

## LEGISLATIVE BILL 185

Approved by the Governor March 20, 2003

Introduced by Baker, 44

AN ACT relating to motor vehicles; to amend sections 60-507, 60-513, 60-695, and 60-699, Reissue Revised Statutes of Nebraska; to change reporting and security requirements as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 60-507, Reissue Revised Statutes of Nebraska, is amended to read:

60-507. (1) Within ninety days after the receipt by the Department of Roads of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person, including such operator, to an apparent extent in excess of ~~five hundred~~ one thousand dollars, the Department of Motor Vehicles shall suspend (a) the license of each operator of a motor vehicle in any manner involved in such accident and (b) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state, unless such operator deposits security in a sum which shall be sufficient, in the judgment of the Department of Motor Vehicles, to satisfy any judgment or judgments for damages resulting from such accident which may be recovered against such operator and unless such operator gives proof of financial responsibility.

Notice of such suspension shall be sent by the Department of Motor Vehicles by first-class mail to such operator not less than twenty days prior to the effective date of such suspension at his or her last-known mailing address as shown by the records of the department and shall state the amount required as security and the requirement of proof of financial responsibility. In the event a person involved in a motor vehicle accident within this state fails to make a report to the Department of Motor Vehicles indicating the extent of his or her injuries or the damage to his or her property within thirty days after the accident, and the department does not have sufficient information on which to base an evaluation of such injury or damage, the department, after reasonable notice to such person, may not require any deposit of security for the benefit or protection of such person. If the operator fails to respond to the notice on or before twenty days after the date of the notice, the director shall summarily suspend the operator's license or privilege and issue an order of suspension.

(2) The order of suspension provided for in subsection (1) of this section shall not be entered by the Department of Motor Vehicles if the department determines that in its judgment there is no reasonable possibility of a judgment being rendered against such operator.

(3) In determining whether there is a reasonable possibility of judgment being rendered against such operator, the department shall consider all reports and information filed in connection with the accident.

(4) The order of suspension provided for in subsection (1) of this section shall advise the operator that he or she has a right to appeal the order of suspension in accordance with the provisions set forth in section 60-503.

(5) The order of suspension provided for in subsection (1) of this section shall be sent by registered or certified mail to the person's last-known mailing address as shown by the records of the department.

Sec. 2. Section 60-513, Reissue Revised Statutes of Nebraska, is amended to read:

60-513. The security required by ~~sections 60-501 to 60-569~~ the Motor Vehicle Safety Responsibility Act shall be in such form and in such amount as the department may require but in no case less than ~~five hundred~~ one thousand dollars nor in excess of the limits specified in section 60-509. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while such deposit is in the custody of the department or State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons, except  ~~+ PROVIDED,~~ that a single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident. The department may increase or reduce the amount of security ordered in any case at any time after the date of the accident if, in the judgment of the

director, the amount ordered is inadequate or excessive. In case the security originally ordered has been deposited, the excess deposited over the reduced amount ordered shall be returned to the depositor or his or her personal representative ~~forthwith~~ immediately, notwithstanding the provisions of section 60-514. If any additional security ordered is not deposited within ten days, the Department of Motor Vehicles shall proceed under the provisions of section 60-507.

Sec. 3. Section 60-695, Reissue Revised Statutes of Nebraska, is amended to read:

60-695. It shall be the duty of any peace officer who investigates any traffic accident in the performance of his or her official duties in all instances of an accident resulting in injury or death to any person or in which estimated damage exceeds ~~five hundred~~ one thousand dollars to the property of any one person to submit an original report of such investigation to the Accident Records Bureau of the Department of Roads within ten days after each such accident. The department shall have authority to collect accident information it deems necessary and shall prescribe and furnish appropriate forms for reporting.

Sec. 4. Section 60-699, Reissue Revised Statutes of Nebraska, is amended to read:

60-699. (1) The operator of any vehicle involved in an accident resulting in injuries or death to any person or damage to the property of any one person, including such operator, to an apparent extent of more than ~~five hundred~~ one thousand dollars shall within ten days forward a report of such accident to the Department of Roads. If the operator is physically incapable of making the report, the owner of the motor vehicle involved in the accident shall, within ten days from the time he or she learns of the accident, report the matter in writing to the Department of Roads. The Department of Roads or Department of Motor Vehicles may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of either department. The operator or the owner of the motor vehicle shall make such other and additional reports relating to the accident as either department requires. Such records shall be retained for the period of time specified by the State Records Administrator pursuant to the Records Management Act.

(2) The report of accident required by this section shall be in two parts. Part I shall be in such form as the Department of Roads may prescribe and shall disclose full information concerning the accident. Part II shall be in such form as the Department of Motor Vehicles may prescribe and shall disclose sufficient information to disclose whether or not the financial responsibility requirements of the Motor Vehicle Safety Responsibility Act are met through the carrying of liability insurance. The form used for the report shall be so perforated that the parts may be readily separated.

(3) Upon receipt of a report of accident, the Department of Roads shall determine the reportability and classification of the accident and enter all information into a computerized data base. Upon completion, the department shall separate the parts of the accident report and shall forward Part II of the report to the Department of Motor Vehicles for processing as provided in section 60-506.01.

(4) Such reports shall be without prejudice. All reports made by peace officers, made to or filed with peace officers in their respective offices or departments, or filed with or made by or to any other law enforcement agency of the state shall be open to public inspection, but accident reports filed by the operator or owner of a motor vehicle pursuant to this section shall not be open to public inspection. The fact that a report by an operator or owner has been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part of or statement contained in the report shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents nor shall the report be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages.

(5) The failure by any person to report an accident as provided in this section or to correctly give the information required in connection with the report shall be a Class V misdemeanor.

Sec. 5. This act becomes operative on January 1, 2004.

Sec. 6. Original sections 60-507, 60-513, 60-695, and 60-699, Reissue Revised Statutes of Nebraska, are repealed.