

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1163

Introduced by Lowe, 37.

Read first time January 11, 2024

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,356,
- 2 Reissue Revised Statutes of Nebraska; to authorize the operation of
- 3 all-terrain vehicles and utility-type vehicles between the hours of
- 4 sunset and sunrise if used for snow removal as prescribed; to
- 5 harmonize provisions; and to repeal the original section.
- 6 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 crossing of any controlled-access highway with
6 more than two marked traffic lanes shall not be permitted except as
7 provided in subsections (9) and (10) 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)(a) ~~(3)~~ An all-terrain vehicle or a utility-type vehicle may be
25 operated as authorized in subsection (2) of this section when such
26 operation occurs:

27 (i) Between only between the hours of sunrise and sunset; or -

28 (ii) Between the hours of sunset and sunrise for purposes of snow
29 removal within the corporate limits of a city or village or within an
30 unincorporated village.

31 (b) Any person operating an all-terrain vehicle or a utility-type

1 vehicle as authorized in subsection (2) of this section shall:

2 (i) Have ~~have~~ a valid Class 0 operator's license or a farm permit as
3 provided in section 60-4,126; ~~τ~~

4 (ii) Have ~~shall have~~ liability insurance coverage for the all-
5 terrain vehicle or a utility-type vehicle while operating such ~~the~~ all-
6 terrain vehicle or a utility-type vehicle on a highway; ~~τ~~ and

7 (iii) Not ~~shall not~~ operate the all-terrain vehicle or utility-type
8 ~~such~~ vehicle at a speed in excess of thirty miles per hour.

9 (c) The person operating an ~~the~~ all-terrain vehicle or a utility-
10 type vehicle shall provide proof of such insurance coverage to any peace
11 officer requesting such proof within five days of such a request.

12 (d) When operating an all-terrain vehicle or a utility-type vehicle
13 as authorized in subsection (2) of this section, the headlight and
14 taillight of the vehicle shall be on and the vehicle shall be equipped
15 with a bicycle safety flag which extends not less than five feet above
16 ground attached to the rear of such vehicle. The bicycle safety flag
17 shall be triangular in shape with an area of not less than thirty square
18 inches and shall be day-glow in color.

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

23 (5) The crossing of a highway other than a controlled-access highway
24 with more than two marked traffic lanes shall be permitted by an all-
25 terrain vehicle or a utility-type vehicle without complying with
26 subsection (3) of this section only if:

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

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

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

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

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

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

13 (7) A city or village may adopt an ordinance authorizing the
14 operation of all-terrain vehicles and utility-type vehicles within the
15 corporate limits of the city or village if the operation is in accordance
16 with subsection (3) of this section. The city or village may place other
17 restrictions on the operation of all-terrain vehicles and utility-type
18 vehicles within its corporate limits.

19 (8) A county board may adopt a resolution authorizing the operation
20 of all-terrain vehicles and utility-type vehicles within any
21 unincorporated village within the county if the operation is in
22 accordance with subsection (3) of this section. The county may place
23 other restrictions on the operation of all-terrain vehicles and utility-
24 type vehicles within the unincorporated village.

25 (9) Except as provided in subsection (10) of this section, the
26 crossing of a controlled-access highway with more than two marked traffic
27 lanes shall be permitted by a utility-type vehicle if the operation is in
28 accordance with the operation requirements of subsection (3) of this
29 section and if the following requirements are met:

30 (a) The crossing is made at an intersection that:

31 (i) Is controlled by a traffic control signal; or

1 (ii) For any intersection located outside the corporate limits of a
2 city or village, is controlled by stop signs;

3 (b) The crossing at such intersection is made in compliance with the
4 traffic control signal or stop signs; and

5 (c) The crossing at such intersection is specifically authorized as
6 follows:

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

9 (ii) If such intersection is located within an unincorporated
10 village, by resolution of the county board of the county in which such
11 unincorporated village is located; or

12 (iii) If such intersection is located outside the corporate limits
13 of a city or village and outside any unincorporated village, by
14 resolution of the county board of the county in which such intersection
15 is located.

16 (10) When the use of the all-terrain vehicle or utility-type vehicle
17 is for an agricultural purpose, the crossing of a controlled-access
18 highway with more than two marked traffic lanes shall be permitted if
19 such vehicle is operated in accordance with subsection (3) of this
20 section.

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