

LEGISLATIVE BILL 861

Approved by the Governor April 10, 1984

Introduced by Morehead, 30; Wagner, 41; Warner, 25;
Kahle, 37; Schmit, 23; Hefner, 19; Marsh,
29; DeCamp, 40; H. Peterson, 35; Sieck, 24

AN ACT relating to natural resources districts; to amend sections 2-3202, 39-612, 39-663, and 39-712.01, Reissue Revised Statutes of Nebraska, 1943, and section 39-602, Revised Statutes Supplement, 1983; to authorize designation and regulation of recreation areas; to provide powers and duties; to provide penalties; to provide for enforcement; to authorize easements; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 2-3202, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-3202. As used in this act Chapter 2, article 32, and sections 2 to 14 of this act, unless the context otherwise requires:

(1) Commission shall mean the Nebraska Natural Resources Commission;

(2) Natural resources district or district shall mean a natural resources district created operating pursuant to this act Chapter 2, article 32;

(3) Board shall mean the board of directors of a district;

(4) Director shall mean a member of the board;

and
(5) Other special purpose districts shall mean rural water districts, ground water conservation districts, drainage districts, reclamation districts, and irrigation districts; and

(6) Manager shall mean the chief executive hired by a majority vote of the board to be the supervising officer of the district.

Sec. 2. A district which owns, leases, or has an easement on land may allow the land to be used by the public for recreational purposes and may adopt and promulgate rules and regulations governing the use of such land as provided in sections 4 to 12 of this act unless the district does not have the right to use such land for recreational purposes. For purposes of sections 2 to 14 of this act, unless the context otherwise requires, recreation area shall mean land owned or leased by a district, or on which a district has an easement, which the

district authorizes to be used by the public for recreational purposes.

Sec. 3. The rules and regulations adopted and promulgated by a district to permit, prohibit, or otherwise govern activities in a recreation area as provided in sections 4 to 12 of this act may set out the circumstances under which the manager of the district may give permission for an activity in emergency situations or may, by the posting of appropriate signs, temporarily revoke permission for an activity or temporarily or permanently close a recreation area when revocation or closing is in the interest of public health, safety, or welfare or is for the protection or preservation of property. If the manager is unable, because of absence, to give or revoke permission as authorized in this section, or the manager's position is vacant, such authority shall vest in the chairperson of the board. If for the same reasons, the chairperson of the board is unable to give or revoke permission as authorized in this section, such authority shall vest in a district representative designated by a majority vote of the board, and such action shall be recorded in the board minutes.

Sec. 4. (1) A district may designate camping areas in a recreation area, permit camping in a camping area, and prescribe such conditions as are reasonable and proper governing public use of a camping area, including, but not limited to, access to the camping area, area capacity, sanitation, opening and closing hours, public safety, fires, establishment and collection of fees where appropriate, protection of property, and zoning of activities. A district may also designate picnicking, hiking, backpacking, and other noncamping areas. The conditions for use of all such designated areas shall be posted on appropriate signs at the recreation area.

(2) Any person who camps, picnics, hikes, backpacks, or engages in any other unauthorized activity in a recreation area on land not designated as a camping, picnicking, hiking, backpacking, or similar area by the district or fails to observe the posted conditions governing use of such area shall be guilty of a Class V misdemeanor.

Sec. 5. (1) A district may regulate the use of any type of fire, including the smoking of tobacco in any form, and provide for the size, location, and conditions under which a fire may be established in a recreation area. A district may regulate the possession or use in a recreation area of any type of fireworks not prohibited by law.

(2) Any person who lights any type of fire, uses any fireworks, smokes tobacco in any form, or leaves unattended and unextinguished any fire of any type in any location in a recreation area when not permitted by a district shall be guilty of a Class V misdemeanor.

Sec. 6. (1) A district may permit pets, domestic animals, and poultry to be brought upon, possessed, grazed, maintained, or run at large in all or any portion of a recreation area.

(2) Any person who brings upon, possesses, grazes, maintains, or allows to run at large any pet, domestic animal, or poultry in a recreation area when not permitted by the district shall be guilty of a Class V misdemeanor.

Sec. 7. (1) A district may on a temporary or permanent basis permit hunting, fishing, trapping or other forms of fur harvesting, or the public use of firearms, bow and arrow, or any other projectile weapons or devices in all or any portion of a recreation area.

(2) Any person who hunts, fishes, traps, harvests fur, or uses firearms, bow and arrow, or any other projectile weapon or device in a recreation area when not permitted by the district shall be guilty of a Class V misdemeanor.

Sec. 8. (1) A district may permit and regulate swimming, bathing, boating, wading, water-skiing, the use of any floatation device, or any other water-related recreational activity in all or any portion of a recreation area and may provide for special conditions to apply to specific swimming, bathing, boating, wading, or water-skiing areas. Any special conditions shall be posted on appropriate signs in the areas to which they apply.

(2) Any person who swims, bathes, boats, wades, water-skis, uses any floatation device, or engages in any other water-related recreational activity in a recreation area when not permitted by a district shall be guilty of a Class V misdemeanor.

Sec. 9. (1) A district may provide for the protection, use, or removal of any public real or personal property in a recreation area and may regulate or prohibit the construction or installation of any privately owned structure in a recreation area. A district may close all or any portion of a recreation area to any form of public use or access with the erection of appropriate signs, without the adoption and promulgation of formal written rules and regulations.

(2) Any person who, without the permission of the district, damages, destroys, uses, or removes any public real or personal property in a recreation area, constructs or installs any privately owned structure in a recreation area, or enters or remains upon all or any portion of a recreation area when appropriate signs or public notices prohibiting such activity have been erected or displayed shall be guilty of a Class V misdemeanor.

Sec. 10. Any person who abandons any motor vehicle, trailer, or other conveyance in a recreation area shall be guilty of a Class V misdemeanor.

Sec. 11. (1) A district may permit the sale, trade, or vending of any goods, products, or commodities of any type in a recreation area.

(2) Any person who sells, trades, or vends any goods, products, or commodities of any type in a recreation area when not permitted by the district shall be guilty of a Class V misdemeanor.

Sec. 12. A district may adopt and promulgate rules and regulations governing vehicle traffic in a recreation area as provided in Chapter 39, article 6. Any person who violates any such rule or regulation shall be guilty of a Class V misdemeanor.

Sec. 13. Any law enforcement officer, including, but not limited to, any Game and Parks Commission conservation officer or deputy conservation officer, local police officer, member of the State Patrol, or sheriff or deputy sheriff, is authorized to enforce the provisions of sections 4 to 12 of this act and any rules and regulations adopted and promulgated pursuant to such sections. A district shall not employ law enforcement personnel and shall be prohibited from expending any funds for such purpose. Each district shall provide a copy of its rules and regulations to the appropriate law enforcement officer. Any law enforcement officer may arrest and detain any person committing a violation of the rules and regulations in a recreation area or committing any misdemeanor or felony as provided by the laws of this state.

Sec. 14. A district may grant easements across real estate under its ownership for purposes which are in the public interest and do not adversely affect the primary purpose for which such real estate is owned by the district.

Sec. 15. That section 39-602, Revised Statutes Supplement, 1983, be amended to read as follows:

39-602. As used in sections 39-601 to 39-6,122 and in Chapter 39, unless the context otherwise requires:

(1) Acceleration or deceleration lane shall mean a supplementary lane of a highway laned for traffic, which adjoins the traveled lanes of a highway and connects an approach or exit road with such highway;

(2) Alley shall mean a highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic;

(3) Approach or exit road shall mean any highway or ramp designed and used solely for the purpose of providing ingress or egress to or from an interchange or rest area of a highway. An approach road shall begin at the point where it intersects with any highway not a part of the highway for which such approach road provides access, and shall terminate at the point where it merges with an acceleration lane of a highway. An exit road shall begin

at the point where it intersects with a deceleration lane of a highway and shall terminate at the point where it intersects any highway not a part of a highway from which the exit road provides egress;

(4) Arterial street shall mean any United States or state numbered state-numbered route, controlled access highway, or other major radial or circumferential highway designated by local authorities within their respective jurisdictions as part of a major arterial system of highways;

(5) Authorized emergency vehicle shall mean such fire department vehicles, police vehicles, and ambulances as are publicly owned; and such other publicly or privately owned vehicles as are designated by the director;

(6) Bicycle shall mean every device propelled solely by human power, upon which any person may ride, and having two tandem wheels either of which is more than fourteen inches in diameter;

(7) Bus shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(8) Business district shall mean the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, or public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of a highway;

(9) Cabin trailer shall mean a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, whether used for such purposes or instead permanently or temporarily for the advertising, sale, display, or promotion of merchandise or services, or for any other commercial purpose except transportation of property for hire or transportation of property for distribution by a private carrier. Cabin trailer shall not mean a trailer or semitrailer which is permanently attached to real estate. There shall be three classes of cabin trailers:

(a) Travel trailer which shall include cabin trailers not more than eight feet in width nor more than forty feet in length from front hitch to rear bumper;

(b) Mobile home which shall include cabin trailers more than eight feet in width or more than forty feet in length; and

(c) Camping trailer which shall include cabin trailers eight feet or less in width and forty feet or less in length and adjusted mechanically smaller for towing;

(10) Cancellation of operator's license shall mean the annulment or termination by formal action of the

department of a person's license because of some error or defect in such license or because the licensee is no longer entitled to such license, and without prejudice to application for a new license which may be made at any time after such cancellation;

(11) Compressed gas shall mean any gaseous or vaporous material or mixture confined in a container under either an absolute pressure exceeding forty pounds per square inch at seventy degrees Fahrenheit, or an absolute pressure exceeding one hundred four pounds per square inch at one hundred thirty degrees Fahrenheit, or both, or any liquid flammable material having a Reid Vapor Pressure exceeding forty pounds per square inch absolute at one hundred degrees Fahrenheit;

(12) Controlled access highway shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway;

(13) Crosswalk shall mean:

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of such roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly designated by competent authority and marked for pedestrian crossing by lines, signs, or other devices;

(14) Corrosive liquid shall mean an acid, alkaline caustic liquid, or other liquid which, when in contact with living tissue, will cause severe damage to such tissue by chemical action, or will materially damage or destroy other materials by chemical action, or which is liable to cause fire when in contact with organic matter or with certain chemicals;

(15) Daytime shall mean that period of time between sunrise and sunset;

(16) Dealer shall mean any person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business for such purpose in this state and to whom current dealer registration license plates have been issued by the department;

(17) Department shall mean the Department of Motor Vehicles;

(18) Director shall mean the Director of Motor Vehicles;

(19) Divided highway shall mean a highway with separated roadways for traffic in opposite directions;

(20) Drag race shall mean the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other;

or the operation of one or more vehicles over a common selected course, each starting at the same point and proceeding to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit;

(21) Driver's license shall mean any operator's or chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of this state, including:

- (a) Any temporary license or instruction permit;
- (b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;
- (c) Any nonresident's operating privilege as defined in sections 39-601 to 39-6,122; and
- (d) An employment driving permit issued as provided by this act;

(22) Essential parts shall mean all integral and body parts of a vehicle of a type required to be registered for operation on the highways of this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation;

(23) Established place of business shall mean the place actually occupied either continuously or at regular periods by a dealer or manufacturer where his or her books and records are kept and a large share of his or her business is transacted;

(24) Explosives shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, that is, with substantially instantaneous release of gas and heat, including, but not limited to, gunpowder, blasting powder, high explosives, and blasting caps, but shall not include liquid petroleum or organic products, chemical or mineral solvents, or other substances commonly classified as flammable liquids or solids;

(25) Farm tractor shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;

(26) Final conviction shall mean the final determination of all questions of fact and of law;

(27) Flammable liquid shall mean any liquid which gives off flammable vapors at or below a temperature of eighty degrees Fahrenheit as determined by flash point from Tagliabue's Open Cup Tester, as used for test of burning oils;

(28) Flammable solid shall mean any solid substance other than an explosive which is liable, under conditions incident to transportation, to ignite through friction, absorption, or moisture, or spontaneous chemical changes, or as a result of retained heat from manufacturing or processing;

(29) Freeway shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersecting road crossings, including all interchanges, and approach and exit roads thereto;

(30) Full control of access shall mean that the right of owners or occupants of abutting land or other persons to access or view is fully controlled by public authority having jurisdiction, and that such control is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings or intersections at grade or direct private driveway connections;

(31) Grade separation shall mean a crossing of two highways at different levels;

(32) Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(33) Home state shall mean the state which has issued and has the power to grant, suspend, or revoke the privilege to operate a motor vehicle on the public way;

(34) Identifying number shall mean the numbers, and letters if any, on a vehicle designated by the department for the purpose of identifying such vehicle;

(35) Implement of husbandry shall mean every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case usually primarily used off of any highway;

(36) Interchange shall mean a grade separated intersection with one or more turning roadways for travel between any of the highways radiating from and forming part of such intersection;

(37) Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if there are no lateral curb lines, then the lateral boundary lines of the roadways of two or more highways, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. ~~AND PROVIDED, THAT WHERE~~ ~~Where~~ a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection. ~~AND PROVIDED FURTHER, THAT~~ ~~the~~ The junction of an alley with a highway shall not constitute an intersection;

(38) Laned roadway shall mean a roadway which is

divided into two or more clearly marked lanes for vehicular traffic;

(39) License or license to operate a motor vehicle shall mean the privilege granted by this state to operate a motor vehicle;

(40) Licensing authority shall mean the Department of Motor Vehicles;

(41) Lienholder shall mean a person holding a security interest in a vehicle;

(42) Local authority shall mean every county, municipal, and other local board or body having power to enact laws or regulations relating to traffic under the Constitution and laws of this state; and generally including the directors of state institutions, and the Game and Parks Commission, and all natural resources districts with regard to roads not a part of the state highway system and within the limits of such institution, or of an area under Game and Parks Commission control, or of an area owned or leased by a natural resources district, but outside the limits of any incorporated city or village;

(43) Mail shall mean to deposit in the United States mail properly addressed and with postage prepaid;

(44) Maintenance shall mean the act, operation, or continuous process of repair, reconstruction, or preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic-control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near, or improving, upon its original standard of usefulness and safety;

(45) Manual shall mean the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways;

(46) Manufacturer shall mean any person who engages in the business of constructing or assembling vehicles of a type required to be registered for operation on the highways of this state at an established place of business in this state;

(47) Median shall mean that part of a divided highway, such as a physical barrier or clearly indicated dividing section or space, so constructed as to impede vehicular traffic across or within such barrier, section, or space, or to divide such highway into two roadways for vehicular travel in opposite directions;

(48) Median crossover shall mean a connection between roadways of a divided highway the use of which may permit a vehicle to reverse its direction by continuously moving forward;

(49) Median opening shall mean a gap in a median provided for crossing and turning traffic;

(50) Metal tire shall mean every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material;

(51) Minibike shall mean a two-wheel motor

vehicle which has a total wheel and tire diameter of less than fourteen inches; or an engine-rated capacity of less than forty-five cubic centimeters displacement; or any other two-wheel motor vehicle primarily designed by the manufacturer thereof for off-road use only. Minibikes, their owners, and their operators; shall be exempt from the requirements of Chapter 60, articles 1, 3, 4, 5, and 17;

(52) Moped shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters; which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than thirty miles per hour on level ground. mopeds, their owners, and their operators shall be subject to Chapter 60, article 4, but shall be exempt from the requirements of Chapter 60, articles 1, 3, 5, and 17;

(53) Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs;

(54) Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor;

(55) Motor-driven cycle shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower; as measured at the drive shaft, mopeds, and every bicycle with motor attached;

(56) Nighttime shall mean that period of time between sunset and sunrise;

(57) Nonresident shall mean every person who is not a resident of this state;

(58) Nonresident's operating privilege shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state;

(59) Operator or driver shall mean any person who drives or is in actual physical control of a vehicle;

(60) Operator's license shall mean any license to operate a motor vehicle issued under the laws of this state;

(61) Owner shall mean a person, other than a lienholder, having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security;

(62) Oxidizing material shall mean any substance such as chlorate, permanganate, peroxide, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter;

(63) Park or parking shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(64) Passenger car shall mean any motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used primarily for the transportation of persons;

(65) Pedestrian shall mean any person afoot;

(66) Period of insufficient light shall mean nighttime and all other times when atmospheric conditions are such that there is insufficient light to reveal a person or an object of comparable size or larger at a distance of one thousand feet;

(67) Person shall mean every natural person, firm, partnership, association, or corporation;

(68) Pneumatic tire shall mean any tire designed so that compressed air supports the load of the wheel;

(69) Poisonous substance shall mean any liquid or gas of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life, or any liquid or solid substance that upon contact with fire or when exposed to air gives off dangerous or intensely irritating fumes or substances which are chiefly dangerous by external or internal contact with the body;

(70) Police officer shall mean any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(71) Private road or driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons;

(72) Radioactive material shall mean any substance which spontaneously emits radiation capable of penetrating and severely damaging living tissue and undeveloped photographic film. and fissile Fissile radioactive materials shall mean those which are classified according to controls needed for nuclear criticality safety;

(73) Racing shall mean the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over ~~long~~ long-distance driving routes;

(74) Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(75) Railroad sign or signal shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(76) Railroad train shall mean a steam engine, or an engine with an electric or other motor, with or without cars coupled thereto, operated upon rails;

(77) Reconstructed vehicle shall mean any vehicle of a type required to be registered for operation on the highways of this state materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used;

(78) Registration shall mean the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles;

(79) Residential district shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business;

(80) Revocation of operator's license shall mean the termination by a court of competent jurisdiction or by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an employment driving permit may be issued as provided by this act. Application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in the statute providing for revocation;

(81) Right-of-way shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other;

(82) Road tractor shall mean any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or as any part of the weight of a vehicle or load so drawn;

(83) Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively;

(84) Safety glass shall mean any product which is composed of glass or similar material which will withstand discoloration caused by exposure to sunlight or abnormal temperature over an extended period of time, and which is so manufactured, fabricated, or treated as substantially to prevent or reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of

injury to persons when the glass is struck or broken;

(85) Safety zone shall mean an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as such area;

(86) School bus shall mean any motor vehicle that complies with the color and identification requirements as provided in the laws of this state, or set forth in the most recent edition of Minimum Standards for School Buses, produced and sponsored by the National Commission on Safety Education of the National Education Association, and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children;

(87) Security agreement shall mean a written agreement which reserves or creates a security interest;

(88) Security interest shall mean an equitable title or property right in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, including the interest of a lessor under a lease intended as security, and which is perfected when it is valid against third parties generally, subject only to specific statutory exceptions;

(89) Semitrailer shall mean any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

(90) Separation structure shall mean that part of any bridge or road which is directly overhead of the roadway of any part of a highway;

(91) Shoulder shall mean that part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway;

(92) Sidewalk shall mean that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians;

(93) Sidewalk space shall mean that portion of a street between the curb line and the adjacent property line;

(94) Snowmobile shall mean a self-propelled motor vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis, or runners and propelled by a belt-driven track with or without steel cleats;

(95) Solid tire shall mean every tire of rubber or other resilient material which does not depend upon compressed air or metal for the support of the load of the

wheel to which it attaches;

(96) Special mobile equipment shall mean any vehicle not designed or used primarily for transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: Ditch-digging apparatus, well-boring apparatus, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and drag lines, self-propelled cranes, and earthmoving equipment, but not including cabin trailers, dump trucks, truck-mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached;

(97) Specially constructed vehicle shall mean any vehicle of a type required to be registered for operation on the highways of this state and not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

(98) Stand or standing shall mean the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers;

(99) State shall mean a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada;

(100) Stop, when required, shall mean a complete cessation of movement;

(101) Stop or stopping, when prohibited, shall mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device;

(102) Suspension of operator's license shall mean the temporary withdrawal by a court of competent jurisdiction or by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the court or department. An employment driving permit shall be issued following suspension as provided in this act;

(103) Through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way; and at the entrances to which vehicular traffic from intersecting highways is required by law to yield such right-of-way to vehicles on such highway in obedience to a stop sign, yield sign, or other traffic-control device, when such sign or device is erected as provided by law;

(104) Traffic shall mean pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel;

(105) Traffic-control device shall mean any sign, signal, marking, or other device not inconsistent with sections 39-601 to 39-6,122 placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic;

(106) Traffic-control signal shall mean any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed;

(107) Traffic infraction shall mean the violation of any provision of sections 39-601 to 39-6,122 or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense;

(108) Trailer shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(109) Transporter shall mean any person who engages in the business of delivering vehicles of a type required to be registered for operation on the highways of this state from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer;

(110) Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property;

(111) Truck-tractor shall mean any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(112) Urban district shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more;

(113) Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks; and

(114) Visible, as used in reference to advertising signs, displays, or devices, shall mean the message or advertising content of such sign, display, or device is capable of being seen without visual aid by a person of normal visual acuity. A sign shall be considered visible even though the message or advertising content may

be seen but not read.

Sec. 16. That section 39-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-612. The directors of state institutions, and the Game and Parks Commission and natural resources districts for areas under ~~its~~ their control, shall have the powers of local authorities provided for in sections 39-601 to 39-6,122 with regard to roadways running through, within, or along the grounds of the institution or area which are not part of the state highway system and not within the limits of any incorporated city or village. ~~7~~ Provided, that the ~~The~~ governing body of an incorporated city or village may delegate to the director of a state institution, or to the Game and Parks Commission or a natural resources district for an area under its control, responsibility for regulating traffic and placing and maintaining traffic-control devices on roadways not part of the state highway system running through or within the limits of such institution or area and within the incorporated city or village when such city or village does not exercise its right to regulate traffic on such roadway.

Sec. 17. That section 39-663, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-663. (1) Whenever the Department of Roads shall determine, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway, which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway, ~~Provided, on the condition~~ that the maximum rural and freeway limits set forth in sections 39-601 to 39-6,122 shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs. ~~7~~ and differing ~~Differing~~ limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(2) The speed limits set by the Department of Roads provided for in subsection (1) of this section shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders, but shall be an authorization over the signature of the Director-State Engineer and shall be maintained on permanent file at the headquarters of the Department of

Roads. Certified copies of such authorizations shall be available from the Department of Roads at a reasonable cost for duplication. Any change to such an authorization shall be made by a new authorization which cancels the previous authorization and establishes the new limit, but the new limit shall not become effective until signs showing the new limit are erected, as provided in subsection (1) of this section.

(3) County boards, on county roads not part of the state highway system or within the limits of any state institution or any area under control of the Game and Parks Commission or a natural resources district, and outside of the corporate limits of cities and villages, shall have the same power and duty to alter the maximum speed limits as the Department of Roads, ~~Provided, that if the change is based on an engineering and traffic investigation comparable to that made by the Department of Roads, ; and provided further, that the~~ The limit outside of a business or residence district shall not be decreased to less than thirty-five miles per hour.

(4) Incorporated cities and villages on all streets within their corporate limits, except on state-maintained freeways which are part of the state highway system, shall have the same power and duty to alter the maximum speed limits as the Department of Roads, ~~Provided, such if the change is based on engineering and traffic investigation, except ; and provided further,~~ that no imposition of speed limits on streets which are part of the state highway system in cities and villages under forty thousand inhabitants shall be effective without the approval of the Department of Roads.

(5) The director of any state institution, ~~or the Game and Parks Commission, or a natural resources district,~~ with regard to roads not a part of the state highway system and within the limits of such institution or area under Game and Parks Commission or natural resources district control, and outside the limits of any incorporated city or village, shall have the same power and duty to alter the maximum speed limits as the Department of Roads, ~~Provided, such if the change is based on an engineering and traffic investigation comparable to that made by the Department of Roads.~~

(6) Not more than six such speed limits shall be set per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than twenty miles per hour.

Sec. 18. That section 39-712.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-712.01. It shall be unlawful to camp on any state or county public highway, roadside area, park, or other property acquired for highway or roadside park

purposes except at such places as are designated campsites by the Department of Roads or the county, or other legal entity of government owning or controlling such places. This provision shall not apply to lands originally acquired for highway purposes which have been transferred or leased to the Game and Parks Commission, or a natural resources district or to other lands owned or controlled by the Game and Parks Commission where camping shall be controlled by the provisions of section 81-805 or by a natural resources district where camping shall be controlled by the provisions of section 4 of this act.

For the purposes of this section, camping is defined as temporary lodging ~~out-of-doors~~ out of doors and presupposes the occupancy of a shelter designed or used for such purposes, such as a sleeping bag, tent, trailer, station wagon, pickup camper, camper-bus, or other vehicle, and the use of camping equipment. A camper is defined as an occupant of any such shelter.

Any person who shall camp on any state or county public highway, roadside area, park, or other property acquired for highway or roadside park purposes, which has not been properly designated as a campsite, or any person who violates any lawfully promulgated rules or regulations properly posted to regulate camping at designated campsites shall be guilty of a Class V misdemeanor, and shall be ordered to pay any amount as determined by the court which may be necessary to reimburse the Department of Roads or the county for the expense of repairing any damage to such campsite resulting from such violation.

Sec. 19. That original sections 2-3202, 39-612, 39-663, and 39-712.01, Reissue Revised Statutes of Nebraska, 1943, and section 39-602, Revised Statutes Supplement, 1983, are repealed.