

LEGISLATIVE BILL 396

Approved by the Governor April 2, 1971

Introduced by Roland A. Luedtke, 28th District; Irving F. Wiltse, 1st District

AN ACT to amend sections 39-741 and 39-775, Reissue Revised Statutes of Nebraska, 1943, and section 39-723, Revised Statutes Supplement, 1969, relating to highways; to define terms; to set speed limits for cabin trailers; to provide for safety mirrors; and to repeal the original sections.

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

Section 1. That section 39-723, Revised Statutes Supplement, 1969, be amended to read as follows:

39-723. (1) Except as provided in subsections (2) and (3) of this section, no person shall operate a motor vehicle on any highway outside of a city or village or on a freeway as defined in section 39-1369 at a rate of speed greater than is reasonable and proper, having regard for the traffic, the use of the road, and the condition of the road, nor at a rate of speed such as to endanger the life or limb of any person, nor in any case at a rate of speed exceeding (a) seventy-five miles per hour upon any part of the National System of Interstate and Defense Highways or upon any freeway as defined in section 39-1369, (b) sixty-five miles per hour between the hours of sunrise and sunset, and sixty miles per hour between the hours of sunset and sunrise, upon any concrete, brick, macadamized, or other hard-surfaced highway, or upon any other highway that is a part of the state highway system, or (c) fifty miles per hour upon any gravel, dirt, or other highway or road that is not hard surfaced, except upon any highway that is a part of the state highway system.

(2) No person shall operate a truck, truck-tractor, or any freight-carrying vehicle, if the gross weight of such freight-carrying vehicle including any load thereon is more than five tons, on any highway outside of a city or village or on a freeway as defined in section 39-1369 at a rate of speed that is greater than reasonable and proper, having regard for the traffic, the use of the road, and the conditions of the road, nor at a rate of speed such as to endanger the life or limb of any person, nor in any case at a rate of

speed exceeding (a) sixty-five miles per hour upon any portion of the National System of Interstate and Defense Highways or on any freeway as defined in section 39-1369, (b) sixty miles per hour between the hours of sunrise and sunset, and fifty miles per hour between the hours of sunset and sunrise, upon any concrete, brick, macadamized, or other hard-surfaced highway, or upon any other highway that is a part of the state highway system, or (c) fifty miles per hour upon any gravel, dirt, or other highway or road that is not hard surfaced, except upon any highway that is a part of the state highway system.

(3) No person shall operate any motor vehicle when towing a cabin trailer on any highway outside of a city or village or on a freeway as defined in section 39-1369 at a rate of speed greater than is reasonable and proper, having regard for the traffic, the use of the road, and the conditions of the road, nor at a rate of speed such as to endanger the life or limb of any person, ~~nor in any case at a rate of speed exceeding fifty miles per hour except that a travel trailer less than twenty-three feet in length may be towed at a rate of speed permitted for the towing vehicle~~ nor in any case at a rate of speed exceeding fifty miles per hour when towing a mobile home, and not to exceed the truck speed for such highway when towing a travel trailer or camping trailer.

(4) The Department of Roads shall, at the expense of such department, erect and maintain suitable signs along county roads in such number and at such locations as the department shall deem necessary to give adequate notice of the speed limit upon such roads.

Sec. 2. That section 39-741, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-741. As used in Chapter 39, article 7, unless the context otherwise requires:

(1) Motor vehicle shall mean every self-propelled vehicle;

(2) Motorcycle shall mean every motor vehicle built to run on less than four wheels;

(3) Person shall mean every natural person, firm, copartnership, association, or corporation;

(4) Owner shall mean a person who holds the legal title of a vehicle, a mortgagor entitled to the possession of a vehicle, and the vendee of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee;

(5) Highway shall mean every way or place of whatever nature open to the use of the public, as a matter of right, for the purposes of vehicular travel, but shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities, or other institutions;

(6) Private road or driveway shall mean every road or driveway not open to the use of the public for the purposes of vehicular travel;

(7) Intersection shall mean the area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other;

(8) Safety zone shall mean the area or space officially set aside within a highway for the exclusive use of pedestrians and which is so marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone;

(9) Right-of-way shall mean the privilege of the immediate use of the highway;

(10) Business district shall mean the territory contiguous to a highway when fifty per cent or more of the frontage thereon, for a distance of three hundred feet or more, is occupied by buildings in use for business;

(11) Residence district shall mean the territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings and buildings in use for business;

(12) Department shall mean the Department of Motor Vehicles of this state acting directly or through its duly authorized officers and agents;

(13) Local authorities shall mean every county, municipal, and other local board or body having

authority to adopt local police regulations under the Constitution and laws of this state;

(14) Director of Motor Vehicles shall mean the Director of the Department of Motor Vehicles; and

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

(16) Cabin trailer shall mean any rigid vehicle without motive power designed for towing behind a motor vehicle and designed for living quarters of which there shall be three classes:

(a) Travel trailer which shall include cabin trailers not more than eight feet in width, not more than thirty-five feet in length from front hitch to rear bumper, less than six thousand pounds manufacturers' weight, and may be used for occasional and temporary living quarters:

(b) Mobile home which shall include cabin trailers more than seven and one half feet wide, more than thirty feet long, and may be used as a residential dwelling: and

(c) Camping trailer which shall include cabin trailers less than seven and one half feet wide, adjusted mechanically smaller for towing and may be used as a temporary dwelling.

Sec. 3. That section 39-775, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-775. No person shall drive a motor vehicle 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. 4. That original sections 39-741 and 39-775, Reissue Revised Statutes of Nebraska, 1943, and section 39-723, Revised Statutes Supplement, 1969, are

repealed.