

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 39

Introduced by Kolowski, 31.

Read first time January 08, 2015

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 section 60-6,317, Reissue Revised Statutes of Nebraska, and sections
- 3 60-601 and 60-6,133, Revised Statutes Cumulative Supplement, 2014;
- 4 to provide and change requirements for overtaking and passing
- 5 bicycles; to provide and eliminate requirements for persons
- 6 operating bicycles; to harmonize provisions; and to repeal the
- 7 original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 60-601 Sections 60-601 to 60-6,382 and section 3 of this act shall
4 be known and may be cited as the Nebraska Rules of the Road.

5 Sec. 2. Section 60-6,133, Revised Statutes Cumulative Supplement,
6 2014, is amended to read:

7 60-6,133 Except when overtaking and passing on the right is
8 permitted, the following rules shall govern the overtaking and passing of
9 vehicles proceeding in the same direction:

10 (1) The driver of a vehicle overtaking another vehicle proceeding in
11 the same direction shall first give a visible signal of his or her
12 intention and shall pass to the left of the other vehicle at a safe
13 distance and shall not again drive to the right side of the roadway until
14 safely clear of the overtaken vehicle;

15 (2) The driver of an overtaken vehicle shall give way to the right
16 in favor of the overtaking vehicle and shall not increase the speed of
17 his or her vehicle until completely passed by the overtaking vehicle; and

18 (3) The driver of a vehicle overtaking an ~~a bicycle or~~ electric
19 personal assistive mobility device proceeding in the same direction shall
20 exercise due care, which shall include, but not be limited to, leaving a
21 safe distance of no less than three feet clearance, when applicable, when
22 passing an ~~a bicycle or~~ electric personal assistive mobility device and
23 shall maintain such clearance until safely past the overtaken ~~bicycle or~~
24 electric personal assistive mobility device.

25 Sec. 3. (1) The driver of a vehicle shall not intentionally
26 interfere with the movement of a person lawfully riding a bicycle.

27 (2) When overtaking or passing a bicycle proceeding in the same
28 direction, the driver of a vehicle shall exercise due care and:

29 (a) If there is more than one lane for traffic proceeding in the
30 same direction, move the vehicle to the lane to the immediate left, when
31 the lane is available and moving into the lane is reasonably safe, and

1 shall not move again to the right side of the highway until the vehicle
2 is safely clear of the overtaken bicycle;

3 (b) If there is only one lane for traffic proceeding in the same
4 direction on an undivided two-way roadway, move the vehicle to the lane
5 to the immediate left of the center of the roadway as provided in section
6 60-6,135, and shall not move again to the right side of the highway until
7 the vehicle is safely clear of the overtaken bicycle; or

8 (c) If the roadway is too narrow for two lanes of traffic proceeding
9 in opposite directions, pass to the left of the bicycle at a safe
10 distance, which must be not less than three feet between any portion of
11 the vehicle and the bicycle, and shall not move again to the right side
12 of the highway until the vehicle is safely clear of the overtaken
13 bicycle.

14 (3) The driver of a vehicle shall yield the right-of-way to any
15 person riding a bicycle on a pathway or lane provided for bicycles. The
16 driver of a vehicle shall not enter, stop, stand, park, or drive within a
17 pathway or lane provided for bicycles except:

18 (a) When entering or exiting an alley or driveway or changing lanes;

19 (b) When operating or parking a disabled vehicle;

20 (c) To avoid conflict with other traffic;

21 (d) In the performance of official duties;

22 (e) In compliance with the directions of a peace officer; or

23 (f) In an emergency.

24 (4) Except as otherwise provided in subsection (3) of this section,
25 the driver of a vehicle shall not enter or proceed through an
26 intersection while driving within a pathway or lane provided for
27 bicycles.

28 (5) Except as provided in subsection (6) of this section, a driver
29 of a vehicle violating any provision of subsections (1) through (4) of
30 this section shall be guilty of a traffic infraction for a first offense
31 and a Class III misdemeanor for a second or subsequent offense.

1 (6) If, while violating any provision of subsections (1) through (4)
2 of this section, the driver of a vehicle is the proximate cause of a
3 collision with a person riding a bicycle, the driver shall be guilty of a
4 Class III misdemeanor for a first offense and a Class I misdemeanor for a
5 second or subsequent offense.

6 Sec. 4. Section 60-6,317, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-6,317 (1) Any person who operates a bicycle upon a roadway at
9 less than the normal speed of traffic at the time and place and under
10 conditions then existing shall ride as near to the right-hand curb or
11 right-hand edge of the roadway as practicable except when:

12 (a) Overtaking and passing another bicycle or vehicle proceeding in
13 the same direction;

14 (b) Preparing for a left turn onto a private road or driveway or at
15 an intersection;

16 (c) Reasonably necessary to avoid conditions that make it unsafe to
17 continue along the right-hand curb or right-hand edge of the roadway,
18 including fixed or moving objects, stopped or moving vehicles, bicycles,
19 pedestrians, animals, or surface hazards;

20 (d) Riding upon a lane of substandard width which is too narrow for
21 a bicycle and a vehicle to travel safely side by side within the lane; or

22 (e) Lawfully operating a bicycle on the paved shoulders of a highway
23 included in the state highway system as provided in section 60-6,142.

24 Any person who operates a bicycle upon a roadway with a posted speed
25 limit of thirty-five miles per hour or less on which traffic is
26 restricted to one direction of movement and which has two or more marked
27 traffic lanes may ride as near to the left-hand curb or left-hand edge of
28 the roadway as practicable. Whenever a person operating a bicycle leaves
29 the roadway to ride on the paved shoulder or leaves the paved shoulder to
30 enter the roadway, the person shall clearly signal his or her intention
31 and yield the right-of-way to all other vehicles.

1 (2) Any person who operates a bicycle upon a highway shall not ride
2 more than single file except on the shoulder of a highway when it is wide
3 enough to accommodate more than one bicycle or on paths or parts of
4 highways set aside for the exclusive use of bicycles.

5 ~~(3) Except as provided in section 60-6,142, whenever a usable path~~
6 ~~for bicycles has been provided adjacent to a highway, a person operating~~
7 ~~a bicycle shall use such path and shall not use such highway.~~

8 (3) A person who is operating a bicycle on a path designated for
9 bicycles and who lawfully enters a highway or shoulder of a highway where
10 the path crosses the highway shall have the right-of-way within the
11 crossing with respect to any motor vehicle. A person who is walking on a
12 path designated for bicycles and pedestrians and who lawfully enters a
13 highway or shoulder of a highway where the path crosses the highway shall
14 have the right-of-way within the crossing with respect to all other
15 traffic, including bicycles. A bicyclist or pedestrian who enters a
16 crossing with the traffic signal is lawfully entering the highway or
17 shoulder of the highway.

18 (4) A local authority may by ordinance further regulate the
19 operation of bicycles and may provide for the registration and inspection
20 of bicycles.

21 Sec. 5. Original section 60-6,317, Reissue Revised Statutes of
22 Nebraska, and sections 60-601 and 60-6,133, Revised Statutes Cumulative
23 Supplement, 2014, are repealed.