

LEGISLATIVE BILL 45

Approved by the Governor May 21, 1973

Introduced by Public Works Interim Study Committee,
Barnett, 26; Wiltse, 1, Chmn.

AN ACT to adopt the Nebraska Rules of the Road; to provide an operative date; and to repeal sections 39-713, 39-714.03, 39-723.02, 39-724, 39-724.01, 39-729, 39-731, 39-732, 39-736 to 39-737.01, 39-739, 39-743 to 39-746, 39-746.02 to 39-747, 39-749, 39-755 to 39-761, 39-764.01, 39-766, 39-768, 39-789 to 39-793, 39-799, 39-7,108 to 39-7,111, 39-7,115 to 39-7,117, 39-7,123.02, 39-7,123.03, 39-7,123.11, 39-7,127, 39-1365, 39-1366, 39-1368 to 39-1371, 39-1373 to 39-1389, 79-488.01, and 79-488.02, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1725 to 18-1728, 39-713.01, 39-719.01, 39-723, 39-738, 39-741, 39-742, 39-746.01, 39-746.08, 39-750 to 39-754.09, 39-767, and 39-7,134, Revised Statutes Supplement, 1972.

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

Section 1. The purposes and policies of this act are:

(1) To make more uniform highway traffic laws between states;

(2) To educate drivers so that they can develop instinctive habits resulting in safer emergency reactions;

(3) To educate drivers and pedestrians of all ages to more readily understand each other's responsibilities and privileges when all obey the same rules;

(4) To promote economic savings by relieving congestion and confusion in traffic;

(5) To increase the efficiency of streets and highways by the application of uniform traffic-control devices;

(6) To reduce the huge annual loss of life and property which occurs on Nebraska's highways; and

(7) To assist traffic law enforcement by encouraging voluntary compliance with law through uniform rules.

Sec. 2. As used in this act and in Chapter 39, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, unless the context otherwise requires:

(1) Acceleration or deceleration lane shall mean a supplementary lane of a highway laned for traffic, which adjoins the traveled lanes of a highway and connects an approach or exit road with such highway;

(2) Alley shall mean a highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic;

(3) Approach or exit road shall mean any highway or ramp designed and used solely for the purpose of providing ingress or egress to or from an interchange or rest area of a highway. An approach road shall begin at the point where it intersects with any highway not a part of the highway for which such approach road provides access, and shall terminate at the point where it merges with an acceleration lane of a highway. An exit road shall begin at the point where it intersects with a deceleration lane of a highway and shall terminate at the point where it intersects any highway not a part of a highway from which the exit road provides egress;

(4) Arterial street shall mean any United States or state numbered route, controlled access highway, or other major radial or circumferential highway designated by local authorities within their respective jurisdictions as part of a major arterial system of highways;

(5) Authorized emergency vehicle shall mean such fire department vehicles, police vehicles, and ambulances as are publicly owned, and such other publicly or privately-owned vehicles as are designated by the director;

(6) Bicycle shall mean every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than fourteen inches in diameter;

(7) Bus shall mean every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other

than a taxicab, designed and used for the transportation of persons for compensation;

(8) Business district shall mean the territory contiguous to and including a highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, office buildings, railroad stations, or public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of a highway;

(9) Cabin trailer shall mean a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, whether used for such purposes or instead permanently or temporarily for the advertising, sale, display, or promotion of merchandise or services, or for any other commercial purpose except transportation of property for hire or transportation of property for distribution by a private carrier. Cabin trailer shall not mean a trailer or semitrailer which is permanently attached to real estate. There shall be three classes of cabin trailers:

(a) Travel trailer which shall include cabin trailers not more than eight feet in width nor more than forty feet in length from front hitch to rear bumper;

(b) Mobile home which shall include cabin trailers more than eight feet in width or more than forty feet in length; and

(c) Camping trailer which shall include cabin trailers eight feet or less in width and forty feet or less in length and adjusted mechanically smaller for towing;

(10) Cancellation of operator's license shall mean the annulment or termination by formal action of the department of a person's license because of some error or defect in such license or because the licensee is no longer entitled to such license, and without prejudice to application for a new license which may be made at any time after such cancellation;

(11) Compressed gas shall mean any gaseous or vaporous material or mixture confined in a container under either an absolute pressure exceeding forty pounds per square inch at seventy degrees Fahrenheit, or an absolute pressure exceeding one hundred four pounds per square inch at one hundred thirty degrees Fahrenheit, or both, or any liquid flammable material having a Reid Vapor Pressure exceeding forty pounds per square inch

absolute at one hundred degrees Fahrenheit;

(12) Controlled access highway shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway;

(13) Crosswalk shall mean:

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of such roadway measured from the curbs or, in the absence of curbs, from the edge of the roadway; or

(b) Any portion of a roadway at an intersection or elsewhere distinctly designated by competent authority and marked for pedestrian crossing by lines, signs, or other devices;

(14) Corrosive liquid shall mean an acid, alkaline caustic liquid, or other liquid which, when in contact with living tissue, will cause severe damage to such tissue by chemical action, or will materially damage or destroy other materials by chemical action, or which is liable to cause fire when in contact with organic matter or with certain chemicals;

(15) Daytime shall mean that period of time between sunrise and sunset;

(16) Dealer shall mean any person engaged in the business of buying, selling, or exchanging vehicles who has an established place of business for such purpose in this state and to whom current dealer registration license plates have been issued by the department;

(17) Department shall mean the Department of Motor Vehicles;

(18) Director shall mean the Director of Motor Vehicles;

(19) Divided highway shall mean a highway with separated roadways for traffic in opposite directions;

(20) Drag race shall mean the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a

common selected course, each starting at the same point and proceeding to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit;

(21) Driver's license shall mean any operator's or chauffeur's license or any other license or permit to operate a motor vehicle issued under the laws of this state, including:

(a) Any temporary license or instruction permit;

(b) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(c) Any nonresident's operating privilege as defined in this act;

(22) Essential parts shall mean all integral and body parts of a vehicle of a type required to be registered for operation on the highways of this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation;

(23) Established place of business shall mean the place actually occupied either continuously or at regular periods by a dealer or manufacturer where his books and records are kept and a large share of his business is transacted;

(24) Explosives shall mean any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, that is with substantially instantaneous release of gas and heat, including, but not limited to, gunpowder, blasting powder, high explosives, and blasting caps, but shall not include liquid petroleum or organic products, chemical or mineral solvents, or other substances commonly classified as flammable liquids or solids;

(25) Farm tractor shall mean every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry;

(26) Final conviction shall mean the final determination of all questions of fact and of law;

(27) Flammable liquid shall mean any liquid which gives off flammable vapors at or below a temperature of eighty degrees Fahrenheit as determined by flash point from Tagliabue's Open Cup Tester, as used for test of burning oils;

(28) Flammable solid shall mean any solid substance other than an explosive which is liable, under conditions incident to transportation, to ignite through friction, absorption, or moisture, or spontaneous chemical changes, or as a result of retained heat from manufacturing or processing;

(29) Freeway shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersecting road crossings, including all interchanges, and approach and exit roads thereto;

(30) Full control of access shall mean that the right of owners or occupants of abutting land or other persons to access or view is fully controlled by public authority having jurisdiction, and that such control is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings or intersections at grade or direct private driveway connections;

(31) Grade separation shall mean a crossing of two highways at different levels;

(32) Highway shall mean the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly-maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

(33) Home state shall mean the state which has issued and has the power to grant, suspend, or revoke the privilege to operate a motor vehicle on the public way;

(34) Identifying number shall mean the numbers, and letters if any, on a vehicle designated by the department for the purpose of identifying such vehicle;

(35) Implement of husbandry shall mean every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case usually primarily used off of any highway;

(36) Interchange shall mean a grade separated intersection with one or more turning roadways for travel between any of the highways radiating from and forming part of such intersection;

(37) Intersection shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if there are no lateral curb lines, then the lateral boundary lines of the roadways of two or more highways, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; Provided, that where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; and provided further, that the junction of an alley with a highway shall not constitute an intersection;

(38) Laned roadway shall mean a roadway which is divided into two or more clearly-marked lanes for vehicular traffic;

(39) License or license to operate a motor vehicle shall mean the privilege granted by this state to operate a motor vehicle;

(40) Licensing authority shall mean the Department of Motor Vehicles;

(41) Lienholder shall mean a person holding a security interest in a vehicle;

(42) Local authority shall mean every county, municipal, and other local board or body having power to enact laws or regulations relating to traffic under the Constitution and laws of this state, and generally including the directors of state institutions and the Game and Parks Commission with regard to roads not a part of the state highway system and within the limits of such institution or of an area under Game and Parks Commission control, but outside the limits of any incorporated city or village;

(43) Mail shall mean to deposit in the United States mail properly addressed and with postage prepaid;

(44) Maintenance shall mean the act, operation, or continuous process of repair, reconstruction, or

preservation of the whole or any part of any highway, including surface, shoulders, roadsides, traffic-control devices, structures, waterways, and drainage facilities, for the purpose of keeping it at or near, or improving, upon its original standard of usefulness and safety;

(45) Manual shall mean the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways;

(46) Manufacturer shall mean any person who engages in the business of constructing or assembling vehicles of a type required to be registered for operation on the highways of this state at an established place of business in this state;

(47) Median shall mean that part of a divided highway, such as a physical barrier or clearly indicated dividing section or space, so constructed as to impede vehicular traffic across or within such barrier, section, or space, or to divide such highway into two roadways for vehicular travel in opposite directions;

(48) Median crossover shall mean a connection between roadways of a divided highway the use of which may permit a vehicle to reverse its direction by continuously moving forward;

(49) Median opening shall mean a gap in a median provided for crossing and turning traffic;

(50) Metal tire shall mean every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material;

(51) Minibike shall mean a two-wheel motor vehicle which has a total wheel and tire diameter of less than fourteen inches, or an engine-rated capacity of less than forty-five cubic centimeters displacement, or a seat height less than twenty-five inches from the ground, or any other two-wheel motor vehicle primarily designed by the manufacturer thereof for off-road use only. Minibikes, their owners and their operators, shall be exempt from the requirements of Chapter 60, articles 1, 3, 4, 5, and 17, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto;

(52) Motor vehicle shall mean every self-propelled land vehicle, not operated upon rails, except self-propelled invalid chairs;

(53) Motorcycle shall mean every motor vehicle having a seat or saddle for the use of the rider and

designed to travel on not more than three wheels in contact with the ground, but excluding a tractor;

(54) Motor-driven cycle shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, as measured at the drive shaft, and every bicycle with motor attached;

(55) Nighttime shall mean that period of time between sunset and sunrise;

(56) Nonresident shall mean every person who is not a resident of this state;

(57) Nonresident's operating privilege shall mean the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this state;

(58) Operator or driver shall mean any person who drives or is in actual physical control of a vehicle;

(59) Operator's license shall mean any license to operate a motor vehicle issued under the laws of this state;

(60) Owner shall mean a person, other than a lienholder, having the property in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security;

(61) Oxidizing material shall mean any substance such as chlorate, permanganate, peroxide, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter;

(62) Park or parking shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;

(63) Passenger car shall mean any motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used primarily for the transportation of persons;

(64) Pedestrian shall mean any person afoot;

(65) Period of insufficient light shall mean nighttime and all other times when atmospheric conditions are such that there is insufficient light to reveal a person or an object of comparable size or larger at a distance of one thousand feet;

(66) Person shall mean every natural person, firm, partnership, association, or corporation;

(67) Pneumatic tire shall mean any tire designed so that compressed air supports the load of the wheel;

(68) Poisonous substance shall mean any liquid or gas of such nature that a very small amount of the gas, or vapor of the liquid, mixed with air is dangerous to life; or any liquid or solid substance that upon contact with fire or when exposed to air gives off dangerous or intensely irritating fumes or substances which are chiefly dangerous by external or internal contact with the body;

(69) Police officer shall mean any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(70) Private road or driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons;

(71) Radioactive material shall mean any substance which spontaneously emits radiation capable of penetrating and severely damaging living tissue and undeveloped photographic film, and fissile radioactive materials shall mean those which are classified according to controls needed for nuclear criticality safety;

(72) Racing shall mean the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes;

(73) Railroad shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(74) Railroad sign or signal shall mean any sign, signal, or device erected by authority of a public body or official or by a railroad intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(75) Railroad train shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails;

(76) Reconstructed vehicle shall mean any vehicle of a type required to be registered for operation on the highways of this state materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used;

(77) Registration shall mean the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles;

(78) Residential district shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business;

(79) Revocation of operator's license shall mean the termination by a court of competent jurisdiction or by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the department after the expiration of the applicable period of time prescribed in the statute providing for revocation;

(80) Right-of-way shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other;

(81) Road tractor shall mean any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or as any part of the weight of a vehicle or load so drawn;

(82) Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively;

(83) Safety glass shall mean any product which is composed of glass or similar material which will withstand discoloration caused by exposure to sunlight or abnormal temperature over an extended period of time, and which is so manufactured, fabricated, or treated as substantially to prevent or reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons when the glass is struck or broken;

(84) Safety zone shall mean an area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as such area;

(85) School bus shall mean any motor vehicle that complies with the color and identification requirements as provided in the laws of this state, or set forth in the most recent edition of Minimum Standards for School Buses, produced and sponsored by the National Commission on Safety Education of the National Education Association, and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children;

(86) Security agreement shall mean a written agreement which reserves or creates a security interest;

(87) Security interest shall mean an equitable title or property right in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, including the interest of a lessor under a lease intended as security, and which is perfected when it is valid against third parties generally, subject only to specific statutory exceptions;

(88) Semitrailer shall mean any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

(89) Separation structure shall mean that part of any bridge or road which is directly overhead of the roadway of any part of a highway;

(90) Shoulder shall mean that part of the highway contiguous to the roadway and designed for the accommodation of stopped vehicles, for emergency use, and for lateral support of the base and surface courses of the roadway;

(91) Sidewalk shall mean that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians;

(92) Sidewalk space shall mean that portion of a street between the curb line and the adjacent property line;

(93) Snowmobile shall mean a self-propelled motor vehicle designed to travel on snow or ice or a natural terrain steered by wheels, skis, or runners and propelled by a belt-driven track with or without steel cleats;

(94) Solid tire shall mean every tire of rubber or other resilient material which does not depend upon compressed air or metal for the support of the load of the wheel to which it attaches;

(95) Special mobile equipment shall mean any vehicle not designed or used primarily for transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch-digging apparatus, well-boring apparatus, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and drag lines, self-propelled cranes, and earthmoving equipment, but not including cabin trailers, dump trucks, truck-mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached;

(96) Specially constructed vehicle shall mean any vehicle of a type required to be registered for operation on the highways of this state and not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

(97) Stand or standing shall mean the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers;

(98) State shall mean a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of Canada;

(99) Stop, when required, shall mean a complete cessation of movement;

(100) Stop or stopping, when prohibited, shall mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device;

(101) Suspension of operator's license shall mean the temporary withdrawal by a court of competent jurisdiction or by formal action of the department of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the court or department;

(102) Through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield such right-of-way to vehicles on such highway in obedience to a stop sign, yield sign, or other traffic-control device, when such sign or device is erected as provided by law;

(103) Traffic shall mean pedestrians, ridden or herded animals, and vehicles and other conveyances either singly or together while using any highway for purposes of travel;

(104) Traffic-control device shall mean any sign, signal, marking, or other device not inconsistent with this act placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic;

(105) Traffic-control signal shall mean any signal, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed;

(106) Traffic infraction shall mean the violation of any provision of this act or of any law, ordinance, order, rule, or regulation regulating traffic which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense;

(107) Trailer shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(108) Transporter shall mean any person who engages in the business of delivering vehicles of a type required to be registered for operation on the highways of this state from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer;

(109) Truck shall mean any motor vehicle designed, used, or maintained primarily for the transportation of property;

(110) Truck-tractor shall mean any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(111) Urban district shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more; and

(112) Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 3. (1) The provisions of this act relating to operation of vehicles refer exclusively to operation of vehicles upon highways except where a different place is specifically referred to in a given section, but the provisions relative to careless driving and to reckless driving shall apply upon highways and anywhere throughout the state.

(2) Nothing in this act or in Chapter 39, article 7, Reissue Revised Statutes of Nebraska, 1943, as amended, shall be construed to prevent the owner of real property used by the public for the purposes of vehicular travel, by permission of the owner and not as a matter of right, from prohibiting such use nor from requiring other, different, or additional conditions from those specified, or otherwise regulating the use thereof by such owner.

(3) The provisions of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities of this state and no local authority shall enact or enforce any ordinance directly contrary to the provisions of this act unless expressly authorized by the Legislature.

Sec. 4. (1) Any person who knowingly fails or refuses to obey any lawful order of any law enforcement officer who is controlling or directing traffic shall be guilty of a traffic infraction.

(2) Any person who knowingly fails to obey any lawful order of a law enforcement officer shall be guilty of a misdemeanor whenever such order is given in furtherance of the apprehension of a person who has violated this act or of a person whom such officer reasonably believes has violated this act.

Sec. 5. (1) Any person who rides an animal, or drives an animal-drawn vehicle, farm tractor, or an implement of husbandry upon a roadway shall be granted all of the rights and shall be subject to all of the duties made applicable to the driver of a vehicle by this act, except those provisions of this act which by their very nature can have no application.

(2) Whenever the slowness of such animal, animal-drawn vehicle, farm tractor, or implement of husbandry is obstructing the normal flow of traffic, the rider or driver thereof shall drive to the nearest available shoulder of the highway and allow traffic to pass.

Sec. 6. Unless specifically made applicable, the provisions of this act, except those provisions relative to careless driving and to reckless driving, shall not apply to:

(1) Persons, teams of draft animals, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work; or

(2) Government employees and public utility employees to the extent that there would be a conflict between this act and the performance of their official duties.

Sec. 7. Unless specifically exempted, the provisions of this act shall apply to all drivers of vehicles owned or operated on behalf of the United States or any state or political subdivision thereof.

Sec. 8. (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth

in this section, but subject to the conditions stated in this act.

(2) The driver of such emergency vehicle may stop, park, or stand, irrespective of the provisions of this act, and disregard regulations governing direction of movement or turning in specified directions.

(3) The driver of such emergency vehicle, except wreckers towing disabled vehicles, and highway maintenance vehicles and equipment may also:

(a) Proceed past a steady red signal, a flashing red signal, or a stop sign, but only after slowing down as may be necessary for safe operation; and

(b) Exceed the maximum speed limits so long as he does not endanger life, limb, or property.

(4) Except for such emergency vehicle operated as a police vehicle, the exemptions granted in this section to such emergency vehicle shall apply only when the driver of such vehicle, while in motion, sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when such vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

(5) The provisions of this section shall not relieve the driver of such emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect such driver from the consequences of his reckless disregard for the safety of others.

Sec. 9. (1) The driver of any vehicle shall obey the instructions of any traffic-control device applicable thereto placed in accordance with the provisions of this act, unless otherwise directed by a law enforcement officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this act.

(2) No provision of this act for which traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever a section of this act does not state that traffic-control devices are required, such section shall be effective even though no

devices are erected or in place.

(3) Whenever traffic-control devices are placed in position approximately conforming to the requirements of this act, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any traffic-control device placed pursuant to the provisions of this act and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this act, unless the contrary shall be established by competent evidence.

(5) Notwithstanding the provisions of subsection (1) of this section, when the Department of Roads, any local authority, or its authorized representative or permittee has closed, in whole or in part by barricade or otherwise during repair or construction, any portion of any highway, the restrictions upon the use of such highway shall not apply to persons living along such closed highway or to persons who would need to travel such highway during the normal course of their operations if no other route of travel is available to such person but extreme care shall be exercised by such persons on such highway.

Sec. 10. (1) The Department of Roads shall place and maintain, or provide for such placing and maintaining, such traffic-control devices, conforming to the manual and the department's supplements and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this act or to regulate, warn, or guide traffic.

(2) (a) In incorporated cities and villages with less than forty thousand inhabitants, the Department of Roads shall have exclusive jurisdiction regarding the erection and maintenance of traffic-control devices on the state highway system, but shall not place traffic-control devices on the state highway system within incorporated cities and villages of more than twenty-five hundred inhabitants without consultation with the proper city officials.

(b) In incorporated cities of forty thousand or more inhabitants, except on state-maintained freeways of the state highway system where the Department of Roads retains exclusive jurisdiction, the city shall have jurisdiction regarding erection and maintenance of traffic-control devices on the state highway system after

consultation with the Department of Roads; Provided, that there shall be joint jurisdiction with the Department of Roads for such traffic-control devices for which the Department of Roads accepts responsibility for the erection and maintenance.

(3) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the Department of Roads except by the latter's permission, nor on any state-maintained freeway of the state highway system.

(4) The placing of traffic-control devices by the Department of Roads shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders but shall be considered as establishing precepts extending the provisions of this act as necessary to regulate, warn, or guide traffic. Violation of such traffic-control devices shall be punishable as provided in this act.

Sec. 11. Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdictions as they deem necessary to indicate and to carry out the provisions of this act or to regulate, warn, or guide traffic. All such traffic-control devices erected pursuant to this act shall conform with the manual and the Department of Roads supplements and specifications.

Sec. 12. The directors of state institutions, and the Game and Parks Commission for areas under its control, shall have the powers of local authorities provided for in this act with regard to roadways running through, within, or along the grounds of the institution or area which are not part of the state highway system and not within the limits of any incorporated city or village; Provided, that the governing body of an incorporated city or village may delegate to the director of a state institution, or to the Game and Parks Commission for an area under its control, responsibility for regulating traffic and placing and maintaining traffic-control devices on roadways not part of the state highway system running through or within the limits of such institution or area and within the incorporated city or village when such city or village does not exercise its right to regulate traffic on such roadway.

Sec. 13. It shall be unlawful for any manufacturer, jobber, retailer, or his agent, or any other person to sell, lease, or offer for sale or lease any traffic-control devices which are not in compliance

with the manual and the Department of Roads supplements and specifications.

Sec. 14. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) (a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited;

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time, and such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(c) Unless otherwise directed by a pedestrian-control signal, as provided in this act, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk;

(2) (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection, and upon display of a steady yellow signal vehicular traffic shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection; and

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in this act, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway;

(3) (a) Vehicular traffic facing a steady red signal alone shall stop at a clearly-marked stop line, but if there is no such line then before entering the crosswalk on the near side of the intersection, or if there is no crosswalk then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subdivision (3) (b) of this section;

(b) Except where a traffic-control device is in place prohibiting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subdivision (3) (a) of this section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and

(c) Unless otherwise directed by a pedestrian-control signal as provided in this act, pedestrians facing a steady red signal alone shall not enter the roadway; and

(4) If a traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

Sec. 15. Whenever pedestrian-control signals exhibiting the words WALK or DONT WALK are in place, such signals shall indicate as follows:

(1) Pedestrians facing a walk signal may proceed across the roadway in the direction of such signal and shall be given the right-of-way by the drivers of all vehicles; and

(2) No pedestrian shall start to cross the roadway in the direction of a DONT WALK signal, but any pedestrian who has partially completed his crossing on the WALK signal shall immediately proceed to a sidewalk or safety island while the DONT WALK signal is showing.

Sec. 16. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a

clearly-marked stop line, but if there is no such line then before entering the crosswalk on the near side of the intersection, or if there is no crosswalk then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;

(2) When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution; and

(3) This section shall not apply at railroad grade crossings.

Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in this act pertaining to such railroad grade crossings.

Sec. 17. When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a specified or appropriate green signal is shown, but shall not enter or travel in any lane over which a specified or appropriate red signal is shown. When such signals are in use, signs adequate to advise motorists of the meaning of such signals shall be erected.

Sec. 18. (1) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which purports to be or is an imitation of or which resembles a lawful traffic-control device or railroad sign or signal, or uses the words stop or danger prominently displayed, or implies the need or requirement of stopping or the existence of danger, or which attempts to direct the movement of traffic, or which otherwise copies or resembles any lawful traffic-control device, or which hides from view or interferes with the effectiveness of a traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal which bears commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs, unless

prohibited by another statute.

(4) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the authority having jurisdiction over any highway where such prohibited sign, signal, or marking is found may remove or cause it to be removed without notice.

Sec. 19. (1) No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic-control device or any railroad sign or signal or any part thereof.

(2) Any person who moves, alters, damages, or destroys warning devices placed upon roads which the Department of Roads or any local authority or its representative has closed in whole or in part for the protection of the public or for the protection of the highway from damage during construction, improvement, or maintenance operation, and thereby causes injury or death to any person or damage to any property, equipment, or material thereon shall be liable, subject to the provisions of section 25-1151, Reissue Revised Statutes of Nebraska, 1943, for the full amount of such death, injury, or damage, and such amount may be recovered by the injured or damaged party or his legal representative in a civil action brought in any court of competent jurisdiction.

Sec. 20. (1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; Provided, that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic.

(2) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be

driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subdivision (b) of subsection (1) of this section. This subsection shall not be construed to prohibit the crossing of the centerline in making a left turn into or from an alley, private road, or driveway, unless such movement is otherwise prohibited by signs.

Sec. 21. Passing vehicles proceeding in opposite directions shall each keep to the right side of the roadway, passing left to left, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other, as nearly as possible, at least one half of the main-traveled portion of the roadway.

Sec. 22. Except where overtaking and passing on the right is permitted, the following rules shall govern the overtaking and passing of vehicles proceeding in the same direction:

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

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

(3) The driver of a vehicle overtaking bicycles, animals, animal-drawn vehicles, or farm vehicles proceeding in the same direction shall give an audible signal of his intention to pass from one hundred to three hundred feet from the vehicle or animal and then pass without giving another audible signal.

Sec. 23. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle to be overtaken is making or about to make a left turn;

(b) Upon a street or highway with unobstructed roadway not occupied by parked vehicles of sufficient width for two or more lanes of moving vehicles in each direction; and

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lanes of moving vehicles.

(2) In no event shall the driver of a vehicle overtake and pass another vehicle upon the right unless such movement may be made in safety and upon the pavement or main-traveled portion of the roadway.

Sec. 24. (1) No vehicle shall overtake another vehicle proceeding in the same direction on an undivided two-way roadway when such overtaking shall require the overtaking vehicle to be driven on the left side of the center of the roadway unless the left side is clearly visible for a distance sufficient to accomplish such overtaking and is free from oncoming traffic for a distance sufficient to:

(a) Permit the overtaking vehicle to return to an authorized lane of traffic before coming within two hundred feet of any approaching vehicle; and

(b) Permit the overtaking vehicle to be safely clear of the overtaken vehicle while returning to the authorized lane of travel as provided in this act.

(2) After completing such overtaking, the overtaking vehicle shall return to the authorized lane of travel as soon as practicable.

(3) Any such overtaking shall be subject to the provisions of this act.

(4) The provisions of this section shall not permit the crossing of the centerline of an undivided highway providing for two or more lanes of traffic in each direction for the purpose of overtaking and passing another vehicle.

Sec. 25. (1) No driver shall overtake and pass another vehicle or drive to the left of the center of the roadway whenever:

(a) He approaches the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) He approaches within one hundred feet of or traverses any intersection or railroad grade crossing;

(c) The view is obstructed when he approaches within one hundred feet of any bridge, viaduct, or tunnel; or

(d) The section of roadway is designated as a no-passing zone under this act.

(2) The limitations imposed by subsection (1) of this section shall not apply upon a one-way roadway, nor when an obstruction exists which requires a driver to drive to the left of the center of the highway nor to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.

Sec. 26. (1) The Department of Roads and local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the center of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and, when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey such indications.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) of this section, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(3) This section shall not apply when an obstruction exists which requires a driver to drive to the left of the center of the highway nor to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.

Sec. 27. (1) The Department of Roads and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all times or at such times as shall be indicated by traffic-control devices.

(2) Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any traffic lane, deceleration lane, acceleration lane, access ramp, shoulder, or other roadway.

(3) A vehicle which passes around a rotary traffic island shall be driven only to the right of such island.

Sec. 28. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules, in addition to all others consistent herewith, shall apply:

(1) A vehicle shall be driven as nearly as practicable within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by traffic-control devices;

(3) Traffic-control devices may be erected by the Department of Roads or local authorities to direct specified traffic to use a designated lane or to designate those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device; and

(4) Traffic-control devices may be installed by the Department of Roads or local authorities to prohibit the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

Sec. 29. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, and such driver shall have due regard for the speed of such vehicles and the traffic upon and the condition of the roadway.

(2) The driver of any motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and which is following another vehicle shall, subject to varying road conditions, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger. This subsection shall not prevent another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) The driver of a motor vehicle upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall operate such vehicle so as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This subsection shall not apply to funeral processions.

Sec. 30. (1) Whenever any highway has been divided into two or more roadways by a median, a driver shall drive only upon the right-hand roadway unless directed or permitted to use another roadway by traffic-control devices or competent authority.

(2) No driver shall drive any vehicle over, across, or within any median except through an opening in such median or at a crossover or intersection as established by competent authority. Medians on freeways shall not be crossed or entered upon at any point, unless specifically directed by competent authority.

(3) No driver except drivers of authorized emergency vehicles shall use any emergency entrance or median crossover on a freeway intended only for emergency vehicles, but no such excepted driver shall drive in such manner as to create a hazard to any other vehicle.

Sec. 31. No person shall drive on the shoulders of highways, except that this section shall not prohibit the driving of vehicles onto shoulders of roadways to safely remove a vehicle from traffic lanes or implements of husbandry from being driven thereon.

Sec. 32. No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by competent authority.

Sec. 33. Use of a freeway and entry thereon by the following shall be prohibited at all times except by permit from the Department of Roads or from the local authority in the case of freeways not under the jurisdiction of the Department of Roads, and the Department of Roads or the appropriate local authority shall not issue such permit except in extreme emergency: (1) Pedestrians except in areas specifically designated for that purpose; (2) hitchhikers or walkers; (3) vehicles not self-propelled; (4) bicycles, motor-driven cycles, and motor scooters not having motors of more than ten horsepower; (5) animals led, driven on the hoof, ridden, or drawing a vehicle; (6) funeral processions; (7) parades or demonstrations; (8) vehicles, except emergency vehicles, unable to maintain minimum speed as provided in this act; (9) construction equipment; (10) implements of husbandry, whether self-propelled or towed; (11) vehicles with improperly secured attachments or loads; (12) vehicles in tow, not being towed with a type of hitch approved by the department, except disabled vehicles which shall be removed from such freeway at the nearest interchange, and except trailers and semitrailers being drawn by a motor vehicle; (13) vehicles with deflated pneumatic, metal, or solid tires, or vehicles with continuous metal treads, except maintenance vehicles; (14) any person standing on or near a roadway for the purpose of soliciting or selling to an occupant of any vehicle; or (15) overdimensional vehicles.

Sec. 34. The Department of Roads and local authorities shall erect and maintain at appropriate locations official signs on freeways under their respective jurisdictions apprising motorists of the restrictions placed upon the use of such highways by this act. When the Department of Roads or local authority posts such signs, it need not follow the usual rules and procedure of posting signs on or near freeways, nor shall the department be required to conform with the formalities of public hearings. When such signs are erected, no person shall disobey the restrictions stated on such signs.

Sec. 35. (1) When two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(2) Notwithstanding the provisions of subsection (1) of this section, a vehicle entering a highway from an acceleration lane, ramp, or any other approach road shall yield the right-of-way to a vehicle on the main roadway entering such merging area at the same time, regardless

of whether the approach road is to the left or the right of the main roadway, unless posted signs indicate otherwise.

(3) The driver of a vehicle about to enter or cross a paved roadway from an unpaved roadway and who is not subject to control by a traffic-control device shall yield the right-of-way to all vehicles approaching on such paved roadway.

(4) The right-of-way rules set forth in subsections (1) and (3) of this section are modified at through highways and otherwise as stated in this act.

Sec. 36. The driver of a vehicle who intends to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or approaching so close as to constitute an immediate hazard.

Sec. 37. (1) Competent authority may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.

(2) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line, but if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.

(3) The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely

as to constitute an immediate hazard if such driver moved across or into such intersection.

Sec. 38. The driver of a vehicle emerging from an alley, driveway, private road, or building shall stop such vehicle immediately before driving onto a sidewalk or onto the sidewalk area extending across such alley, driveway, road, or building entrance, and shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across such alley, driveway, road, or building entrance. Before entering the highway, he shall yield the right-of-way to all vehicles approaching on such highway.

Sec. 39. No person shall move a vehicle which is stopped, standing, or parked without yielding the right-of-way to all other vehicles and pedestrians affected by such movement, and in no event until such movement can be made with reasonable safety.

Sec. 40. (1) Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

(a) The driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway, or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes, unless otherwise directed by any police or traffic officer; and

(b) Any pedestrian using such roadway shall yield the right-of-way until such emergency vehicle passes, unless otherwise directed by any police or traffic officer.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 41. (1) A pedestrian shall obey the instructions of any traffic-control device specifically applicable to him, unless otherwise directed by a police officer.

(2) Pedestrians shall be subject to traffic and pedestrian-control signals as provided in this act.

(3) At all other places pedestrians shall be accorded the privileges and shall be subject to the

restrictions set forth in this act.

Sec. 42. (1) Except at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided, when traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(3) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(4) The Department of Roads and local authorities in their respective jurisdictions may, after an engineering and traffic investigation, designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians shall yield the right-of-way to vehicles. Such restrictions shall be effective only when traffic-control devices indicating such restrictions are in place.

Sec. 43. (1) Every pedestrian who crosses a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.

(2) Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by traffic-control devices and, when authorized to cross diagonally, pedestrians shall cross only in accordance

with the traffic-control devices pertaining to such crossing movements.

(5) Local authorities and the Department of Roads, by erecting appropriate official traffic-control devices, may, within their respective jurisdictions, prohibit pedestrians from crossing any roadway in a business district or any designated highway except in a crosswalk.

Sec. 44. Notwithstanding the other provisions of this act, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or obviously confused or incapacitated person upon a roadway.

Sec. 45. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

Sec. 46. (1) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(3) Where neither a sidewalk nor a shoulder is available, any pedestrian who walks along and upon a highway shall walk as near as practicable to the edge of the roadway and, if on a two-way roadway, shall walk only on the left side of such roadway.

Sec. 47. (1) No person shall stand in a roadway for the purpose of soliciting a ride, employment, contributions, or business from the occupant of any vehicle.

(2) No person shall stand on or in proximity to a street or highway for the purposes of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

Sec. 48. The driver of a vehicle shall not at any time drive through or within a safety zone.

Sec. 49. The driver of a vehicle entering an alley, building, private road, or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across such alley, building entrance,

road, or driveway.

Sec. 50. (1) Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the extreme left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) The Department of Roads and local authorities in their respective jurisdictions may cause traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

Sec. 51. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet, nor at any place where such turns are prohibited by signs. No vehicle, except authorized emergency vehicles, shall be turned at any place on a freeway so as to proceed in the opposite direction.

Sec. 52. (1) No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided in sections 53 and 54 of this act.

(2) A signal of intention to turn or move right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in sections 53 and 54 of this act to the driver of any vehicle immediately to the

rear when there is opportunity to give such signal.

(4) The signals required on vehicles as provided for in this act shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or do pass signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

Sec. 53. (1) Any stop or turn signal when required in this act shall be given either by means of the hand and arm or by signal lights, except as otherwise provided in this section.

(2) Any motor vehicle having four or more wheels manufactured or assembled after January 1, 1954, designed or used for the purpose of carrying passengers or freight, in use on a highway shall be equipped with signal lights, and any required signal shall be given by signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles.

(3) Under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle of such signaling driver for one hundred feet, the required signals shall be given by such a light or device as required by this section.

(4) Motorcycles, motor-driven cycles, motor scooters, bicycles, vehicles used solely for agricultural purposes, and vehicles not designed and intended primarily for use on a highway shall not be required to have or maintain in working order signal lights but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing signal lights if the vehicle is so equipped.

Sec. 54. All hand and arm signals required by this act shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(1) Left turn--hand and arm extended horizontally;

(2) Right turn--hand and arm extended upward; and

(3) Stop or decrease speed--hand and arm extended downward.

Sec. 55. (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances set forth in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall not proceed until he can do so safely. The requirements of this subsection shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) A railroad train approaching within approximately one quarter mile of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or

(d) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 56. The Department of Roads and local authorities on highways under their respective jurisdictions may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

Sec. 57. (1) The driver of any motor bus carrying passengers for hire, or of any school bus carrying any school child, before crossing at grade any track of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as provided in this act, and

shall not proceed until he can do so safely. After stopping as required by this section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such track and the driver shall not shift gears while crossing such track.

(2) No stop shall be made at any such crossing where a police officer or a crossing flagman directs traffic to proceed, or an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority, when such markings can be read from the driver's position.

Sec. 58. (1) The driver of any vehicle which carries (a) liquid petroleum and liquid petroleum products, (b) flammable, oxidizing, or corrosive liquids, (c) flammable, nonflammable, or poisonous compressed gases, (d) volatile liquids or radioactive materials, whether loaded or empty, or (e) when carrying explosives, flammables, or oxidizing solids and solids which emit poisonous fumes as a cargo or any part of a cargo, before crossing at a grade any track of a railroad on streets and highways shall stop such vehicle not more than fifty feet nor less than fifteen feet from the nearest rail or railroad and while stopped shall listen and look in both directions along the track for an approaching train, and shall not proceed until precaution has been taken to ascertain that the course is clear.

(2) The requirements of subsection (1) of this section shall not apply when any of the following circumstances or conditions exist:

(a) When a police officer or a crossing flagman directs traffic to proceed;

(b) An abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority, when such markings can be read from the driver's position; or

(c) Railroad tracks used exclusively for industrial switching purposes within a business district.

(3) Nothing in this section shall be deemed to exempt the driver of any vehicle from compliance with the requirements contained in other sections of this act.

Sec. 59. (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating

speed of ten miles per hour or less or a vertical body or load clearance of less than one half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any track at a railroad grade crossing without first complying with this section.

(2) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall not proceed until the crossing can be made safely.

(3) No such crossing shall be made while warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

Sec. 60. (1) The driver of any motor vehicle upon meeting or overtaking, from the front or rear, any school bus on which the stop warning signal lights are flashing shall reduce the speed of such vehicle to not more than twenty-five miles per hour and shall bring such vehicle to a complete stop when the school bus stop signal arm is extended and shall remain stopped until the stop arm is retracted and the school bus resumes motion or until signaled by the bus driver to proceed. This section shall not apply to approaching traffic in the opposite direction on a dual highway divided by a median strip.

(2) The driver of any school bus used for the transportation of school children, when stopping to receive or discharge pupils, shall turn on flashing stop warning signal lights at a distance of not less than three hundred feet nor more than five hundred feet from the point where such pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils the driver shall bring the bus to a stop and extend a stop arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning signal lights, retract the stop arm, and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least four hundred feet of clear vision in each direction.

(3) All pupils shall be received and discharged from the right front entrance of every school bus and, if such pupils must cross a highway, the driver shall instruct such pupils to cross in front of the bus and the driver shall keep such school bus halted with stop warning signal lights flashing and the stop arm extended until such pupils have reached the opposite side of such roadway.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a freeway and such school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(5) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words school bus in letters not less than eight inches high.

(6) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating school bus shall be covered or concealed.

Sec. 61. The Department of Roads shall post on highways of the state highway system outside of business and residential districts signs to the effect that it is unlawful to pass school buses stopped to load or unload children. Such signs shall be adequate in size and number to properly inform the public of the provisions relative to such passing.

Sec. 62. (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Any person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits set forth in this act shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Seventy-five miles per hour upon any freeway;

(d) Sixty-five miles per hour upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway; and

(e) Fifty miles per hour upon any highway or road that is not dustless-surfaced and not part of the state highway system.

(3) The maximum speed limits set forth in this section may be altered as set forth in this act.

(4) The Department of Roads and local authorities may erect and maintain suitable signs along highways under their respective jurisdictions in such number and at such locations as they shall deem necessary to give adequate notice of the speed limit upon such highways.

Sec. 63. (1) Whenever the Department of Roads shall determine, upon the basis of an engineering and traffic investigation, that any maximum speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, place, or part of the state highway system outside of the corporate limits of cities and villages as well as inside the corporate limits of cities and villages on freeways which are part of the state highway system, it may determine and set a reasonable and safe maximum speed limit for such intersection, place, or part of such highway, which shall be the lawful speed limit when appropriate signs giving notice thereof are erected at such intersection, place, or part of the highway; Provided, that the maximum rural and freeway limits set forth in this act shall not be exceeded. Such a maximum speed limit may be set to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(2) The speed limits set by the Department of Roads provided for in subsection (1) of this section shall not be a departmental rule, regulation, or order subject to the statutory procedures for such rules, regulations, or orders, but shall be an authorization

over the signature of the Director-State Engineer and shall be maintained on permanent file at the headquarters of the Department of Roads. Certified copies of such authorizations shall be available from the Department of Roads at a reasonable cost for duplication. Any change to such an authorization shall be made by a new authorization which cancels the previous authorization and establishes the new limit, but the new limit shall not become effective until signs showing the new limit are erected, as provided in subsection (1) of this section.

(3) County boards on county roads not part of the state highway system or within the limits of any state institution or any area under control of the Game and Parks Commission and outside of the corporate limits of cities and villages shall have the same power and duty to alter the maximum speed limits as the Department of Roads; Provided, that the change is based on an engineering and traffic investigation comparable to that made by the Department of Roads; and provided further, that the limit outside of a business or residence district shall not be decreased to less than thirty-five miles per hour.

(4) Incorporated cities and villages on all streets within their corporate limits, except on state-maintained freeways which are part of the state highway system, shall have the same power and duty to alter the maximum speed limits as the Department of Roads; Provided, such change is based on engineering and traffic investigation; and provided further, that no imposition of speed limits on streets which are part of the state highway system in cities and villages under forty thousand inhabitants shall be effective without the approval of the Department of Roads.

(5) The director of any state institution or the Game and Parks Commission, with regard to roads not a part of the state highway system and within the limits of such institution or area under Game and Parks Commission control, and outside the limits of any incorporated city or village, shall have the same power and duty to alter the maximum speed limits as the Department of Roads; Provided, such change is based on an engineering and traffic investigation comparable to that made by the Department of Roads.

(6) Not more than six such speed limits shall be set per mile along a street or highway, except in the case of reduced limits at intersections, and the difference between adjacent limits shall not be more than twenty miles per hour.

Sec. 64. (1) The speed of any motor vehicle may be determined by the use of radio microwaves or other electronic device. The results of such determinations shall be accepted as prima facie evidence of the speed of the vehicle in any court or legal proceedings when the speed of the vehicle is at issue.

(2) The driver of any motor vehicle found by use of radio microwaves or other electronic device to be driving in excess of the applicable speed limit may be apprehended:

(a) If the apprehending officer has observed the recording of the speed of the motor vehicle by the radio microwaves or other electronic device;

(b) If such apprehending officer has received a radio message from an officer who observed the speed recorded and the radio message (i) has been dispatched immediately after the speed of the motor vehicle was recorded, and (ii) gives a description of the vehicle and its recorded speed; and

(c) If the apprehending officer is in uniform or displays his badge of authority.

Sec. 65. (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(2) On a freeway no motor vehicle, except emergency vehicles, shall be operated at a speed of less than forty miles per hour or at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for the safe operation of the motor vehicle because of weather, roadway, or traffic conditions. All vehicles entering or leaving such freeway from an acceleration or deceleration lane shall conform with the minimum speed regulations so long as they are within the main-traveled lanes of the freeway. The minimum speed of forty miles per hour may be altered by the Department of Roads or local authorities on freeways under their respective jurisdictions.

(3) Whenever the Department of Roads or any local authority within their respective jurisdictions determines on the basis of an engineering and traffic investigation that low speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the department or such local authority may

determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

(4) Vehicular, animal, and pedestrian traffic prohibited on freeways by this act shall not travel on any other roadway where minimum speed limits of twenty miles per hour or more are posted.

(5) Any minimum speed limit which is imposed under subsection (2) or (3) of this section shall not be effective until appropriate and adequate signs are erected along the roadway affected by such regulation apprising motorists of such limitation.

(6) On any freeway, or other highway providing for two or more lanes of travel in one direction, vehicles shall not intentionally impede the normal flow of traffic by traveling side by side and at the same speed while in adjacent lanes. This subsection shall not be construed to prevent vehicles from traveling side by side in adjacent lanes because of congested traffic conditions.

Sec. 66. (1) Notwithstanding the maximum speed limits established in this act, no person shall operate any truck, truck-tractor, or any freight-carrying vehicle, if the gross weight of such freight-carrying vehicle including any load thereon is more than five tons, in excess of the following maximum speed limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Sixty-five miles per hour upon any freeway;

(d) Sixty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway;

(e) Sixty miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway; and

(f) Fifty miles per hour upon any highway that is not dustless-surfaced and not a part of the state highway system.

(2) Notwithstanding the maximum speed limits established in this act, no person shall operate any motor vehicle when towing a camping trailer or travel trailer in excess of the following maximum speed limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Sixty-five miles per hour upon any freeway;

(d) Sixty-five miles per hour during the daytime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway;

(e) Sixty miles per hour during the nighttime upon any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway; and

(f) Fifty miles per hour upon any highway that is not dustless-surfaced and not a part of the state highway system.

(3) No person shall operate any motor vehicle when towing a mobile home at a rate of speed in excess of fifty miles per hour.

(4) Notwithstanding the maximum speed limits established in this act, no person shall operate any school bus carrying any school child at a speed in excess of the following maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Sixty-five miles per hour upon any freeway;

(d) Sixty miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the daytime;

(e) Fifty-five miles per hour on any part of the state highway system other than a freeway or any dustless-surfaced highway other than a freeway during the nighttime;

(f) Forty-five miles per hour on any highway or road that is not dustless-surfaced and not a part of the state highway system during the daytime; and

(g) Forty miles per hour on any highway or road that is not dustless-surfaced and not a part of the state highway system during the nighttime.

(5) Notwithstanding the maximum speed limits established in this act, no person shall operate any vehicle which carries unbaled livestock forage at a speed in excess of the following maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district; and

(c) Thirty miles per hour while loaded or fifty miles per hour while unloaded upon any highway other than a freeway outside of a business or residential district during the daytime.

(6) Any vehicle which carries unbaled livestock forage exceeding a total outside width of eight feet shall not be operated on a freeway nor on any highway during the nighttime.

(7) The maximum speed limits in business and residence districts declared for specific vehicles in subsections (1), (2), (4), and (5) of this section may be altered by the Department of Roads or local authorities as provided in this act.

(8) During the nighttime no person shall operate upon a roadway any motor-driven cycle at a speed in excess of thirty-five miles per hour unless such motor-driven cycle is equipped with a headlamp or lamps capable of revealing a person or vehicle in such roadway three hundred feet ahead, and with a lamp on the rear exhibiting a red light visible, under normal atmospheric conditions, from a distance of at least five hundred feet to the rear of such motor vehicle. Such motor-driven cycle shall not be operated at a speed in excess of twenty-five miles per hour if such headlamp or lamps are not sufficient to reveal a person or vehicle in such roadway at least two hundred feet ahead, and not in excess of twenty miles per hour if such headlamp or lamps do not reveal a person or vehicle in such roadway at least one hundred feet. If the headlamp or lamps do not reveal a person or vehicle in such roadway at least one hundred feet ahead, such motor-driven cycle shall not be

driven upon the roadways during the nighttime.

(9) No person shall operate any vehicle which is equipped with solid rubber tires on any highway at a speed greater than ten miles per hour.

(10) No person shall drive a vehicle over any public bridge, causeway, viaduct, or other elevated structure at a speed which is greater than the maximum speed which can be maintained with safety thereon when such structure is posted with signs as provided in subsection (11) of this section.

(11) The Department of Roads or a local authority may conduct an investigation of any bridge or other elevated structure constituting a part of a highway under its jurisdiction and if it finds that such structure cannot safely withstand vehicles traveling at the speed otherwise permissible under this act, the Department of Roads or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand and shall cause suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

(12) Upon the trial of any person charged with a violation of subsection (10) of this section, proof of such determination of the maximum speed by the Department of Roads or local authority and the existence of such signs shall constitute conclusive evidence of the maximum speed which can be maintained with safety on such bridge or structure.

(13) When the Department of Roads or local authority determines by an investigation that certain vehicles in addition to those specified in this section cannot with safety travel at the speeds provided in this act, the Department of Roads or local authority may restrict such vehicles' speed limit on highways under their respective jurisdictions and post proper and adequate signs.

Sec. 67. (1) In every charge of violation of any speed regulation in this act, the complaint and the summons or notice to appear shall specify the speed at which defendant is alleged to have driven and the maximum speed for the type of vehicle involved applicable within the district or at the location.

(2) The provisions of this act which set maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate

cause of an accident.

Sec. 68. (1) No person shall drive any vehicle on any highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.

(2) Any person convicted of violating this section shall be guilty of a misdemeanor.

Sec. 69. Any person who operates a vehicle in a manner so as to endanger or be likely to endanger any person or property shall be guilty of careless driving.

Sec. 70. (1) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon a roadway outside of a business or residential district when it is practicable to stop, park, or leave such vehicle off such part of such highway, but in any event an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred feet in each direction upon such highway. Such parking, stopping, or standing shall in no event exceed twenty-four hours.

(2) No person shall stop, park, or leave standing any vehicle on a freeway except in areas designated or unless so directed by a law enforcement officer, except that when a vehicle is disabled or inoperable, or the driver of the vehicle is ill or incapacitated, such vehicle shall be permitted to park, stop, or stand on the shoulder facing in the direction of travel with all wheels and projecting parts of such vehicle completely clear of the traveled lanes, but in no event shall such parking, standing, or stopping upon the shoulder of a freeway exceed twelve hours.

(3) No person, except law enforcement, fire department, civil defense, public or private ambulance, or authorized Department of Roads or local authority personnel, shall loiter or stand or park any vehicle upon any bridge, road, or structure which is located above or below or crosses over or under the roadway of any highway or approach or exit road thereto.

(4) This section shall not apply to the driver of any vehicle which is disabled while on the roadway in such manner and to such extent that it is impossible to

avoid stopping and temporarily leaving such disabled vehicle in such position.

Sec. 71. (1) Whenever any police officer shall find a vehicle standing upon a highway in violation of any of the provisions of this act, such officer may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle, to a position off the roadway of such highway or from such highway.

(2) The owner or other person lawfully entitled to the possession of such vehicle may be charged with the reasonable cost for such removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims.

Sec. 72. (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a law enforcement officer or traffic-control device, no person shall:

(a) Stop, stand, or park any vehicle: (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street, (ii) on a sidewalk, (iii) within an intersection, (iv) on a crosswalk, (v) between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the Department of Roads or the local authority indicates a different length by signs or markings, (vi) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic, (vii) upon any bridge or other elevated structure upon a highway or within a highway tunnel, (viii) on any railroad track, or (ix) at any place where official signs prohibit stopping;

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers: (i) In front of a public or private driveway, (ii) within fifteen feet of a fire hydrant, (iii) within twenty feet of a crosswalk at an intersection, (iv) within thirty feet of any flashing signal, stop sign, yield sign, or other traffic-control device located at the side of a roadway, (v) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance when properly signposted, or (vi) at any place where official signs prohibit standing; or

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers: (i) Within fifty feet of the nearest rail of a railroad crossing, or (ii) at any place where official signs prohibit parking.

(2) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as shall be unlawful.

Sec. 73. (1) Except as otherwise provided in this section, any vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or edge of such roadway.

(2) Except when otherwise provided by local authority, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or edge of the roadway, or its left-hand wheels within twelve inches of the left-hand curb or edge of such roadway.

(3) Local authority may permit angle or center parking on any roadway, except that angle or center parking shall not be permitted on any federal-aid highway or on any part of the state highway system unless the Director-State Engineer has determined that such roadway is of sufficient width to permit angle or center parking without interfering with the free movement of traffic.

(4) The Department of Roads or local authority may prohibit or restrict stopping, standing, or parking on highways under their respective jurisdictions outside the corporate limits of any city or village and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

Sec. 74. No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first stopping the motor of such vehicle, locking the ignition, removing the key from the ignition, and effectively setting the brakes thereon and, when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway.

Sec. 75. (1) The driver of a vehicle shall not back such vehicle on any roadway unless such movement can

be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back such vehicle upon any roadway or shoulder of any freeway.

Sec. 76. No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

Sec. 77. (1) No person shall drive a motor vehicle when there are in the front seat more than three persons over the age of twelve, or when it is so loaded with either persons or articles as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle.

(2) No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with the driver's control over the driving mechanism of such vehicle.

Sec. 78. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and it can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload property or passengers.

Sec. 79. The driver of a motor vehicle traversing defiles, canyons, or mountain highways shall hold such motor vehicle under control and as near the right-hand side of the highway as reasonably possible, and upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway shall give audible warning with a horn or other device.

Sec. 80. The driver of a motor vehicle when traveling upon a downgrade upon any highway shall not coast with the gears of such vehicle in neutral.

Sec. 81. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Sec. 82. No vehicle shall be driven over unprotected hose of a fire department when laid down on any highway or private road or driveway, in use or to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 83. (1) No person shall throw or deposit upon any highway:

(a) Any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person or animal or damage any vehicle upon such highway;

(b) Materials that may make the highway unsightly, such as rubbish, sewage, garbage, paper, or any other material of such nature; or

(c) Any burning material.

(2) Any person who deposits, or permits to be deposited, upon any highway any destructive or injurious material shall immediately remove such or cause it to be removed.

(3) Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle.

(4) The Department of Roads or local authority may procure and place at reasonable intervals on the side of highways under their respective jurisdictions appropriate signs showing the penalty for violating this section. Such signs shall be of such size and design as to be easily read by persons on such highways, but the absence of such a sign shall not excuse a violation of subsections (1), (2), and (3) of this section.

(5) It shall be the duty of all Nebraska State Patrol officers, game wardens, deputy game wardens, sheriffs, deputy sheriffs, constables, and other law enforcement officers to enforce the provisions of this section and to make prompt investigation of any violations of the provisions of this section reported by any person.

Sec. 84. City police, county sheriffs, officers of the Nebraska State Patrol, and any other such law enforcement officer with power to arrest for traffic violations may remove a dead body or an injured person from any roadway to the nearest available position off the roadway as may be necessary to keep the roadway open or safe for public travel, or to any hospital, clinic, or

medical doctor as may be necessary to preserve life.

Sec. 85. No person shall hunt, trap, or molest any wildlife or fish on or upon any portion of a highway or approach or exit thereto except at locations designated for such hunting or trapping of wildlife.

Sec. 86. (1) Any person who rides a bicycle upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under this act, except for special bicycle regulations in this act and except for those provisions of this act which by their nature can have no application.

(2) Regulations applicable to bicycles shall apply whenever a bicycle shall be operated upon any highway or upon any path set aside by the Department of Roads or local authority for the exclusive use of bicycles.

Sec. 87. The parent or guardian of any child, who is less than sixteen years old, shall not knowingly permit any such child to violate any of the provisions of this act.

Sec. 88. (1) Any person who rides a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) Any person who rides a bicycle shall not remove his feet from the pedals and shall have at least one hand on the handlebars at all times.

(3) Any person who operates a bicycle shall not carry any package, bundle, or article which prevents such operator from keeping at least one hand upon the handlebars.

(4) No bicycle shall be used to carry more persons at one time than the number for which it shall be designed and equipped.

Sec. 89. Any person who rides upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall not attach such or himself to any vehicle upon a roadway.

Sec. 90. (1) Any person who operates a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Any person who rides a bicycle upon a roadway shall not ride more than single file except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use such roadway.

(4) Local authority may, by ordinance, further regulate the operation of bicycles and may provide for registration and inspection of bicycles.

Sec. 91. (1) Any bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of at least five hundred feet to the front on a clear night and with a red reflector on the rear of a type approved by the department or local authority which shall be visible on a clear night from all distances between one hundred feet and six hundred feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector.

(2) Any bicycle used on a highway shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

Sec. 92. Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this act, except for special regulations in this act and except for those provisions of this act which by their nature can have no application.

Sec. 93. (1) Any person who operates a motorcycle shall ride only upon a permanent and regular seat attached thereto, and shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

(2) Any person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

Sec. 94. (1) A motorcycle shall be entitled to full use of a traffic lane of any highway and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by a vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

Sec. 95. No person who rides upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a roadway.

Sec. 96. (1) Any motorcycle which carries a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(2) No person shall operate any motorcycle with handlebars more than fifteen inches above the mounting point of the handlebars.

Sec. 97. (1) Any local authority with respect to highways under its jurisdiction and within the reasonable exercise of the police power may:

(a) Regulate or prohibit stopping, standing, or parking;

(b) Regulate traffic by means of police officers or traffic-control devices;

(c) Regulate or prohibit processions or assemblages on the highways;

- (d) Designate highways or roadways for use by traffic moving in one direction;
- (e) Establish speed limits for vehicles in public parks;
- (f) Designate any highway as a through highway or designate any intersection as a stop or yield intersection;
- (g) Restrict the use of highways as authorized in section 39-770, Reissue Revised Statutes of Nebraska, 1943;
- (h) Regulate operation of bicycles and require registration and inspection of such, including requirement of a registration fee;
- (i) Regulate or prohibit the turning of vehicles or specified types of vehicles;
- (j) Alter or establish speed limits authorized in this act;
- (k) Designate no-passing zones;
- (l) Prohibit or regulate use of controlled-access roadways by any class or kind of traffic except those roadways which are a part of the state highway system;
- (m) Prohibit or regulate use of heavily traveled highways by any class or kind of traffic it finds to be incompatible with the normal and safe movement of traffic except that such regulations shall not be effective on any highway which is part of the state highway system unless authorized by the Department of Roads;
- (n) Establish minimum speed limits as authorized in this act;
- (o) Designate hazardous railroad grade crossings as authorized in this act;
- (p) Designate and regulate traffic on play streets;
- (q) Prohibit pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk as authorized in this act;
- (r) Restrict pedestrian crossings at unmarked crosswalks as authorized in this act;

(s) Regulate persons propelling push carts;

(t) Regulate persons upon skates, coasters, sleds, and other toy vehicles;

(u) Adopt and enforce such temporary or experimental regulations as may be necessary to cover emergencies or special conditions; and

(v) Adopt other traffic regulations except as prohibited by state law or contrary to state law.

(2) No local authority, except an incorporated city with more than forty thousand inhabitants, shall erect or maintain any traffic-control device at any location so as to require the traffic on any state highway or state-maintained freeway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Roads.

(3) No ordinance or regulation enacted under subdivision (d), (e), (f), (g), (i), (j), (k), (l), (m), (o), (p) or (r) of subsection (1) of this section shall be effective until traffic-control devices giving notice of such local traffic regulations are erected upon or at the entrances to such affected highway or part thereof affected as may be most appropriate.

Sec. 98. The Department of Roads shall adopt the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as the uniform system of traffic-control devices consistent with the provisions of this act for use upon all highways within this state, and shall issue such supplements and specifications, correlated with and so far as possible conforming to the system set forth in such manual, as may be required to implement such manual in this state and to conform with such other standards as may be issued or endorsed by the federal highway administrator.

Sec. 99. In order to promote public safety and to preserve and protect state highways and prevent immoderate and destructive use of the same, the Department of Roads may formulate and promulgate rules and regulations in regard to the use of and travel upon the state highways. Such rules and regulations shall be consistent with the provisions of Chapter 39, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, shall be published and issued in pamphlet form by the Department of Roads, and shall be designated as the official state highway rules and regulations of the Department of Roads. Eight copies of the pamphlets shall

be furnished to the Nebraska Publications Clearinghouse. Such pamphlets shall be available upon request to the general public free of charge.

Such rules and regulations may include specifications, standards, limitations, conditions, requirements, definitions, enumerations, descriptions, procedures, prohibitions, restrictions, instructions, controls, guidelines, and classifications relative to the following:

(1) The issuance or denial of special permits for the travel of vehicles or objects exceeding statutory size and weight capacities upon the highways as authorized by section 39-722.01, Revised Statutes Supplement, 1972;

(2) Qualification and prequalification of contractors, including but not limited to maximum and minimum qualifications, ratings, classifications, classes of contractors or classes of work, or both, and procedures to be followed;

(3) The setting of special load restrictions as provided in Chapter 39, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto;

(4) The placing, location, occupancy, erection, construction, or maintenance, upon any highway or area within the right-of-way, of any pole line, pipe line, or other utility located above, on or under the level of the ground in such area;

(5) Contents, use, and purpose of violation cards, warning cards, summons, tickets, and such other notifications of law violations as may be necessary for use by the Nebraska State Patrol, weighing station personnel, and such other law enforcement agencies being a part of the department, necessary for notification of violations of law;

(6) Protection and preservation of trees, shrubbery, plantings, buildings, structures, and all other things located upon any highway or any portion of the right-of-way of any highway by the department;

(7) Applications for the location of, and location of, private driveways, commercial approach roads, facilities, things, or appurtenances upon the right-of-way of state highways, including but not limited to procedures for applications for permits therefor and standards for the issuance or denial of such permits, based on highway traffic safety, and the foregoing may

include reapplication for permits, applications for permits for existing facilities, and, in any event, issuance of permits may also be conditioned upon approval of the design of such facilities;

(8) Outdoor advertising signs, displays, and devices in areas where the department is authorized by law to exercise such controls; and

(9) The Grade Crossing Protection Fund provided for in section 39-7,136, Revised Statutes Supplement, 1972, including but not limited to authority for application, procedures on application, effect of application, as well as procedures and effect of granting such applications, and standards and specifications governing the type of control thereunder.

This section shall not amend nor derogate any other grant of power or authority to the Department of Roads to make or promulgate rules and regulations, but shall be additional and supplementary thereto.

Sec. 100. (1) A self-propelled unbaled livestock forage vehicle is defined as a motor vehicle with chassis which has a special implement bolted, mounted, or attached thereto for loading, unloading, and moving unbaled livestock forage.

(2) A trailer unbaled livestock forage vehicle is defined as a vehicle which has bolted, mounted, or attached to a trailer chassis a special implement for loading, unloading, and moving unbaled livestock forage.

(3) A self-propelled unbaled livestock forage vehicle or a truck-tractor vehicle used for moving a trailer unbaled livestock forage vehicle shall be classified for license registration purposes as a commercial truck as provided in section 60-331, Revised Statutes Supplement, 1972, when for hire; Provided, that the vehicles defined in subsections (1) and (2) of this section shall not be defined nor classified as commercial vehicles if owned by any person for his own use and not for hire in moving unbaled livestock forage.

(4) All vehicles moving unbaled livestock forage shall:

(a) Not exceed a length of fifty feet, extreme overall dimensions inclusive of bumpers and load;

(b) Not exceed a width of eighteen feet while unloaded, nor a width of eighteen feet while loaded moving unbaled livestock forage;

(c) After May 1, 1972, not exceed a height of eighteen feet, either for equipment alone or for equipment and load combined; provided, that such vehicles shall comply with subsection (2) of section 39-720, Revised Statutes Supplement, 1972;

(d) Not be restricted as to the county from which such vehicle loaded or unloaded may originate, nor to any county contiguous to the originating county; and

(e) Shall only be operated during hours of daylight.

(5) As used in sections 39-719 to 39-721, Revised Statutes Supplement, 1972, an intercity bus shall mean any motor vehicle with motive power, except a trailer, designed for carrying more than ten persons and performing transportation between two or more cities in the State of Nebraska.

(6) Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section 112 of this act.

(7) All provisions of sections 39-719 to 39-721, Revised Statutes Supplement, 1972, relating to unbaled livestock forage vehicles also shall apply to vehicles transporting baled livestock forage.

(8) The load of baled livestock forage shall be securely fastened to the vehicle at all times while it is on the roads or highways; and any person who transports unbaled or baled livestock forage shall be responsible for all damages occurring to other persons or property as a result of his negligence during the transportation of the same and shall also be responsible for cleaning the roads and highways of unbaled or baled livestock forage which falls or is dropped from the load onto the roads and highways during the moving of the same.

(9) Any person who shall use equipment which exceeds the length, width, and height provisions set forth in subsection (4) of this section shall first obtain a permit from the county sheriff of the county in which he resides and such permit shall be valid to carry loads twenty feet wide in such county and in adjacent counties. Such permit shall be furnished to the sheriff's office by the Department of Motor Vehicles and shall be valid for one calendar year. The fee for such permit shall be ten dollars. Any person securing such a permit shall keep a record of all activity covered by such permit, which record shall be available to the

issuing officer, his deputies and agents, or members of the Nebraska State Patrol, at all times. The record shall include dates, items moved, route, and other pertinent information.

(10) Any person who violates the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section 112 of this act. Enforcement of these provisions shall be the responsibility of the sheriffs and their deputies and the Nebraska State Patrol.

Sec. 101. It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub, or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard. When the Department of Roads or any local authority determines upon the basis of engineering and traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within ten days. Failure of the owner to remove such traffic hazard within ten days shall constitute an offense punishable under this act, and every day such owner shall fail to remove it shall be a separate offense.

Sec. 102. Unless otherwise declared in this act with respect to particular offenses, a violation of any provision of this act shall constitute a traffic infraction as defined in section 2 of this act.

Sec. 103. When an officer has probable cause to believe that a person has committed: (1) Any felony, or (2) any offense of (a) reckless driving, (b) driving while under the influence of intoxicating liquor or narcotic drugs, or (c) driving during any period of suspension or revocation of his motor vehicle operator's license or after any period of suspension or revocation, and before such license has been reinstated, such officer shall arrest such person and take him immediately before the nearest accessible court having jurisdiction to be formally charged with the appropriate offense.

Sec. 104. It shall be the duty of any sheriff, constable, policeman, or any other peace officer in this state, other than members of the Nebraska State Patrol, who shall investigate any traffic accident in the performance of his official duties, in all instances of an accident in which estimated damage exceeds two hundred fifty dollars, to submit a report of such investigation to the accident record bureau of the Department of Roads within ten days after each such accident. Such report shall be on forms to be prescribed and furnished by the

Department of Roads.

Sec. 105. Whenever any person shall be charged with a violation of any provision of this act, or of Chapter 39, article 7, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, the officer making such charge shall, except as otherwise provided in this act, take the name and address of such person and the license number of the motor vehicle such person shall have been driving if any such license is assigned. The officer shall then issue a summons or otherwise notify such person in writing to appear at a specific time and place to answer such charge. Such time specified shall be at least five days after service of such summons or notice, unless such person shall demand an earlier hearing. Upon such demand such person shall have a right to a hearing within twenty-four hours at a convenient hour before a court within the county where such alleged offense was committed.

Sec. 106. When a person who is apprehended by an officer fails to exhibit his driver's license, or if such person is driving without a driver's license in his possession and fails to furnish satisfactory evidence of identity, such person shall, in the discretion of the officer, either be given a summons or be taken without unnecessary delay before the nearest accessible court having jurisdiction to be formally charged with the appropriate offense.

Sec. 107. When a person has been charged with any act declared by this act to be a misdemeanor and is issued a summons meeting the requirements of this act, if such summons includes the information and is sworn to as required by the laws of this state, then such citation when filed with a court having jurisdiction shall be deemed a lawful complaint for the purpose of prosecution under this act.

Sec. 108. (1) When any person is required to post bond under any of the provisions of this act, such bond may consist of an unexpired guaranteed arrest bond certificate or a similar written instrument by its terms of current force and effect signed by such person and issued to him by an automobile club or a similar association or insurance company jointly and severally with a corporate surety duly authorized to transact fidelity or surety insurance business in this state or with an insurance company duly authorized to transact both automobile liability and fidelity and surety insurance business in this state to guarantee the appearance of such person at any hearing upon any arrest or apprehension or any violation or, in default of any

such appearance, the prompt payment by or on behalf of such person of any fine or forfeiture imposed for such default not in excess of two hundred dollars.

(2) The provisions of subsection (1) of this section shall not apply to any person who is charged with a felony or a misdemeanor.

Sec. 109. The procedures outlined in this act shall apply only to apprehensions and arrests without a warrant for violations of the provisions of this act and shall not exclude other lawful means of effecting such arrest or apprehension.

Sec. 110. When any person fails within ten days to satisfy any judgment imposed for any traffic infraction, it shall be the duty of the clerk of the court, in which such judgment is rendered within this state, to forward to the department immediately after the expiration of such ten-day period, a certified copy of such judgment.

Sec. 111. Prosecutions for violations declared by this act to be misdemeanors or felonies shall be conducted and disposed of in the same manner as provided for such prosecutions under the laws of this state.

Sec. 112. (1) Any person who is found guilty of a violation of this act or of Chapter 39, article 7, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for which a penalty has not been specifically provided shall be fined: (a) Not more than one hundred dollars for the first offense, (b) not more than two hundred dollars for a second offense within a one-year period, and (c) not more than three hundred dollars for a third and subsequent offense within a one-year period.

(2) When a defendant charged with a violation of this act or of Chapter 39, article 7, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, fails to appear in answer to such charge, the court shall enter a default judgment against him in the amount of the usual fine for such violation.

(3) Any fine assessed under this section and not paid within thirty days of such judgment shall become a security interest upon any personal property in which the defendant has a beneficial interest. The court shall certify copies of the judgment showing the assessed fine which shall be transcribed to the district court of the county where such property is located to be shown upon the judgment docket and to the county clerk's office in

the county where such property is located to be recorded as a security interest.

Sec. 113. Any person who shall be convicted of a misdemeanor as provided in this act or in Chapter 39, article 7, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for which a specific penalty is not provided shall be punished by a fine of not to exceed five hundred dollars, or by imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

Sec. 114. Any person who shall be convicted of a felony as provided in this act or in Chapter 39, article 7, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, for which a specific penalty is not provided shall be punished by imprisonment for not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

Sec. 115. Any person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this act to be a misdemeanor or felony, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and any person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, or directs another to violate any provision of this act shall be likewise guilty of such offense.

Sec. 116. The owner or any other person employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle in any manner contrary to the provisions of this act.

Sec. 117. All fines and forfeitures collected upon conviction or upon forfeiture of bail or bond of any person charged with a violation of any of the provisions of this act shall be paid to the county school fund as provided in section 29-2708, Reissue Revised Statutes of Nebraska, 1943.

Sec. 118. No evidence of the conviction of any person for any violation of any provision of this act shall be admissible in any court in any civil action.

Sec. 119. The conviction of a person upon a charge of violating any provision of this act or other traffic regulation which is less than a felony shall not affect or impair the credibility of such person as a

witness in any civil or criminal proceeding.

Sec. 120. This act shall not have a retroactive effect and shall not apply to any traffic accident, to any cause of action arising out of a traffic accident or judgment arising therefrom, or to any violation of the motor vehicle laws of this state occurring prior to the operative date of this act. All violations, offenses, prosecutions, and criminal appeals under prior law are saved and preserved. All civil causes of action based upon or under prior law arising out of traffic accidents prior to the operative date of this act and judgments thereon or appeals therefrom are saved and preserved.

Sec. 121. The provisions of this act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws relating to motor vehicles.

Sec. 122. This act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 123. This act shall become operative January 1, 1974.

Sec. 124. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 125. That sections 39-713, 39-714.03, 39-723.02, 39-724, 39-724.01, 39-729, 39-731, 39-732, 39-736 to 39-737.01, 39-739, 39-743 to 39-746, 39-746.02 to 39-747, 39-749, 39-755 to 39-761, 39-764.01, 39-766, 39-768, 39-789 to 39-793, 39-799, 39-7,108 to 39-7,111, 39-7,115 to 39-7,117, 39-7,123.02, 39-7,123.03, 39-7,123.11, 39-7,127, 39-1365, 39-1366, 39-1368 to 39-1371, 39-1373 to 39-1389, 79-488.01, and 79-488.02, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1725 to 18-1728, 39-713.01, 39-719.01, 39-723, 39-738, 39-741, 39-742, 39-746.01, 39-746.08, 39-750 to 39-754.09, 39-767, and 39-7,134, Revised Statutes Supplement, 1972, are repealed.