

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 789

Introduced by Slama, 1.

Read first time January 08, 2020

Committee:

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend section 60-601,
- 2 Revised Statutes Supplement, 2019; to change provisions relating to
- 3 school bus stop signal arm violations; to harmonize provisions; and
- 4 to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Revised Statutes Supplement, 2019, is
2 amended to read:

3 60-601 Sections 60-601 to 60-6,383 and section 2 of this act shall
4 be known and may be cited as the Nebraska Rules of the Road.

5 Sec. 2. (1) A violation of subsection (1) of section 60-6,175 shall
6 be reported and enforced as set forth in this section. An owner of a
7 motor vehicle who has violated subsection (1) of section 60-6,175 is
8 liable for the violation as set forth in this section.

9 (2) A school bus driver who observes a violation of subsection (1)
10 of section 60-6,175 may prepare a written report indicating that a
11 violation has occurred and provide a copy of the report to the school bus
12 driver's employer who shall maintain such copy for statistical purposes.
13 If possible, the report shall contain the following information:

14 (a) The time and approximate location at which the violation
15 occurred;

16 (b) The license plate number of the motor vehicle involved in the
17 violation; and

18 (c) The color of the motor vehicle involved in the violation and the
19 type of motor vehicle involved in the violation, such as car, truck, bus,
20 or motorcycle or other type of motor vehicle.

21 (3) Within seventy-two hours after observing the violation, the
22 school bus driver or an authorized representative of the school bus
23 driver's employer shall deliver the report to a peace officer of the city
24 or county in which the violation occurred. A report which does not
25 contain all the information set forth in subsection (2) of this section
26 shall nevertheless be delivered and shall be maintained by the city or
27 county for statistical purposes.

28 (4)(a) Not more than seven calendar days after receiving a report
29 containing all the information in subsection (2) of this section, the
30 peace officer shall initiate an investigation of the reported violation,
31 contact the owner of the motor vehicle involved in the reported

1 violation, and request that the owner supply information identifying the
2 driver of the motor vehicle.

3 (b) If, from the investigation, the peace officer is able to
4 identify the driver and has reasonable cause to believe a violation of
5 subsection (1) of section 60-6,175 has occurred, the peace officer shall
6 prepare a uniform traffic citation for the violation and shall serve it
7 personally on the driver of the motor vehicle.

8 (c) If, from the investigation, the peace officer has reasonable
9 cause to believe that a violation of subsection (1) of section 60-6,175
10 occurred but is unable to identify the driver of the motor vehicle, the
11 peace officer shall prepare a uniform traffic citation for the violation
12 and shall serve it personally on the owner of the motor vehicle.

13 (d) If, with reasonable diligence, such driver or owner cannot be
14 served under subdivision (4)(b) or (c) of this section, service may be
15 made by leaving a copy of the citation at such owner's usual place of
16 abode within this state in the presence of a competent member of the
17 family at least fourteen years of age, who shall be informed of the
18 contents of the citation.

19 (e) If, with reasonable diligence, such owner cannot be served under
20 subdivision (4)(b) or (c) of this section, or if such owner lives outside
21 of the jurisdiction of the city or county in which the violation
22 occurred, service may be made by certified mail addressed to such owner's
23 last-known address.

24 (5)(a) Except as provided in subdivision (5)(b) of this section, it
25 is no defense to a violation of this section that such owner was not
26 operating the motor vehicle at the time of the violation.

27 (b) The following are defenses to a violation of this section:

28 (i) That a report that the motor vehicle was stolen was given to a
29 peace officer before the violation occurred or within a reasonable time
30 after the violation occurred;

31 (ii) If such owner provides a peace officer with the name and

1 address of the person operating the motor vehicle at the time of the
2 violation, and the person so named admits operating the motor vehicle at
3 the time of the violation, then the person operating the motor vehicle
4 and not the owner shall be cited under this section;

5 (iii) If the motor vehicle is owned by a lessor of motor vehicles
6 and, at the time of the violation, the motor vehicle was in the
7 possession of a lessee, and the lessor provides a peace officer with the
8 name, address, and motor vehicle operator's license number of the lessee
9 of the motor vehicle, then the lessee and not the lessor shall be cited
10 under this section; and

11 (iv) If the motor vehicle is owned by a licensed dealer as defined
12 in section 60-119.02, and at the time of the violation the motor vehicle
13 was being operated by any person on a test drive, and if the licensed
14 dealer provides a peace officer with the name, address, and motor vehicle
15 operator's license number of the person operating the motor vehicle, then
16 the person operating the motor vehicle, and not the licensed dealer,
17 shall be cited under this section.

18 Sec. 3. Original section 60-601, Revised Statutes Supplement, 2019,
19 is repealed.