

LEGISLATIVE BILL 114

Approved by the Governor February 24, 1989

Introduced by Schellpeper, 18; Elmer, 38

AN ACT relating to motor vehicles; to amend section 60-2802, Reissue Revised Statutes of Nebraska, 1943; to change a provision relating to operation of all-terrain vehicles; to repeal the original section; and to declare an emergency.

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

Section 1. That section 60-2802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2802. (1) Except as provided in subsections (2), (3), ~~and (4)~~, and (5) of this section, an all-terrain vehicle shall not be operated on any public street, road, or highway of this state. The crossing of any interstate or limited-access highway shall not be permitted.

(2) The crossing of a public street, road, or highway shall be permitted only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the street, road, or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the street, road, or highway;

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

(d) In crossing a divided street, road, or highway, the crossing is made only at an intersection of such street, road, or highway with another public street, road, or highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made.

(3) All-terrain vehicles may be operated on a public street, road, or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicles' use for agricultural purposes. Any person operating an all-terrain vehicle on a public street, road, or highway shall have a valid motor vehicle operator's license or a

special permit as provided in subsection (5) of section 60-407 and shall not operate such vehicle at a speed in excess of thirty miles per hour. When operated on a public street, road, or highway, the headlight and taillight of the vehicle shall be on, and the all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) All-terrain vehicles may be operated on public streets, roads, and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(5) All-terrain vehicles may be operated on public streets, roads, and highways outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection (3) of this section, except that the operation of such vehicles pursuant to this subsection need not be incidental to the use of the vehicle for agricultural purposes.

Sec. 2. That original section 60-2802, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.