

LEGISLATIVE BILL 23

Approved by the Governor April 12, 1979

Introduced by Merz, 1

AN ACT relating to mopeds; to amend section 60-501, Reissue Revised Statutes of Nebraska, 1943, sections 39-602, 39-666, and 60-301, Revised Statutes Supplement, 1978, and section 60-407, Revised Statutes Supplement, 1978, as amended by section 5, Legislative Bill 4, Eighty-sixth Legislature, 1979; to define a term; to provide for the regulation and operation of mopeds as prescribed; to require certain equipment; to provide penalties; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 39-602, Revised Statutes Supplement, 1978, 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 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, 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 of 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 books and records are kept and a large share of his 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; Provided, that 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 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 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, 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 a seat height less than twenty-five inches from the ground, 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, Peissue Revised Statutes of Nebraska, 1943, and amendments thereto, but shall be exempt from the requirements of Chapter 60, articles 1, 3, 5, and 17;

{52} {53} Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs;

{53} {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;

{54} {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;

{55} {56} Nighttime shall mean that period of time between sunset and sunrise;

{56} {57} Nonresident shall mean every person who is not a resident of this state;

{57} {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;

{58} {59} Operator or driver shall mean any person who drives or is in actual physical control of a vehicle;

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

(60) (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;

(61) (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;

(62) (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;

(63) (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;

(64) (65) Pedestrian shall mean any person afoot;

(65) (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;

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

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

(68) (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;

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

{70} [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;

{71} [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 radioactive materials shall mean those which are classified according to controls needed for nuclear criticality safety;

{72} [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-distance driving routes;

{73} [74] Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

{74} [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;

{75} [76] Railroad train shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails;

{76} [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;

{77} [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;

{78} [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;

(79) (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;

(80) (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;

(81) (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;

(82) (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;

(83) (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;

(84) (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;

(85) (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;

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

{87} (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;

{88} (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;

{89} (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;

{90} (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;

{91} (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;

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

{93} (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;

{94} (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;

{95} [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 irag 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;

{96} [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;

{97} [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;

{98} [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;

{99} [100] Stop, when required, shall mean a complete cessation of movement;

{100} [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;

{101} [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;

~~{102}~~ {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;

~~{103}~~ {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;

~~{104}~~ {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;

~~{105}~~ {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;

~~{106}~~ {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;

~~{107}~~ {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;

~~{108}~~ {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;

~~{109}~~ {110} Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property;

~~{110}~~ {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:

~~(111)~~ (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; and

~~(112)~~ (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.

Sec. 2. That section 39-666, Revised Statutes Supplement, 1978, be amended to read as follows:

39-666. (1) Notwithstanding the maximum speed limits established in section 39-662, no person shall operate any 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, or any motor vehicle when towing a camping trailer or travel trailer, in excess of the following maximum speed limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Fifty-five miles per hour upon any freeway;

(d) Fifty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway;

(e) Fifty-five miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway; and

(f) Fifty miles per hour upon any highway that is not dustless-surfaced and not a part of the state highway system.

(2) No person shall operate any motor vehicle when towing a mobile home at a rate of speed in excess of fifty miles per hour.

(3) Notwithstanding the maximum speed limits established in section 39-662, no person shall operate any school bus carrying any school child at a speed in excess of the following maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Fifty-five miles per hour upon any freeway;

(d) Fifty-five miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the daytime;

(e) Fifty-five miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the nighttime;

(f) Forty-five miles per hour on any highway or road that is not dustless-surfaced and not a part of the state highway system during the daytime; and

(g) Forty miles per hour on any highway or road that is not dustless-surfaced and not a part of the state highway system during the nighttime.

(4) Notwithstanding the maximum speed limits established in section 39-662, no person shall operate any vehicle which carries unbaled livestock forage at a speed in excess of the following maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district; and

(c) Thirty miles per hour while loaded or fifty miles per hour while unloaded upon any highway other than a freeway outside of a business or residential district during the daytime.

(5) Any vehicle which carries unbaled livestock forage exceeding a total outside width of eight feet shall not be operated on a freeway nor on any highway during the nighttime.

(6) The maximum speed limits in business and residence districts declared for specific vehicles in subsections (1), (3), and (4) of this section may be altered by the Department of Roads or local authorities as provided in section 39-663.

(7) During the nighttime no person shall operate upon a roadway any motor-driven cycle at a speed in excess of thirty-five miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps capable of revealing a person or vehicle in such roadway three hundred feet ahead, and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such motor vehicle. Such motor-driven cycle shall not be operated at a speed in excess of twenty-five miles per hour if such headlamp or lamps are not sufficient to reveal a person or vehicle in such roadway at least two hundred feet ahead, and not in excess of twenty miles per hour if such headlamp or lamps do not reveal a person or vehicle in such roadway at least one hundred feet ahead. If the headlamp or lamps do not reveal a person or vehicle in such roadway at least one hundred feet ahead, such motor-driven cycle shall not be driven upon the roadways during the nighttime.

(8) No person shall operate any vehicle which is equipped with solid rubber tires on any highway at a speed greater than ten miles per hour.

(9) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in subsection (10) of this section.

(10) The Department of Roads or a local authority may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction and if it finds that such structure cannot safely withstand vehicles traveling at the speed otherwise permissible, the Department of Roads or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand and shall cause suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(11) Upon the trial of any person charged with a violation of subsection (9) of this section, proof of such determination of the maximum speed by the Department

of Roads or local authority and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on such bridge or structure.

(12) When the Department of Roads or local authority determines by an investigation that certain vehicles in addition to those specified in this section cannot with safety travel at the speeds provided in section 39-662 or 39-666 or set pursuant to section 39-663, the Department of Roads or local authority may restrict such vehicles' speed limit on highways under their respective jurisdictions and post proper and adequate signs.

(13) Notwithstanding the maximum speed limits in excess of twenty-five miles per hour established in section 39-662, Revised Statutes Supplement, 1978, no person shall operate any moped at a speed in excess of thirty miles per hour.

Sec. 3. For purposes of sections 4 to 12 of this act, 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, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, but shall be exempt from the requirements of Chapter 60, articles 1, 3, 5, and 17, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

Sec. 4. No person shall operate a moped upon the streets, alleys, or public highways of the State of Nebraska unless such person has (1) a valid motor vehicle operator's license or (2) a valid school or learner's permit.

Sec. 5. (1) Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under sections 39-601 to 39-6, 122, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, except for those provisions of such sections which by their nature can have no application.

(2) Regulations applicable to mopeds shall apply whenever a moped shall be operated upon any highway or upon any path set aside by the Department of Roads or

local authority for the use of mopeds.

Sec. 6. (1) Any person who operates a moped shall ride only upon a permanent and regular seat attached thereto, and shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one person.

(2) Any person shall ride upon a moped only while sitting astride the seat, facing forward.

(3) No person shall operate a moped while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the moped or the view of the operator.

Sec. 7. (1) A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of forty-five miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane. This subsection shall not apply to mopeds or motorcycles operated two abreast in a single lane.

(2) No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

(3) Mopeds shall not be operated more than two abreast in a single lane.

(4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five miles per hour shall ride as near to the right side of the roadway as practicable, and shall not ride more than single file.

Sec. 8. No person who rides upon a moped shall attach himself or the moped to any other vehicle on a roadway.

Sec. 9. Mopeds shall not be operated on the National System of Defense and Interstate Highways or sidewalks.

Sec. 10. (1) Any moped which carries a passenger shall be equipped with footrests for such passenger.

(2) No person shall operate any moped with handlebars more than fifteen inches above the mounting point of the handlebars.

Sec. 11. Any person who shall violate any provision of sections 3 to 10 of this act shall be guilty of a traffic infraction.

Sec. 12. That section 60-301, Revised Statutes Supplement, 1979, be amended to read as follows:

60-301. As used in sections 60-301 to 60-344, unless the context otherwise requires:

(1) Motor vehicles shall include all vehicles propelled by any power other than muscular power, except mopeds, farm tractors, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops, vehicles which run only on rails or tracks, off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, and snowmobiles, and minibikes, and road and general purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditch-digging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, crawler tractors, and self-propelled invalid chairs;

(2) Highways shall include public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(3) Trucks shall include motor vehicles equipped or used for the transportation of property;

(4) Trailer shall include every vehicle without motor power carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(5) Semitrailer shall mean every vehicle without motive power designed for carrying persons or property and for being 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 the towing vehicle;

(6) Cabin trailer shall mean every vehicle without motive power designed for living quarters and for being drawn by a motor vehicle, and not exceeding eight feet in width, or forty feet in length, or thirteen and

one half feet in height;

(7) Truck-tractor shall mean every motor vehicle designed and used primarily 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 being drawn;

(8) Owner shall mean a person, firm, or corporation who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale 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 in the event while a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of sections 60-301 to 60-344. For the purpose of sections 60-301 to 60-344, there are hereby adopted and incorporated by reference the provisions of Article XI, International Registration Plan, adopted by the American Association of Motor Vehicle Administrators, as revised November, 1975;

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

(10) Fleet shall include one or more apportionable vehicles;

(11) Transporter shall mean every person lawfully engaged in the business of transporting vehicles, not his own, by driving singly, or in combinations by the towbar, fullmount or saddlemount methods or any combinations thereof, or where a truck or tractor draws a semitrailer or tows a trailer, solely for delivery thereof;

(12) Self-propelled mobile home shall mean a vehicle with motive power designed for living quarters;

(13) Total fleet miles shall mean the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

(14) In-state miles shall mean total miles operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles

registered and licensed for fleet operation, and (b) in noncontracting reciprocity states by vehicles that are base-plated in Nebraska;

(15) Local trucks shall mean trucks having a gross weight of less than twenty-five tons and operated wholly and exclusively within an incorporated city or village, or within ten miles of the corporate limits, where they are owned and operated, which trucks shall carry on their license plates, in addition to the registration number, designation of local plate:

(16) Farm trucks shall mean trucks of farmers or ranchers, used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch, used by the farmer or rancher to carry his own agricultural products, livestock, and produce, to or from storage or market, or used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or used occasionally to carry camper units, which trucks shall carry on their license plates, in addition to the registration number, the designation farm;

(17) Agricultural products shall mean field crops, horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the by-products derived from any of them;

(18) Utility trailer shall mean a trailer having a gross weight, including load thereon, of nine thousand pounds or less, attached to a motor vehicle and used wholly and exclusively to carry miscellaneous items of personal property, which trailers shall carry on their license plate, in addition to the registration number, the letter X;

(19) Local commercial truck shall mean a truck and combinations of trucks, truck-tractors, or trailers, or semitrailers having a gross weight of twenty-five tons or more and operated solely within an incorporated city or village, or within five miles of the corporate limits, which trucks shall carry on their license plates in addition to the registration number, the letters LC;

(20) Farm trailer shall include any trailer or semitrailer used wholly and exclusively to carry a farmer's or rancher's own supplies, farm equipment and household goods to or from the owner's farm or ranch, or used by the farmer or rancher to carry his own agricultural products, livestock and produce to or from

storage and market, and attached to a passenger car or farm licensed vehicle, or used by a farmer or rancher to carry his own agricultural products, livestock, and produce to and from market, which trailers shall carry on their license plate in addition to the registration number, the letter X, but farm trailer shall not include a trailer so used when attached to a farm tractor;

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

(22) Fertilizer trailer shall mean any trailer designed and used exclusively to carry or apply agricultural fertilizer and having a gross weight including load thereon of twenty thousand pounds or less, which trailers shall carry on their license plate in addition to the registration number, the letter X:

(23) Apportionable vehicle shall mean any vehicle used in two or more jurisdictions that allocate or proportionally register vehicles and are used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, except that such term shall not include any recreational vehicle, vehicle displaying restricted plates, vehicle not required to be licensed as a commercial vehicle, bus used in the transportation of chartered parties, or government-owned vehicle. Such vehicle shall either (a) have a gross vehicle weight in excess of twenty-six thousand pounds, (b) have three or more axles, regardless of weight, or (c) be used in combination when the weight of such combination exceeds twenty-six thousand pounds gross vehicle weight. Vehicles, or combinations thereof, having a gross vehicle weight of twenty-six thousand pounds or less and two-axle vehicles may be proportionally registered at the option of the registrant;

(24) Noncontracting reciprocity state shall mean any state which is not a party to any type of contracting agreement between the State of Nebraska and one or more other jurisdictions for registration purposes on commercial vehicles, and does not require as a condition to operate on the highways of that state (a) any type of vehicle registration or allocation of vehicles for registration purposes, or (b) does not impose any charges based on miles operated, other than those that might be assessed against fuel consumed in that state, on any vehicles which are part of a Nebraska-based fleet; and

(25) Passenger car shall mean a motor vehicle designed and used to carry ten passengers or less and not used for hire; -

(26) 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; and

(27) 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 a seat height less than twenty-five inches from the ground.

Sec. 13. That section 60-407, Revised Statutes Supplement, 1973, as amended by section 5, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979, 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 be guilty of a Class III misdemeanor. 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, moped, 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 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 or moped, if he is within visual contact with and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator and, in the case of a moped, is a licensed motor vehicle operator. 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 Class III 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 or moped, if he is within visual contact with and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator and, in the case of a moped, a licensed motor vehicle 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 or moped, 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 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. 14. That section 60-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-501. The following words or phrases, when used in sections 60-501 to 60-569, shall, for the purposes of sections 60-501 to 60-569, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) Department means Department of Motor Vehicles;

(2) Judgment means any judgment which shall have become final by the expiration of the time within which an appeal might have been perfected without being appealed, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services,

because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages;

(3) License means any license issued to any person under the laws of this state pertaining to operation of a motor vehicle within this state;

(4) Motor vehicles means any self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles, except mopeds, traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, and off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, and snowmobiles;

(5) Nonresident means every person who is not a resident of this state;

(6) Nonresident's operating privilege means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in this state;

(7) Operator means every person who is in actual physical control of a motor vehicle;

(8) Owner means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject 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, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of sections 60-501 to 60-569;

(9) Person means every natural person, firm, partnership, association or corporation;

(10) Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the

amount of fifteen thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ten thousand dollars because of injury to or destruction of property of others in any one accident;

(11) Registration means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(12) State means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada; and

(13) The forfeiture of bail, not vacated, or of collateral deposited to secure an appearance for trial shall be regarded as equivalent to conviction of the offense charged.

Sec. 15. That original section 60-501, Reissue Revised Statutes of Nebraska, 1943, sections 39-602, 39-666, and 60-301, Revised Statutes Supplement, 1978, and section 60-407, Revised Statutes Supplement, 1978, as amended by section 5, Legislative Bill 4, Eighty-sixth Legislature, First Session, 1979, are repealed.

Sec. 16. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.