

LEGISLATIVE BILL 230

Approved by the Governor April 2, 1977

Introduced by Savage, 10

AN ACT to amend sections 60-2002, 60-2003, 60-2005, 60-2008, 60-2009, 60-2010, 60-2013, 60-2015, 60-2016, 60-2018, 60-2021, 60-2022, and 60-2023, Reissue Revised Statutes of Nebraska, 1943, relating to snowmobiles; to change requirements for the registration of snowmobiles; to fix a maximum administrative cost of registration; to authorize the issuance of special permits; to create the Nebraska Snowmobile Trail Cash Fund; to deposit fees into such fund; to provide procedures for transfer of title; to provide for rules and regulations; to authorize operation of snowmobiles on certain public areas; to make certain acts unlawful; to provide for enforcement of registration laws; to provide penalties; and to repeal the original sections, and also section 60-2012, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 60-2002, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2002. Except as otherwise provided in sections 60-2001 to 60-2023, no person shall, ~~after August 27, 1974,~~ operate any snowmobile within the state of Nebraska unless such snowmobile has been registered in accordance with the provisions of sections 60-2001 to 60-2023.

Sec. 2. That section 60-2003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2003. Application for registration shall be made to the director county treasurer in such form as the director shall prescribe, and shall state the name and address of the applicant, the name and address of every owner of the snowmobile 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 60-2004, such snowmobile shall be registered by the county treasurer, and a--registration number plates provided assigned which shall be affixed to the snowmobile in such manner as the director shall prescribe.

Sec. 3. That section 60-2005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2005. (1) The certificate of registration and number plates issued shall be valid for one year. The registration period for snowmobiles shall expire on the 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 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 registration in such the manner as--the--director--shall prescribe prescribed in sections 60-2001 to 60-2023, upon payment of the registration fees provided in section 60-2004.

Sec. 4. That section 60-2008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2008. The director may issue special--permits to-out-of-state-snowmobiles-from-a-state-or-country-where registration-is-not-required-to-operate-in-this-state-for less-than-thirty-days-in-connection-with-organized-group outings,-trailrides,-races,-raillies-and-other-promotional events:~~

Snowmobiles properly registered in another state shall be allowed to operate in the State of Nebraska on a reciprocal basis.

Sec. 5. (1) There is hereby created the Nebraska Snowmobile Trail Cash Fund, into which shall be deposited a portion of the fees collected from snowmobile registration as provided in subsection (2) of section 60-2009.

(2) The Game and Parks Commission is directed to use the money in the Nebraska Snowmobile Trail Cash Fund for the operation and maintenance, enforcement, planning, establishment, and marking of snowmobile trails throughout the state, and for the acquisition by purchase or lease of real property to carry out the provisions of this section.

(3) The Game and Parks Commission shall establish rules and regulations pertaining to the use and maintenance of snowmobile trails.

Sec. 6. That section 60-2009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2009. (1) The county treasurers shall act as agents for the Department of Motor Vehicles in the collection of snowmobile registration fees, and shall retain twenty-five cents from the funds collected for each such registration.

(2) Twenty-five per cent of the remaining amount of the fees from registration of snowmobiles shall be deposited with the State Treasurer to the credit of the General Fund and seventy-five per cent shall be deposited in the Nebraska Snowmobile Trail Cash Fund.

Sec. 7. That section 60-2010, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2010. Within-fifteen-days-after-the-transfer of-ownership;-or-any-part-thereof;-other-than-a-security interest;-or-the-destruction-or-abandonment-of-any snowmobile;-written-notice-thereof-shall-be-given-to-the director-in-such-form-as-he-shall-prescribe;-Every-owner or-part-owner-of-a-snowmobile-shall;-upon-failure-to-give such-notice;-be-subject-to-the-penalties-imposed-by sections-60-2004-to-60-2023;

(1) Upon the transfer of ownership of any snowmobile, its registration shall expire.

(2) The person to whom ownership has been transferred shall register the snowmobile pursuant to the provisions of sections 60-2001 to 60-2023 before operating such snowmobile in this state.

Sec. 8. 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 to the county treasurer 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 the date of purchase.

Sec. 9. The Department of Motor Vehicles shall keep a record of each snowmobile registered, employing such methods and practices as may be necessary to maintain an accurate record.

Sec. 10. The Game and Parks Commission shall establish rules and regulations for:

(1) The operation of snowmobiles upon designated state-controlled or state-operated lakes within the State of Nebraska during the period of time when the lake is frozen and safe for the use of snowmobiles; and

(2) The operation of snowmobiles on established snowmobile courses or trails within public parks or on public land in this state owned or leased by the state.

Sec. 11. That section 60-2013, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2013. (1) No person shall operate a snowmobile upon any public way, shoulder, or inside bank or slope of any street or highway or highway right-of-way except as provided in sections 60-2001 to 60-2023. 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 street or highway, ~~except between one-half hour after sunset and one-half hour before sunrise~~, on the right-hand side of such roadway and in the same direction as the highway traffic; Provided, no snowmobile shall be operated at any time within the right-of-way of any interstate highway or freeway within this state;

(2) A snowmobile may make a direct crossing of a street or 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 main-traveled way 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 public street or highway; and

(e) If the crossing is made between the hours of one half hour after sunset and one half hour before sunrise or in conditions of reduced visibility, both front and rear lights are on;

(3) No snowmobile shall be operated upon a public street or highway unless equipped with at least one head lamp, one tail lamp, each of minimum candlepower as prescribed by regulations of the director, reflector material of a minimum area of sixteen square inches mounted on each side forward of the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the director; ~~pursuant--to--the authority-vested-in-him-by-section-60-2012;~~

(4) A snowmobile may be operated upon a public street or 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) All Unless otherwise provided in sections 60-2001 to 60-2023, all provisions of Chapters 39 and 60, shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application; and

(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. 12. That section 60-2015, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2015. It shall be unlawful for any person to drive or operate any snowmobile on any public land, ice, snow, park, right-of-way, trail, or course in the following unsafe or harassing ways:

(1) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(2) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

(3) While under the influence of intoxicating liquor or narcotics or habit-forming drugs;

(4) Without a lighted head and tail light when required for safety; and

(5) In any tree nursery or planting in a manner which damages or destroys growing stock.

Sec. 13. That section 60-2016, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2016. (1) Notwithstanding anything in this section to the contrary, a county board may by resolution permit the operation of snowmobiles upon the roadway, shoulder, or inside bank or slope of any county road if safe operation in the ditch or outside bank or slope thereof is impossible, in which case the county board shall cause appropriate notice thereof to be given.

(2) Any county, city, or village may regulate the operation of snowmobiles on public lands, waters, and property under its jurisdiction and on streets and highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice. ~~;-Provided;-such-regulations-are-not~~ Such resolutions or ordinances shall not be inconsistent with other provisions of law or with the provisions of sections 60-2001 to 60-2023 and rules and regulations promulgated thereunder; ~~---and---provided---further;~~ and no such governmental unit may adopt an ordinance which ~~(1)~~ (a) imposes a fee for the use of public land or water under the jurisdiction of either the state or any agency of the state, or for the use of any access thereto owned by the state, or a county, city, or village, or ~~(2)~~ (b) requires a snowmobile operator to possess a motor vehicle driver's license while operating a snowmobile.

Sec. 14. That section 60-2018, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~60-2018. Notwithstanding anything in sections 60-2001 to 60-2023 to the contrary, no person under sixteen years of age shall make a direct crossing of a~~

street-or-highway-as-the-operator-of-a-snowmobile: (1) No person under the age of twelve years shall operate a snowmobile in this state unless accompanied by a parent, guardian, or other person over eighteen years of age.

(2) No person over the age of twelve years and under the age of sixteen years shall operate a snowmobile in this state unless such person holds a valid snowmobile safety certificate, or is accompanied by a person fourteen years of age or over who holds a valid snowmobile safety certificate, or is accompanied by a person over the age of eighteen years.

(3) The operator of a snowmobile shall not be required to hold a motor vehicle operator's license.

Sec. 15. (1) Application for a snowmobile safety certificate shall be made on uniform blanks prepared by the Director of Motor Vehicles.

(2) Such application shall contain all information and questions deemed necessary by the director to insure that the applicant is qualified and possesses reasonable ability to operate a snowmobile.

(3) No snowmobile safety certificate shall be issued until the applicant has appeared before an examiner and satisfied the examiner that the applicant possesses adequate vision and physical ability to operate a snowmobile.

(4) For purposes of sections 60-2001 to 60-2023, examiner, as used in this section, shall refer to an examiner of the Department of Motor Vehicles.

Sec. 16. That section 60-2021, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2021. (1) Any person who shall violate any provision of sections 60-2001 to 60-2023 or any rule or regulation of--the--director promulgated pursuant to sections 60-2001 to 60-2023 shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days.

(2) Any violation of sections 60-2001 to 60-2023 which is also a violation under Chapter 39 or 60, may be punished under the penalty provisions thereof.

(3) Any peace officer of the state or any political subdivision thereof, including conservation officers of the Game and Parks Commission, may--enforce are charged with the enforcement of the provisions of sections 60-2001 to 60-2023 and the rules and regulations promulgated thereunder.

Sec. 17. That section 60-2022, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2022. A law enforcement officer shall seize any snowmobile used for the purpose of gaining access to property for the purpose of committing ~~the--crime--of burglary a felony thereon.~~ Any snowmobile seized pursuant to this section shall be held, subject to the order of the district court of the county in which such burglary felony was committed, and shall be confiscated after conviction of the person from whom the snowmobile was seized and disposed of by public auction which shall be conducted by the sheriff of the county in which such conviction occurred and the proceeds from the sale of a confiscated snowmobile shall be paid into the state treasury and credited to the General Fund.

Sec. 18. That section 60-2023, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2023. (1) The operator of a snowmobile involved in a collision, accident, or other casualty occurring on any public land, ice, snow, park, right-of-way, trail, or course shall give his name, address and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision, accident, or other casualty.

(2) When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of one hundred dollars, the operator of such snowmobile shall within ten days file with the director a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe.

Sec. 19. That original sections 60-2002, 60-2003, 60-2005, 60-2008, 60-2009, 60-2010, 60-2013, 60-2015, 60-2016, 60-2018, 60-2021, 60-2022, and 60-2023, Reissue Revised Statutes of Nebraska, 1943, and also section 60-2012, Reissue Revised Statutes of Nebraska, 1943, are repealed.