

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 122**

Introduced by Schumacher, 22.

Read first time January 09, 2015

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 section 60-6,356, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to the operation of utility-type vehicles; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,356, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 60-6,356 (1) An all-terrain vehicle or a utility-type vehicle shall  
4 not be operated on any controlled-access highway with more than two  
5 marked traffic lanes. The ~~and the~~ crossing of any controlled-access  
6 highway with more than two marked traffic lanes shall not be permitted  
7 except as provided in subsection (9) of this section. Subsections (2),  
8 (3), and (5) through (8) of this section authorize and apply to operation  
9 of an all-terrain vehicle or a utility-type vehicle only on a highway  
10 other than a controlled-access highway with more than two marked traffic  
11 lanes.

12 (2) An all-terrain vehicle or a utility-type vehicle may be operated  
13 in accordance with the operating requirements of subsection (3) of this  
14 section:

15 (a) Outside the corporate limits of a city, village, or  
16 unincorporated village if incidental to the vehicle's use for  
17 agricultural purposes;

18 (b) Within the corporate limits of a city or village if authorized  
19 by the city or village by ordinance adopted in accordance with this  
20 section; or

21 (c) Within an unincorporated village if authorized by the county  
22 board of the county in which the unincorporated village is located by  
23 resolution in accordance with this section.

24 (3) An all-terrain vehicle or a utility-type vehicle may be operated  
25 as authorized in subsection (2) of this section when such operation  
26 occurs only between the hours of sunrise and sunset. Any person operating  
27 an all-terrain vehicle or a utility-type vehicle as authorized in  
28 subsection (2) of this section shall have a valid Class 0 operator's  
29 license or a farm permit as provided in section 60-4,126, shall have  
30 liability insurance coverage for the all-terrain vehicle or a utility-  
31 type vehicle while operating the all-terrain vehicle or a utility-type

1 vehicle on a highway, and shall not operate such vehicle at a speed in  
2 excess of thirty miles per hour. The person operating the all-terrain  
3 vehicle or a utility-type vehicle shall provide proof of such insurance  
4 coverage to any peace officer requesting such proof within five days of  
5 such a request. When operating an all-terrain vehicle or a utility-type  
6 vehicle as authorized in subsection (2) of this section, the headlight  
7 and taillight of the vehicle shall be on and the vehicle shall be  
8 equipped with a bicycle safety flag which extends not less than five feet  
9 above ground attached to the rear of such vehicle. The bicycle safety  
10 flag shall be triangular in shape with an area of not less than thirty  
11 square inches and shall be day-glow in color.

12 (4) All-terrain vehicles and utility-type vehicles may be operated  
13 without complying with subsection (3) of this section on highways in  
14 parades which have been authorized by the State of Nebraska or any  
15 department, board, commission, or political subdivision of the state.

16 (5) ~~The Subject to subsection (1) of this section,~~ the crossing of a  
17 highway other than a controlled-access highway with more than two marked  
18 traffic lanes shall be permitted by an all-terrain vehicle or a utility-  
19 type vehicle without complying with subsection (3) of this section only  
20 if:

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

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

26 (c) The operator yields the right-of-way to all oncoming traffic  
27 that constitutes an immediate potential hazard;

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

30 (e) Both the headlight and taillight of the vehicle are on when the  
31 crossing is made.

1           (6) All-terrain vehicles and utility-type vehicles may be operated  
2 outside the corporate limits of any municipality by electric utility  
3 personnel within the course of their employment in accordance with the  
4 operation requirements of subsection (3) of this section, except that the  
5 operation of the vehicle pursuant to this subsection need not be limited  
6 to the hours between sunrise and sunset.

7           (7) A city or village may adopt an ordinance authorizing the  
8 operation of all-terrain vehicles and utility-type vehicles within the  
9 corporate limits of the city or village if the operation is in accordance  
10 with subsection (3) of this section. The city or village may place other  
11 restrictions on the operation of all-terrain vehicles and utility-type  
12 vehicles within its corporate limits.

13           (8) A county board may adopt a resolution authorizing the operation  
14 of all-terrain vehicles and utility-type vehicles within any  
15 unincorporated village within the county if the operation is in  
16 accordance with subsection (3) of this section. The county may place  
17 other restrictions on the operation of all-terrain vehicles and utility-  
18 type vehicles within the unincorporated village.

19           (9) The crossing of a controlled-access highway with more than two  
20 marked traffic lanes shall be permitted by a utility-type vehicle if the  
21 operation is in accordance with the operation requirements of subsection  
22 (3) of this section and if the following requirements are met:

23           (a) The crossing is made at an intersection that is controlled by a  
24 traffic control signal and is made in compliance with such traffic  
25 control signal; and

26           (b) The crossing at such intersection is specifically authorized as  
27 follows:

28           (i) If such intersection is located within the corporate limits of a  
29 city or village, by ordinance of such city or village;

30           (ii) If such intersection is located within an unincorporated  
31 village, by resolution of the county board of the county in which such

1 unincorporated village is located; or  
2 (iii) If such intersection is located outside the corporate limits  
3 of a city or village and outside any unincorporated village, by  
4 resolution of the county board of the county in which such intersection  
5 is located.

6 Sec. 2. Original section 60-6,356, Reissue Revised Statutes of  
7 Nebraska, is repealed.