attached to a motorcycle shall be manufactured of products which will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time.

Sec. 5. That section 60-320, Revised Statutes Supplement, 1976, be amended to read as follows:

60-320. (1) Each licensed dealer in motor vehicles or dealer in trailers as defined in section 60-1401.02, doing business in this state in lieu of the registering of each motor vehicle or trailer which such dealer owns of a type otherwise required to be registered, or any employee of such dealer, may (a) operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating, or use in the ordinary course and conduct of his business as a motor vehicle or trailer dealer, including the personal or private use of such dealer or his employee, or for transporting industrial equipment held by the licensee for purposes of demonstration, sale, rental, or delivery, or (b) sell the same without registering each such motor vehicle or trailer upon the condition that any such vehicle display thereon, in the manner prescribed in section 60-323, dealer number plates as provided for in subsection (3) of this section. Each licensed manufacturer as defined in section 60-1401.02, which actually manufactures or assembles motor vehicles, motorcycles or trailers within this state, in lieu of the registering of each motor vehicle or trailer which such manufacturer owns of a type otherwise required to be registered, or any employee of such manufacturer, may operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating to prospective customers or use in the ordinary course and conduct of business as a motor vehicle, motorcycle or trailer manufacturer, upon the condition that any such vehicle display thereon, in the manner prescribed in section 60-323, dealer number plates as provided for in subsection (3) of this section. In no event shall such plates be used on trucks or truck-tractors or trailers hauling other than automotive or trailer equipment unless there is issued by the Department of Motor Vehicles a special permit specifying the hauling of other products.

(2) Motor vehicles or trailers owned by such dealer, and bearing such dealer number plates, may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Upon delivery of such motor vehicle or trailer to such prospective buyer for demonstration purposes, the dealer shall deliver to the prospective

buyer a card or certificate giving the name and address of the dealer, the name and address of the prospective buyer, and the date and hour of such delivery and the products to be hauled, if any, under a special permit. The special permit and card or certificate shall be in such form as shall be prescribed by the Department of Motor Vehicles and shall be carried by such prospective buyer while driving such motor vehicle or pulling such trailer; Provided, that the Department of Motor Vehicles shall make a charge of ten dollars for each special permit issued hereunder. Finance companies, as defined in subdivision (18) of section 60-1401.02, licensed to do business in this state may, in lieu of registering each motor vehicle or trailer repossessed, upon the payment of a fee of ten dollars, make an application to the Department of Motor Vehicles for a repossession certificate and one repossession plate. Additional certificates and repossession plates may be procured for a fee of ten dollars each. Such repossession plates may be used only for moving motor vehicles or trailers on the streets and highways for the purpose of repossession, demonstration, and disposal of such motor vehicles or trailers repossessed. Such repossession plate shall be of the same size and material as the normal motor vehicle license plates and shall be prefixed with a large letter R and be serially numbered from 1 to distinguish them from each other. Such plates shall be displayed only on the rear of a repossessed motor vehicle or trailer. The certificate shall be displayed on demand for any motor vehicle or trailer being operated on a repossession plate. Finance companies shall be entitled to a dealer number plate only in the event such company has qualified as a motor vehicle dealer under the provisions of Chapter 60, article 14.

(3) (a) Any licensed dealer or manufacturer described in subsection (1) of this section may upon payment of a fee of fifteen dollars make an application to the county treasurer of the county in which his place of business is located for a certificate and one dealer number plate. One additional dealer number plate may be procured, in case of a dealer, for each ten vehicles sold or, in the case of a manufacturer, for each ten vehicles actually manufactured or assembled within the state, in the last previous year for a fee of fifteen dollars each; Provided, where a new applicant applies for a license, the county treasurer may issue additional number plates when the dealer or manufacturer furnishes satisfactory proof for a need of additional number plates. Such additional dealer number plates shall, in addition to all other numbers and letters required by section 60-311.02, bear such mark or number as will distinguish such plates one from another.

(b) Subject to all the provisions of law relating to motor vehicles and trailers not inconsistent with this section, any person, firm, or corporation holding a dealer's license issued pursuant to the laws of this state and who is regularly engaged within this state in the business of buying and selling motor vehicles and trailers and who regularly maintains within this state an established place of business, who desires to effect delivery of any motor vehicle or trailer bought or sold by him from the point where purchased or sold to points within or outside this state may, solely for the purpose of such delivery by himself, agent, or bona fide purchaser drive such motor vehicle or pull such trailer on the highways of this state without charge or registration of such vehicle or trailer. There shall be displayed on the front and rear windows of such motor vehicle, except a motorcycle, and displayed on the front and rear of each such trailer a decal on which shall be plainly printed in black letters not less than two inches high the words In Transit, and One In Transit decal shall be displayed on a motorcycle, which decal may be one half the size required for other motor vehicles. Such decals shall include a registration number, which registration number shall be different for each decal or pair of decals issued, and the form of such decal and the numbering system shall be as prescribed by the Department of Motor Vehicles. Each dealer issuing such decals shall keep a record of the registration number of each decal or pair of decals on the invoice of such sale. Such transit decal shall allow such owner to operate the motor vehicle or pull such trailer for a period of fifteen days in order to effect proper registration of the new or used motor vehicle or trailer. Where any person, firm, or corporation has had a motor vehicle or trailer previously registered and license plates assigned to such person, firm, or corporation, such owner may operate the motor vehicle or pull such trailer for a period of fifteen days in order to effect transfer of plates to the new or used motor vehicle or trailer. Upon demand of proper authorities, there shall be presented by the person in charge of such motor vehicle or trailer, for examination, a duly executed bill of sale therefor, a certificate of title, or other satisfactory evidence of the right of possession by such person of such motor vehicle or trailer.

(4) Any transporter doing business in this state may, in lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, make an application to the Department of Motor Vehicles for a transporter's certificate and one transporter number plate. Additional certificates and plates may be procured for a fee of ten dollars each.

Such transporter number plates may be the same size as plates issued for motorcycles, and shall bear thereon a mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such plates may only be displayed upon the front of a driven vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being pulled. The certificate shall be issued in duplicate, and the original thereof shall be kept on file by the transporter, and the duplicate shall be displayed upon demand by the driver of any vehicle or trailer being transported. A transporter plate or certificate may not be displayed upon a work or service vehicle, except that where a properly registered truck or tractor being a work or service vehicle is in the process of towing or drawing a trailer or semitrailer including a cabin trailer, which itself is being delivered by the transporter, then the said registered truck or tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep, for three years, a record of each vehicle transported by him hereunder, and such record shall be available to the department for inspection. Each applicant hereunder must file proof of his status as a bona fide transporter.

(5) It shall be the duty of all law enforcement officers to arrest and prosecute all violators of the provisions of subsection (1), (2), (3), or (4) of this section and see that they are properly prosecuted according to the provisions of the law. Any person, firm, or corporation, including any motor vehicle or trailer dealer or manufacturer, who fails to comply with the provisions of subsection (1), (2), (3), or (4) of this section shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars, and in addition thereto pay the county treasurer any and all motor vehicle and trailer taxes or registration fees due had the motor vehicle or trailer been properly registered according to law. When any motor vehicle, trailer dealer's, or manufacturer's license has been revoked, or otherwise terminated, it shall be the duty of such dealer to immediately surrender to the Department of Motor Vehicles any dealer number plates issued to him for the current year. Failure of such dealer or manufacturer to immediately surrender such dealer license plates to the department upon demand by the department shall be unlawful.

Sec. 6. That section 60-407, Revised Statutes Supplement, 1976, be amended to read as follows:

60-407. (1) No license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he possesses, with or without the aid of glasses, sufficient powers of eyesight to enable him to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to such applicant. If it is indicated by such examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him restricted to wearing glasses while operating a motor vehicle. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require such applicant to show cause why such license should be granted, and shall require such applicant, through such personal examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after such demonstration, that such applicant has the ability to safely operate such motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate. The director may, at the request of a law enforcement officer, or when he has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle or whose driving record appears to the department to justify such examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for such examination shall be unlawful. If such license holder cannot qualify at such examination, his operator's license shall be immediately surrendered to such examiner and forwarded to the director who shall cancel his license and privilege to operate a motor vehicle; Provided, that a refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand, shall be unlawful and any person failing to surrender his

operator's license as required by the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed five hundred dollars, or imprisoned in the county jail not to exceed thirty days, or be both so fined and imprisoned. No operator's license referred to in this subsection shall, under any circumstances, be issued to any person who has not attained the age of sixteen years but, upon application therefor and proof of age in the manner provided in subsection (3) of this section, any such person may take the examination required by this subsection at any time within sixty days prior to his sixteenth birthday.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years, except within metropolitan, primary, and first-class cities, may be issued, by the county treasurer, a limited permit to drive a motor vehicle or motorcycle to and from the school building where he attends school, by the nearest highway or street from his place of residence, if such child lives a distance of one and one half miles or more from such school. Such limited permit shall be used for the sole purpose of transporting such person to attend school, except that the holder of such a permit may drive under the personal supervision of his parents or guardian; Provided, such a permit shall not be issued until such person has appeared before an examiner to demonstrate that he is capable of successfully operating a motor vehicle or motorcycle and has in his possession an examiner's certificate authorizing the county treasurer to issue a school permit. Any such person desiring such limited permit may first obtain a learner's permit from the county treasurer, which permit shall be valid for a period of two months. While holding such a permit, the person may operate a motor vehicle or motorcycle on the highways of this state if he has seated next to him a person who is a licensed operator or, in the case of a motorcycle, if he is within visual contact with and is under the supervision of a person who is a licensed motorcycle operator. ~~immediately---behind---him---and supervising-his-operation-of-the-vehicle-a-person-who--is-a-licensed-operator-and-who-is-also~~ Such licensed motor vehicle or motorcycle operator shall either be a parent or guardian of the child or a person over the age of nineteen years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of such learner's permit it shall be required that such person demonstrate that he has sufficient powers of eyesight to safely operate a motor vehicle or motorcycle.

(3) Each individual, under the age of nineteen years, who is making an application for his first operator's license or a limited or learner's permit, must furnish proof of age, either by birth certificate or written information signed by one of his parents or his guardian, to show that such applicant has attained the age, respectively, as required by subsection (1) or (2) of this section. All licenses and limited permits issued, as provided by subsection (2) of this section, shall be subject to revocation under the terms of section 60-427, and any person who shall violate the terms of such license or limited permit shall be deemed guilty of a misdemeanor.

(4) Any person who shall have attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months and he may operate a motor vehicle on the highways of this state if he is accompanied at all times by a licensed operator who is at least nineteen years of age and who is actually occupying the seat beside the driver or, in the case of a motorcycle, immediately behind-the-driver if he is within visual contact with and under the supervision of a licensed motorcycle operator. Any person who shall have attained the age of fourteen years may operate a motor vehicle over the highways of the state if he is accompanied or, in the case of a motorcycle, supervised, at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a special permit authorizing the operation of farm tractors and other motorized implements of farm husbandry upon the public highways and roads of this state, if the applicant for such a restricted permit furnishes to a license examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways and public roads of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for such temporary permit signed by such person's parent or guardian and payment of one dollar. After the expiration of such six-month period it shall be unlawful for any person under sixteen years of age to operate such equipment upon the public highways and roads of this

LB314

state unless he has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be two dollars, and such special permit shall be subject to revocation for cause.

(6) The county treasurer shall collect a fee of one dollar from each successful applicant for a school or learner's permit.

Sec. 7. That original sections 39-6,124, 39-6,133, 39-6,136, and 39-6,155, Reissue Revised Statutes of Nebraska, 1943, and sections 60-320 and 60-407, Revised Statutes Supplement, 1976, and also section 60-403.05, Reissue Revised Statutes of Nebraska, 1943, and section 60-403.02, Revised Statutes Supplement, 1976, are repealed.