

LEGISLATIVE BILL 417

Approved by the Governor April 11, 1973

Introduced by Fowler, 27

AN ACT to amend sections 39-764 and 60-506, Reissue Revised Statutes of Nebraska, 1943, section 60-505, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 224, Eighty-third Legislature, First Session, 1973, and section 60-507, Revised Statutes Supplement, 1972, relating to financial responsibility; to provide a penalty; to increase the amount of property damage to require report of an accident and proof of financial responsibility; and to repeal the original sections.

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

Section 1. That section 39-764, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-764. The operator of any vehicle involved in an accident resulting in injuries or death to any person or damage to the property of any one person, including such operator, to an apparent extent of more than one two hundred and fifty dollars shall within ten days, as provided by subsection (1) of section 60-505, forward a report of such accident to the Department of Motor Vehicles. The Department of Roads or Department of Motor Vehicles may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the department. Such reports shall be without prejudice; Provided, that all reports made by an officer of the Nebraska State Patrol, sheriffs or their deputies, police officers, and village marshals, or made to or filed with such officers in their respective offices or departments, or with, by, or to any other law enforcement agency of the state shall be open to public inspection, but accident reports filed pursuant to section 60-505 shall not be open to public inspection. The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section, but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents.

Sec. 2. That section 60-505, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 224, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

60-505. The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to an apparent extent in excess of one two hundred and fifty dollars is sustained to the property of any one person, including such operator, shall within ten days report the matter in writing to the Department of Motor Vehicles. If such operator be physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within ten days from the time he learns of the accident, report the matter in writing to the department. The operator or the owner shall make such other and additional reports relating to such accident as the Department of Roads or Department of Motor Vehicles shall require. Such records shall be retained for the period of time specified by the State Records Board pursuant to sections 84-1201 to 84-1220.

Sec. 3. That section 60-506, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-506. The failure by any person to report an accident, as provided in section 60-505, or correctly give the information required of him by the department in connection with such report shall be a misdemeanor, ~~and in the event of injury or damage to the person or property of another in such accident, shall also constitute a ground for suspension or revocation of (1) the license or registration for any motor vehicle, or of all such licenses and registrations of the person failing to make such report as herein required, and (2) the nonresident's operating privilege of such person.~~ Any person who violates the provisions of this section shall be fined not more than fifty dollars.

Sec. 4. That section 60-507, Revised Statutes Supplement, 1972, be amended to read as follows:

60-507. (1) Within ninety days after the receipt by the Department of Roads of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person, including such operator, to an apparent extent in excess of one two hundred fifty dollars, the Department of Motor Vehicles shall suspend (a) the license of each operator of a motor vehicle in any manner involved in

such accident, and (b) the privilege, if such operator is a nonresident, of operating a motor vehicle within this state, unless such operator shall deposit security in a sum which shall be sufficient, in the judgment of the Department of Motor Vehicles, to satisfy any judgment or judgments for damages resulting from such accident which may be recovered against such operator, and unless such operator shall give proof of financial responsibility; provided, notice of such suspension shall be sent by the Department of Motor Vehicles by certified mail to such operator not less than twenty days prior to the effective date of such suspension and shall state the amount required as security and the requirement of proof of financial responsibility; and provided further, that in the event a person involved in a motor vehicle accident within this state fails to make a report to the Department of Motor Vehicles indicating the extent of his injuries or the damage to his property within thirty days after the accident, and the department does not have sufficient information on which to base an evaluation of such injury or damage, the department after reasonable notice to such person, may not require any deposit of security for the benefit or protection of such person.

(2) The order of suspension provided for in subsection (1) of this section shall not be entered by the Department of Motor Vehicles if the department determines that in its judgment there is no reasonable possibility of a judgment being rendered against such operator.

(3) In determining whether there is a reasonable possibility of judgment being rendered against such operator, the department shall consider all reports and information filed in connection with the accident.

(4) The order of suspension provided for in subsection (1) of this section shall advise the operator that he has a right to appeal the order of suspension in accordance with the provisions set forth in section 60-503.

Sec. 5. That original sections 39-764 and 60-506, Reissue Revised Statutes of Nebraska, 1943, section 60-505, Reissue Revised Statutes of Nebraska, 1943, as amended by section 10, Legislative Bill 224, Eighty-third Legislature, First Session, 1973, and section 60-507, Revised Statutes Supplement, 1972, are repealed.