

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 612**

Introduced by Erdman, 47.

Read first time January 23, 2019

Committee:

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, 2018; to authorize  
4 the display of signs along roadways memorializing persons killed on  
5 Nebraska roadways as prescribed; to harmonize provisions; and to  
6 repeal the original sections.

7 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 section 4 of  
4 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) Scenic byway means a road, highway, or connecting link  
13 designated as a scenic byway pursuant to section 39-217. A map of the  
14 scenic byways shall be maintained as provided in section 39-1311; and

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

20 Sec. 2. Section 39-202, Revised Statutes Cumulative Supplement,  
21 2018, is amended to read:

22 39-202 (1) Except as provided in sections 39-202 to 39-205, 39-215,  
23 39-216, and 39-220, the erection or maintenance of any advertising sign,  
24 display, or device beyond six hundred sixty feet of the right-of-way of  
25 the National System of Interstate and Defense Highways and visible from  
26 the main-traveled way of such highway system is prohibited.

27 (2) The following signs shall be permitted:

28 (a) Directional and official signs to include, but not be limited  
29 to, signs and notices pertaining to natural wonders, scenic attractions,  
30 and historical attractions. Such signs shall comply with standards and  
31 criteria established by regulations of the Department of Transportation

1 as promulgated from time to time;

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

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

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

9 (e) Signs to memorialize persons killed on Nebraska roadways as set  
10 forth in section 4 of this act.

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

16 Sec. 3. Section 39-206, Revised Statutes Cumulative Supplement,  
17 2018, is amended to read:

18 39-206 It is the intent of sections 39-204 and 39-205 and section 4  
19 of this act to allow the erection of specific information sign panels on  
20 the right-of-way of the state highways under the following conditions:

21 (1) No state funds shall be used for the erection, maintenance, or  
22 servicing of such signs;

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

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

28 (4) The department shall charge an annual fee in an amount equal to  
29 the fair market rental value of the sign site and any other cost to the  
30 state associated with the erection, maintenance, or servicing of specific  
31 information sign panels. If such sign is erected by a contractor, the

1 annual fee shall be limited to the fair market rental value of the sign  
2 site.

3       Sec. 4. (1) Signs giving specific information regarding persons  
4 killed on Nebraska roadways may be erected by or at the direction of the  
5 Department of Transportation and maintained within the right-of-way at  
6 appropriate distances from interchanges on the National System of  
7 Interstate and Defense Highways and from roads of the state primary  
8 system as shall conform with the rules and regulations adopted and  
9 promulgated by the department to carry out this section. Such rules and  
10 regulations shall be consistent with national standards promulgated from  
11 time to time by the appropriate authority of the federal government  
12 pursuant to 23 U.S.C. 131(f) as such section existed on January 1, 2019.

13       (2) Such signs shall:

14       (a) Memorialize and commemorate the deceased person or persons;

15       (b) Be colored blue, triangular in shape, and no larger than two  
16 hundred twenty-five square inches;

17       (c) Contain the name or names of the deceased person or persons and  
18 may include a photographic image of the deceased person or persons;

19       (d) Contain one of the following messages: Please Drive Safely; Seat  
20 Belts Save Lives; Watch for Bicyclists; or Don't Drink and Drive; and

21       (e) Be posted for ten years. After such time, application may be  
22 made again for posting for an additional ten years.

23       (3) No signs shall be allowed under this section for a deceased  
24 person who died as a result of a motor vehicle collision, who was the  
25 operator of the motor vehicle, and who had a blood alcohol content level  
26 at or above the limit stated in section 60-6,196 or 60-6,211.01, as  
27 applicable.

28       Sec. 5. Original section 39-201.01, Reissue Revised Statutes of  
29 Nebraska, and sections 39-202 and 39-206, Revised Statutes Cumulative  
30 Supplement, 2018, are repealed.