

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 670**

Introduced by Murman, 38; Aguilar, 35; Brewer, 43; Clements, 2; Dorn, 30;  
Erdman, 47; Flood, 19; Gragert, 40; Halloran, 33; Hansen,  
B., 16; Lowe, 37; Sanders, 45; Slama, 1.

Read first time January 20, 2021

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to highways; to amend section 39-201.01,
- 2 Reissue Revised Statutes of Nebraska, and sections 39-202 and
- 3 39-206, Revised Statutes Cumulative Supplement, 2020; to authorize
- 4 the display of signs along roadways memorializing persons killed on
- 5 Nebraska roadways as prescribed; to provide powers and duties for
- 6 the Department of Transportation; to harmonize provisions; and to
- 7 repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-201.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3 39-201.01 For purposes of sections 39-202 to 39-226 and sections 4  
4 and 5 of this act:

5 (1) Highway Beautification Control System means the National System  
6 of Interstate and Defense Highways, the system of federal-aid primary  
7 roads as they existed on June 1, 1991, any additional highway or road  
8 which is designated as a part of the National Highway System under the  
9 federal Intermodal Surface Transportation Efficiency Act, and scenic  
10 byways. A map of the Highway Beautification Control System shall be  
11 maintained as provided in section 39-1311;

12 (2) Qualified relative means a spouse, parent, sibling, child,  
13 grandparent, or grandchild of a person killed on a Nebraska roadway;

14 (3) (2) Scenic byway means a road, highway, or connecting link  
15 designated as a scenic byway pursuant to section 39-217. A map of the  
16 scenic byways shall be maintained as provided in section 39-1311; and

17 (4) (3) Visible, in reference to advertising signs, displays, or  
18 devices, means the message or advertising content of such sign, display,  
19 or device is capable of being seen without visual aid by a person of  
20 normal visual acuity. A sign is considered visible even though the  
21 message or advertising content can be seen but not read.

22 Sec. 2. Section 39-202, Revised Statutes Cumulative Supplement,  
23 2020, is amended to read:

24 39-202 (1) Except as provided in sections 39-202 to 39-205, 39-215,  
25 39-216, and 39-220, the erection or maintenance of any advertising sign,  
26 display, or device beyond six hundred sixty feet of the right-of-way of  
27 the National System of Interstate and Defense Highways and visible from  
28 the main-traveled way of such highway system is prohibited.

29 (2) The following signs shall be permitted:

30 (a) Directional and official signs to include, but not be limited  
31 to, signs and notices pertaining to natural wonders, scenic attractions,

1 and historical attractions. Such signs shall comply with standards and  
2 criteria established by regulations of the Department of Transportation  
3 as promulgated from time to time;

4 (b) Signs, displays, and devices advertising the sale or lease of  
5 property upon which such media are located;

6 (c) Signs, displays, and devices advertising activities conducted on  
7 the property on which such media are located;~~and~~

8 (d) Signs in existence in accordance with sections 39-212 to 39-222,  
9 to include landmark signs, signs on farm structures, markers, and plaques  
10 of historical or artistic significance; and -

11 (e) Signs to memorialize persons killed on Nebraska roadways as set  
12 forth in sections 4 and 5 of this act.

13 (3) For purposes of this section, visible shall mean the message or  
14 advertising content of an advertising sign, display, or device is capable  
15 of being seen without visual aid by a person of normal visual acuity. A  
16 sign shall be considered visible even though the message or advertising  
17 content may be seen but not read.

18 Sec. 3. Section 39-206, Revised Statutes Cumulative Supplement,  
19 2020, is amended to read:

20 39-206 It is the intent of sections 39-204 and 39-205 and sections 4  
21 and 5 of this act to allow the erection of specific information sign  
22 panels on the right-of-way of the state highways under the following  
23 conditions:

24 (1) No state funds shall be used for the erection, maintenance, or  
25 servicing of such signs, except for the erection, maintenance, or  
26 servicing of signs under section 5 of this act;

27 (2) Such signs shall be erected in accordance with federal standards  
28 and the rules and regulations adopted and promulgated by the Department  
29 of Transportation;

30 (3) Such signs may be erected by the department or by a contractor  
31 selected through the competitive bidding process; and

1           (4) The department shall charge an annual fee in an amount equal to  
2 the fair market rental value of the sign site and any other cost to the  
3 state associated with the erection, maintenance, or servicing of specific  
4 information sign panels. If such sign is erected by a contractor, the  
5 annual fee shall be limited to the fair market rental value of the sign  
6 site. This subdivision does not apply to signs erected, maintained, or  
7 serviced under section 5 of this act.

8           Sec. 4. (1) In order to raise public awareness about highway safety  
9 and the dangers of impaired driving and to afford families an opportunity  
10 to memorialize family victims any qualified relative may apply for a  
11 memorial sign as set forth in section 5 of this act on a form prescribed  
12 by the Department of Transportation. The application shall be accompanied  
13 by a fee of seventy-five dollars. The department shall remit the fee to  
14 the State Treasurer for credit to the Highway Trust Fund.

15           (2) The application shall be made no more than ten years after the  
16 death of the person killed on a Nebraska roadway.

17           (3) If any qualified relative other than the applicant objects in  
18 writing to such memorial sign, the application shall be denied without  
19 prejudice.

20           Sec. 5. (1) Signs giving specific information regarding persons  
21 killed on Nebraska roadways may be erected by or at the direction of the  
22 Department of Transportation and maintained within the right-of-way at  
23 appropriate distances from roadways of the state primary system, but not  
24 within any municipality, as shall conform with the rules and regulations  
25 adopted and promulgated by the department to carry out this section. Such  
26 rules and regulations shall be consistent with national standards  
27 promulgated from time to time by the appropriate authority of the federal  
28 government pursuant to 23 U.S.C. 131(f), as such section existed on  
29 January 1, 2021. Reasonable efforts shall be made to place such signs as  
30 close to the location requested by a qualified relative as practicable.

31           (2) Such signs shall:

1       (a) Have a safety message and memorialize and commemorate the  
2 deceased person or persons;

3       (b) Be colored blue with white lettering and be legible from the  
4 roadway;

5       (c) Contain the words "In Memory of" and the name or names of the  
6 deceased person or persons. At the option of the qualified relative, an  
7 emblem of belief may be displayed next to the deceased person's name. The  
8 qualified relative shall submit with the application a digitized black  
9 and white representation of the requested emblem that is free of  
10 copyright or trademark restrictions or authorized by the owner. Emblem of  
11 belief means an emblem that represents the decedent's religious  
12 affiliation or sincerely held religious belief system, or a sincerely  
13 held belief system that was functionally equivalent to a religious belief  
14 system in the life of the decedent. In the absence of evidence to the  
15 contrary, the department will accept as genuine an applicant's statement  
16 regarding the sincerity of the religious or functionally equivalent  
17 belief system of a deceased eligible individual. The religion or belief  
18 system represented by an emblem need not be associated with or endorsed  
19 by a church, group, or organized denomination. Emblems of belief do not  
20 include social, cultural, ethnic, civic, fraternal, trade, commercial,  
21 political, professional, or military emblems. The department will not  
22 accept any emblem that would have an adverse impact on the dignity and  
23 solemnity of the sign honoring the deceased person, including, but not  
24 limited to, emblems that contain explicit or graphic depictions or  
25 descriptions of sexual organs or sexual activities that are shocking,  
26 titillating, or pandering in nature and emblems that display coarse or  
27 abusive language or images. In the event that the department determines  
28 that the proposed emblem does not meet the criteria set forth in this  
29 subsection, the department shall notify the applicant in writing and  
30 offer to the applicant the option of either: (i) Omitting the part of the  
31 emblem that is problematic while retaining the remainder of the emblem,

1 if this is feasible; or (ii) choosing a different emblem to represent the  
2 religious or functionally equivalent belief that does not have such an  
3 adverse impact;

4 (d) Contain one of the following messages: "Please Drive Safely";  
5 "Seat Belts Save Lives"; "Don't Drink and Drive"; "Don't Text and Drive";  
6 or "Don't Drive Impaired"; and

7 (e) Be posted for five years. After such time the sign shall be  
8 removed or application may be made again for posting for an additional  
9 five years. The Department of Transportation shall notify the qualified  
10 relative in writing by mail or electronically at least ninety days before  
11 such time as the sign is to be removed and provide the qualified relative  
12 with the option of retaining the sign before the department discards or  
13 recycles it.

14 (3) No signs shall be allowed under this section for a deceased  
15 person who died as a result of a motor vehicle collision and (a) was the  
16 operator of the motor vehicle and (b)(i) had a blood alcohol content  
17 level at or above the limit stated in section 60-6,196 or 60-6,211.01 or  
18 (ii) was found to have been impaired by any illegal substance.

19 (4) If the crash involved multiple persons, the names of additional  
20 persons may be added to the roadside memorial sign. If an additional  
21 victim is from another family, an additional application shall be  
22 submitted by a qualified relative.

23 Sec. 6. Original section 39-201.01, Reissue Revised Statutes of  
24 Nebraska, and sections 39-202 and 39-206, Revised Statutes Cumulative  
25 Supplement, 2020, are repealed.