

LEGISLATIVE BILL 459

Approved by the Governor May 23, 1995

Introduced by Fisher, 35; Avery, 3; Engel, 17; Hudkins, 21

AN ACT relating to snowmobiles; to amend sections 60-6,322, 60-6,324, 60-6,331, 60-6,335, and 60-6,339, Reissue Revised Statutes of Nebraska; to provide for decals; to change the registration period; to eliminate provisions relating to number plates and equipment regulations; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 60-6,322, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,322. (1) Application for registration shall be made to the county treasurer in such form as the Director of Motor Vehicles prescribes and shall state the name and address of the applicant, state a description of the snowmobile, including color, manufacturer, and identification number, and be signed by at least one owner. Application forms shall be made available through the county treasurer's office of each county in this state. Upon receipt of the application and the appropriate fee as provided in section 60-6,323, the snowmobile shall be registered by the county treasurer; and number plates a numbered decal shall be provided which shall be affixed to the upper half of the snowmobile in such manner as the director prescribes. Snowmobiles owned by a dealer and operated for demonstration or testing purposes shall be exempt from affixing numbered decals to the snowmobile but are required to carry a valid numbered decal with the snowmobile at all times.

(2) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 23-186, application shall be made to and forms shall be made available through the office of the designated county official and the designated county official shall register snowmobiles and issue the number plates numbered decal as provided in this section.

Sec. 2. Section 60-6,324, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,324. (1) The certificate of registration and number plates numbered decal issued shall be valid for one year two years. The registration period for snowmobiles shall expire on the last day of September two years after the year first day of the month one year from the month of issuance, and renewal shall become delinquent on the first day of the following month.

(2) Such registration may be renewed annually every two years in the same manner as provided for the original registration. On making application for renewal, the registration certificate for the preceding registration period shall be presented with the application. If such certificate is not presented, a fee of one dollar shall be added to the registration fee.

(3) Every owner of a snowmobile shall renew his or her registration in the manner prescribed in sections 60-6,320 to 60-6,346 upon payment of the registration fees provided in section 60-6,323.

Sec. 3. Section 60-6,331, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,331. Upon transfer of ownership of any snowmobile or in case of loss of possession because of fire, theft, dismantlement, or junking, its registration shall expire, and the registered owner may, by returning the registration certificate and number plates and after making affidavit of such transfer or loss to the county official who issued the certificate, and plates of such transfer or loss, receive a refund of that part of the unused fees based on the number of unexpired months remaining in the registration period, except that when such snowmobile is transferred within the same calendar month in which acquired, no refund shall be allowed for such month. Application for registration or for reassignment of number plates to another snowmobile shall be made within fifteen days of after the date of purchase.

Sec. 4. Section 60-6,335, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,335. (1) No person shall operate a snowmobile upon any highway except as provided in sections 60-6,320 to 60-6,346. Subject to regulation by the Department of Roads and by local authorities, in their respective jurisdictions, a snowmobile may be operated on the roadway of any highway, on the right-hand side of such roadway and in the same direction as the highway traffic, except that no snowmobile shall be operated at any time within the

right-of-way of any controlled-access highway within this state.

(2) A snowmobile may make a direct crossing of a highway at any hour of the day if:

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

(b) The snowmobile is brought to a complete stop before crossing the shoulder or roadway of the highway;

(c) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;

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

(e) When the crossing is made between sunset and sunrise or in conditions of reduced visibility, both the headlights and taillights are on.

(3) No snowmobile shall be operated upon a highway unless equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by regulations of the Director of Motor Vehicles, with reflector material of a minimum area of sixteen square inches mounted on each side forward of the handlebars, and with brakes, each of which conforms to standards prescribed by rule of the director.

(4) A snowmobile may be operated upon a highway other than as provided by subsection (2) of this section in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

(5) Unless otherwise provided in sections 60-6,320 to 60-6,346, all other provisions of Chapter 60 shall apply to the operation of snowmobiles upon highways except for those relating to required equipment and those which by their nature have no application.

(6) No person shall operate a snowmobile upon any private lands without first having obtained permission of the owner, lessee, or operator of such lands.

Sec. 5. Section 60-6,339, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,339. Except as provided in this section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound.

This section shall not apply to organized races or similar competitive events held on (1) private lands, with the permission of the owner, lessee, or custodian of the land, or (2) public lands, with the consent of the public agency owning the land.

No person shall have for sale, sell, or offer for sale on any new snowmobile any muffler that fails to comply with the specifications required by the rules and regulations of the Director of Motor Vehicles.

Sec. 6. This act becomes operative on January 1, 1996.

Sec. 7. Original sections 60-6,322, 60-6,324, 60-6,331, 60-6,335, and 60-6,339, Reissue Revised Statutes of Nebraska, are repealed.