

AMENDMENTS TO LB530

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Sec. 3.** Section 28-306, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-306 (1) A person who causes the death of another unintentionally
6 while engaged in the operation of a motor vehicle in violation of the law
7 of the State of Nebraska or in violation of any city or village ordinance
8 commits motor vehicle homicide.

9 (2) Except as provided in subsection (3) of this section, motor
10 vehicle homicide is a Class I misdemeanor.

11 (3)(a) If the proximate cause of the death of another is the
12 operation of a motor vehicle in violation of section 60-6,213 or
13 60-6,214, motor vehicle homicide is a Class IIIA felony.

14 (b) If the proximate cause of the death of another is the operation
15 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
16 vehicle homicide is a Class IIA felony. ~~The court shall, as part of the~~
17 ~~judgment of conviction, order the person not to drive any motor vehicle~~
18 ~~for any purpose for a period of at least one year and not more than~~
19 ~~fifteen years and shall order that the operator's license of such person~~
20 ~~be revoked for the same period.~~

21 (c) If the proximate cause of the death of another is the operation
22 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
23 vehicle homicide is a Class II felony if the defendant has a prior
24 conviction for a violation of section 60-6,196 or 60-6,197.06, under a
25 city or village ordinance enacted in conformance with section 60-6,196,
26 or under a law of another state if, at the time of the conviction under
27 the law of such other state, the offense for which the defendant was

1 convicted would have been a violation of section 60-6,196. The court
2 shall, as part of the judgment of conviction, order the person not to
3 drive any motor vehicle for any purpose for a period of fifteen years and
4 shall order that the operator's license of such person be revoked for the
5 same period.

6 (4)(a) For a conviction under subsection (2) or subdivision (3)(a)
7 of this section, the court may, as part of the judgment of conviction,
8 order the person not to drive any motor vehicle for any purpose for a
9 period of up to two years and order that the operator's license of such
10 person be suspended for the same period.

11 (b) For a conviction under subdivision (3)(b) or (c) of this
12 section, the court shall, as part of the judgment of conviction, order
13 the person not to drive any motor vehicle for any purpose for a period of
14 fifteen years and shall order that the operator's license of such person
15 be revoked for the same period.

16 (5) (d) An order of the court described in this section subdivision
17 (b) or (c) of this subsection shall be administered upon sentencing, upon
18 final judgment of any appeal or review, or upon the date that any
19 probation is revoked.

20 (6) (4) The crime punishable under this section shall be treated as
21 a separate and distinct offense from any other offense arising out of
22 acts alleged to have been committed while the person was in violation of
23 this section.

24 **Sec. 4.** Section 28-394, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 28-394 (1) A person who causes the death of an unborn child
27 unintentionally while engaged in the operation of a motor vehicle in
28 violation of the law of the State of Nebraska or in violation of any city
29 or village ordinance commits motor vehicle homicide of an unborn child.

30 (2) Except as provided in subsection (3) of this section, motor
31 vehicle homicide of an unborn child is a Class I misdemeanor.

1 (3)(a) If the proximate cause of the death of an unborn child is the
2 operation of a motor vehicle in violation of section 60-6,213 or
3 60-6,214, motor vehicle homicide of an unborn child is a Class IIIA
4 felony.

5 (b) Except as provided in subdivision (3)(c) of this section, if the
6 proximate cause of the death of an unborn child is the operation of a
7 motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
8 vehicle homicide of an unborn child is a Class IIA ~~IIIA~~ felony, ~~and the~~
9 ~~court shall, as part of the judgment of conviction, order the person not~~
10 ~~to drive any motor vehicle for any purpose for a period of at least sixty~~
11 ~~days and not more than fifteen years after the date ordered by the court~~
12 ~~and shall order that the operator's license of such person be revoked for~~
13 ~~the same period. The revocation shall not run concurrently with any jail~~
14 ~~term imposed.~~

15 (c) If the proximate cause of the death of an unborn child is the
16 operation of a motor vehicle in violation of section 60-6,196 or
17 60-6,197.06 and the defendant has a prior conviction for a violation of
18 section 60-6,196 or a city or village ordinance enacted in conformance
19 with section 60-6,196, motor vehicle homicide of an unborn child is a
20 Class II ~~IIA~~ felony, ~~and~~

21 (4)(a) For a conviction under subsection (2) or subdivision (3)(a)
22 of this section, the court may, as part of the judgment of conviction,
23 order the person not to drive any motor vehicle for any purpose for a
24 period of up to two years and order that the operator's license of such
25 person be suspended for the same period.

26 (b) For a conviction under subdivision (3)(b) or (c) of this
27 section, the court shall, as part of the judgment of conviction, order
28 the person not to drive any motor vehicle for any purpose for a period of
29 at least sixty days and not more than fifteen years after the date
30 ordered by the court and shall order that the operator's license of such
31 person be revoked for the same period. The revocation shall not run

1 concurrently with any jail term imposed.

2 (5) An order of the court described in this section shall be
3 administered upon sentencing, upon final judgment of any appeal or
4 review, or upon the date that any probation is revoked.

5 (6) (4) The crime punishable under this section shall be treated as
6 a separate and distinct offense from any other offense arising out of
7 acts alleged to have been committed while the person was in violation of
8 this section.

9 **Sec. 6.** Section 28-1204.05, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 28-1204.05 (1) Except as provided in subsections (3) and (4) of this
12 section, a person under the age of twenty-five years who knowingly
13 possesses a firearm commits the offense of possession of a firearm by a
14 prohibited juvenile offender if he or she has previously been adjudicated
15 an offender in juvenile court for an act which would constitute a felony
16 or an act which would constitute a misdemeanor crime of domestic
17 violence. This subsection includes an offense for which a juvenile record
18 has been sealed upon termination of probation.

19 (2) Possession of a firearm by a prohibited juvenile offender is a
20 Class IV felony for a first offense and a Class IIIA felony for a second
21 or subsequent offense.

22 (3) Subsection (1) of this section does not apply to the possession
23 of firearms by members of the armed forces of the United States, active
24 or reserve, National Guard of this state, or Reserve Officers Training
25 Corps or peace officers or other duly authorized law enforcement officers
26 when on duty or training.

27 (4)(a) Prior to reaching the age of twenty-five years, a person
28 subject to the prohibition of subsection (1) of this section may file a
29 petition for exemption from such prohibition and thereby have his or her
30 right to possess a firearm reinstated. A petitioner who is younger than
31 nineteen years of age shall petition the juvenile court in which he or

1 she was adjudicated for the underlying offense. A petitioner who is
2 nineteen years of age or older shall petition the district court in the
3 county in which he or she resides.

4 (b) In determining whether to grant a petition filed under
5 subdivision (4)(a) of this section, the court shall consider:

6 (i) The behavior of the person after the underlying adjudication;

7 (ii) The likelihood that the person will engage in further criminal
8 activity; and

9 (iii) Any other information the court considers relevant.

10 (c) The court may grant a petition filed under subdivision (4)(a) of
11 this section and issue an order exempting the person from the prohibition
12 of subsection (1) of this section when in the opinion of the court the
13 order will be in the best interests of the person and consistent with the
14 public welfare.

15 (5) The fact that a person subject to the prohibition under
16 subsection (1) of this section has reached the age of twenty-five or that
17 a court has granted a petition under subdivision (4)(a) of this section
18 shall not be construed to mean that such adjudication has been set aside.
19 Nothing in this section shall be construed to authorize the setting aside
20 of such an adjudication or conviction except as otherwise provided by
21 law.

22 (6) For purposes of this section, misdemeanor crime of domestic
23 violence has the same meaning as in section 28-1206.

24 **Sec. 7.** Section 29-2262.06, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 29-2262.06 (1) Except as otherwise provided in this section,
27 whenever a district court or county court sentences an adult offender to
28 probation, the court shall require the probationer to pay a one-time
29 administrative enrollment fee and thereafter a monthly probation
30 programming fee.

31 (2) Participants in non-probation-based programs or services in

1 which probation personnel or probation resources are utilized pursuant to
2 an interlocal agreement authorized by subdivision (16) of section 29-2252
3 and in which all or a portion of the costs of such probation personnel or
4 such probation resources are covered by funds provided pursuant to
5 section 29-2262.07 shall pay the one-time administrative enrollment fee
6 described in subdivision (3)(a) of this section and the monthly probation
7 programming fee described in subdivision (3)(c) of this section. In
8 addition, the provisions of subsections (4), (7), and ~~(11)~~ (10) of this
9 section applicable to probationers apply to participants in non-
10 probation-based programs or services. Any participant in a non-probation-
11 based program or service who defaults on the payment of any such fees
12 may, at the discretion of the court, be subject to removal from such non-
13 probation-based program or service. This subdivision does not preclude a
14 court or other governmental entity from charging additional local fees
15 for participation in such non-probation-based programs and services or
16 other similar non-probation-based programs and services.

17 (3) The court shall establish the administrative enrollment fee and
18 monthly probation programming fees as follows:

19 (a) Adult probationers placed on either probation or intensive
20 supervision probation and participants in non-probation-based programs or
21 services shall pay a one-time administrative enrollment fee of thirty
22 dollars. The fee shall be paid in a lump sum upon the beginning of
23 probation supervision or participation in a non-probation-based program
24 or service;

25 (b) Adult probationers placed on probation shall pay a monthly
26 probation programming fee of twenty-five dollars, not later than the
27 tenth day of each month, for the duration of probation; and

28 (c) Adult probationers placed on intensive supervision probation and
29 participants in non-probation-based programs or services shall pay a
30 monthly probation programming fee of thirty-five dollars, not later than
31 the tenth day of each month, for the duration of probation or

1 participation in a non-probation-based program or service.

2 (4) The court shall waive payment of the monthly probation
3 programming fees in whole or in part if after a hearing a determination
4 is made that such payment would constitute an undue hardship on the
5 offender due to limited income, employment or school status, or physical
6 or mental handicap. Such waiver shall be in effect only during the period
7 of time that the probationer or participant in a non-probation-based
8 program or service is unable to pay his or her monthly probation
9 programming fee.

10 (5) If a probationer defaults in the payment of monthly probation
11 programming fees or any installment thereof, the court may revoke his or
12 her probation for nonpayment, except that probation shall not be revoked
13 nor shall the offender be imprisoned for such nonpayment if the
14 probationer is financially unable to make the payment, if he or she so
15 states to the court in writing under oath, and if the court so finds
16 after a hearing.

17 (6) If the court determines that the default in payment described in
18 subsection (5) of this section was not attributable to a deliberate
19 refusal to obey the order of the court or to failure on the probationer's
20 part to make a good faith effort to obtain the funds required for
21 payment, the court may enter an order allowing the probationer additional
22 time for payment, reducing the amount of each installment, or revoking
23 the fees or the unpaid portion in whole or in part.

24 (7) No probationer or participant in a non-probation-based program
25 or service shall be required to pay more than one monthly probation
26 programming fee per month. This subsection does not preclude local fees
27 as provided in subsection (2) of this section.

28 (8) The imposition of monthly probation programming fees in this
29 section shall be considered separate and apart from the fees described in
30 subdivisions (2)(m) and (o) of section 29-2262.

31 (9) The court may waive payment of the fees described in

1 subdivisions (2)(m) and (o) of section 29-2262 in whole or in part if the
2 offender has been previously found to be indigent in the case for which
3 he or she is placed on probation or if after a hearing a determination is
4 made that such payment would constitute an undue hardship on the offender
5 due to limited income, employment or school status, or physical or mental
6 handicap. Such waiver shall be in effect only during the period of time
7 that the probationer or participant in a non-probation-based program or
8 service is unable to pay his or her monthly probation programming fee.

9 (10) ~~(9)~~ Any adult probationer received for supervision pursuant to
10 section 29-2637 or the Interstate Compact for Adult Offender Supervision
11 shall be assessed both a one-time administrative enrollment fee and
12 monthly probation programming fees during the period of time the
13 probationer is actively supervised by Nebraska probation authorities.

14 (11) ~~(10)~~ The probationer or participant in a non-probation-based
15 program or service shall pay the fees described in this section to the
16 clerk of the court. The clerk of the court shall remit all fees so
17 collected to the State Treasurer for credit to the Probation Program Cash
18 Fund.

19 **Sec. 8.** Section 29-2263, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 29-2263 (1)(a) Except as provided in subsection (2) of this section,
22 when a court has sentenced an offender to probation, the court shall
23 specify the term of such probation which shall be not more than five
24 years upon conviction of a felony or second offense misdemeanor and two
25 years upon conviction of a first offense misdemeanor.

26 (b) At sentencing, the court shall provide notice to the offender
27 that the offender may be eligible to have the conviction set aside as
28 provided in subsection (2) of section 29-2264 and shall provide
29 information on how to file such a petition. The State Court Administrator
30 shall develop standardized advisement language and any forms necessary to
31 carry out this subdivision.

1 (c) The court, on application of a probation officer or of the
2 probationer or on its own motion, may discharge a probationer at any
3 time.

4 (2) When a court has sentenced an offender to post-release
5 supervision, the court shall specify the term of such post-release
6 supervision as provided in section 28-105. The court, on application of a
7 probation officer or of the probationer or on its own motion, may
8 discharge a probationer at any time.

9 (3) During the term of probation, the court on application of a
10 probation officer or of the probationer, or its own motion, may modify or
11 eliminate any of the conditions imposed on the probationer or add further
12 conditions authorized by section 29-2262. The court on joint application
13 of the probation officer and the probationer may extend the term of
14 probation within the limits authorized by subdivision (1)(a) of this
15 section. This subsection does not preclude a probation officer from
16 imposing administrative sanctions with the probationer's full knowledge
17 and consent as authorized by sections 29-2266.01 and 29-2266.02.

18 (4)(a) Upon completion of the term of probation, or the earlier
19 discharge of the probationer, the probationer shall be relieved of any
20 obligations imposed by the order of the court and shall have satisfied
21 the sentence for his or her crime.

22 (b) Upon satisfactory fulfillment of the conditions of probation for
23 the entire period or after discharge from probation prior to the
24 termination of the period of probation, a probation officer shall notify
25 the probationer that the probationer may be eligible to have the
26 conviction set aside as provided in subsection (2) of section 29-2264.
27 The notice shall include an explanation of the requirements for a
28 conviction to be set aside, how to file a petition for a conviction to be
29 set aside, and the effect of and limitations of having a conviction set
30 aside and an advisement that the probationer consult with an attorney
31 prior to filing a petition. The State Court Administrator shall develop

1 standardized advisement language and any forms necessary to carry out
2 this subdivision.

3 (5) Whenever a probationer disappears or leaves the jurisdiction of
4 the court without permission, the time during which he or she keeps his
5 or her whereabouts hidden or remains away from the jurisdiction of the
6 court shall be added to the original term of probation.

7 **Sec. 9.** Section 29-2267, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 29-2267 (1) Whenever a motion or information to revoke probation is
10 filed, the probationer shall be entitled to a prompt consideration of
11 such charge by the sentencing court. The court shall not revoke probation
12 or increase the probation requirements imposed on the probationer, except
13 after a hearing upon proper notice where the violation of probation is
14 established by clear and convincing evidence.

15 (2) The probationer shall have the right to receive, prior to the
16 hearing, a copy of the information or written notice of the grounds on
17 which the information is based. The probationer shall have the right to
18 hear and controvert the evidence against him or her, to offer evidence in
19 his or her defense, and to be represented by counsel.

20 (3) For a probationer convicted of a felony, revocation proceedings
21 may only be instituted in response to a substance abuse or noncriminal
22 violation if the probationer has served ninety days of cumulative
23 custodial sanctions during the current probation term.

24 (4) When a motion or information to revoke probation is filed, the
25 probation term may be extended at the joint request of the probationer
26 and prosecutor until final resolution of the motion or information to
27 revoke probation or until the expiration of the statutorily defined
28 maximum period of probation for the offense for which the probationer has
29 been placed on probation. A court shall accept such request to extend a
30 term of probation so long as the probationer is represented by counsel or
31 the court finds, in open court, that the probationer makes the request

1 freely, voluntarily, knowingly, and intelligently.

2 **Sec. 21.** Section 43-2,108.05, Revised Statutes Cumulative
3 Supplement, 2024, is amended to read:

4 43-2,108.05 (1) If the court orders the record of a juvenile sealed,
5 the court shall:

6 (a) Order that all records, including any information or other data
7 concerning any proceedings relating to the offense, including the arrest,
8 taking into custody, petition, complaint, indictment, information, trial,
9 hearing, adjudication, correctional supervision, dismissal, or other
10 disposition or sentence, be deemed never to have occurred;

11 (b) Send notice of the order to seal the record (i) if the record
12 includes impoundment or prohibition to obtain a license or permit
13 pursuant to section 43-287, to the Department of Motor Vehicles, (ii) if
14 the juvenile whose record has been ordered sealed was a ward of the state
15 at the time the proceeding was initiated or if the Department of Health
16 and Human Services was a party in the proceeding, to such department, and
17 (iii) to law enforcement agencies, county attorneys, and city attorneys
18 referenced in the court record;

19 (c) Order all notified under subdivision (1)(b) of this section to
20 seal all records pertaining to the offense;

21 (d) If the case was transferred from district court to juvenile
22 court or was transferred under section 43-282, send notice of the order
23 to seal the record to the transferring court; and

24 (e) Explain to the juvenile using developmentally appropriate
25 language what sealing the record means. The explanation shall be given
26 verbally if the juvenile is present in the court at the time the court
27 issues the sealing order and by written notice sent by regular mail to
28 the juvenile's last-known address if the juvenile is not present in the
29 court at the time the court issues the sealing order. If applicable, the
30 explanation shall inform the juvenile that the juvenile is prohibited
31 from possessing a firearm under section 28-1204.05. The sealing order

1 shall include contact information for each government agency subject to
2 the sealing order.

3 (2) The effect of having a record sealed is that thereafter no
4 person is allowed to release any information concerning such record,
5 except as provided by this section. After a record is sealed, the person
6 whose record was sealed can respond to any public inquiry as if the
7 offense resulting in such record never occurred. A government agency and
8 any other public office or agency shall reply to any public inquiry that
9 no information exists regarding a sealed record. Except as provided in
10 subsection (3) of this section, an order to seal the record applies to
11 every government agency and any other public office or agency that has a
12 record relating to the offense, regardless of whether it receives notice
13 of the hearing on the sealing of the record or a copy of the order. Upon
14 the written request of a person whose record has been sealed and the
15 presentation of a copy of such order, a government agency or any other
16 public office or agency shall seal all records pertaining to the offense.

17 (3) A sealed record is accessible to the individual who is the
18 subject of the sealed record and any persons authorized by such
19 individual, law enforcement officers, county attorneys, and city
20 attorneys in the investigation, prosecution, and sentencing of crimes, to
21 the sentencing judge in the sentencing of criminal defendants, to a judge
22 making a determination whether to transfer a case to or from juvenile
23 court, to any attorney representing the subject of the sealed record, and
24 to the Inspector General of Nebraska Child Welfare pursuant to an
25 investigation conducted under the Office of Inspector General of Nebraska
26 Child Welfare Act. Inspection of records that have been ordered sealed
27 under section 43-2,108.04 may be made by the following persons or for the
28 following purposes:

29 (a) By the court or by any person allowed to inspect such records by
30 an order of the court for good cause shown;

31 (b) By the court, city attorney, or county attorney for purposes of

1 collection of any remaining parental support or obligation balances under
2 section 43-290;

3 (c) By the Nebraska Probation System for purposes of juvenile intake
4 services, for presentence and other probation investigations, and for the
5 direct supervision of persons placed on probation and by the Department
6 of Correctional Services, the Office of Juvenile Services, a juvenile
7 assessment center, a criminal detention facility, a juvenile detention
8 facility, or a staff secure juvenile facility, for an individual
9 committed to it, placed with it, or under its care;

10 (d) By the Department of Health and Human Services for purposes of
11 juvenile intake services, the preparation of case plans and reports, the
12 preparation of evaluations, compliance with federal reporting
13 requirements, or the supervision and protection of persons placed with
14 the department or for licensing or certification purposes under sections
15 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
16 Residential Facilities and Placing Licensure Act;

17 (e) By the individual who is the subject of the sealed record and by
18 persons authorized by such individual. The individual shall provide
19 satisfactory verification of his or her identity;

20 (f) At the request of a party in a civil action that is based on a
21 case that has a sealed record, as needed for the civil action. The party
22 also may copy the sealed record as needed for the civil action. The
23 sealed record shall be used solely in the civil action and is otherwise
24 confidential and subject to this section;

25 (g) By persons engaged in bona fide research, with the permission of
26 the court or the State Court Administrator, only if the research results
27 in no disclosure of the person's identity and protects the
28 confidentiality of the sealed record; ~~or~~

29 (h) By a law enforcement agency if the individual whose record has
30 been sealed applies for employment with the law enforcement agency; or -

31 (i) By a law enforcement agency for firearm eligibility purposes to

1 determine if a person under the age of twenty-five years has been
2 previously adjudicated for an act which would constitute a felony or a
3 misdemeanor crime of domestic violence as defined in subsection (6) of
4 section 28-1204.05.

5 (4) Nothing in this section prohibits the Department of Health and
6 Human Services from releasing information from sealed records in the
7 performance of its duties with respect to the supervision and protection
8 of persons served by the department.

9 (5) In any application for employment, bonding, license, education,
10 or other right or privilege, any appearance as a witness, or any other
11 public inquiry, a person cannot be questioned with respect to any offense
12 for which the record is sealed. If an inquiry is made in violation of
13 this subsection, the person may respond as if the offense never occurred.
14 Applications for employment shall contain specific language that states
15 that the applicant is not obligated to disclose a sealed record.
16 Employers shall not ask if an applicant has had a record sealed. The
17 Department of Labor shall develop a link on the department's website to
18 inform employers that employers cannot ask if an applicant had a record
19 sealed and that an application for employment shall contain specific
20 language that states that the applicant is not obligated to disclose a
21 sealed record.

22 (6) Any person who knowingly violates this section shall be guilty
23 of a Class V misdemeanor.

24 **Sec. 24.** Section 60-601, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 60-601 Sections 60-601 to 60-6,383 and sections 26, 29, and 32 of
27 this act shall be known and may be cited as the Nebraska Rules of the
28 Road.

29 **Sec. 25.** Section 60-605, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 60-605 For purposes of the Nebraska Rules of the Road, the

1 definitions found in sections 60-606 to 60-676 and section 26 of this act
2 shall be used.

3 **Sec. 26. Vulnerable road user means:**

4 (1) Any pedestrian who is:

5 (a) On a highway and constructing or repairing such highway;

6 (b) Working on utility facilities along a highway;

7 (c) Providing emergency services on or along a highway;

8 (d) In a crosswalk; or

9 (e) On the shoulder;

10 (2) Any individual operating any of the following on or along a
11 highway:

12 (a) Any bicycle;

13 (b) Any electric bicycle;

14 (c) Any motorcycle other than an autocycle;

15 (d) Any moped; or

16 (e) Any vehicle or device similar to any vehicle or device listed in
17 subdivisions (2)(a) through (2)(d) of this section;

18 (3) Any individual who is riding any animal or driving any animal-
19 drawn vehicle on or along a highway;

20 (4) Any individual operating an implement of husbandry, including a
21 farm tractor, that is on or along a highway; and

22 (5) Any individual who is in a crosswalk or on a shoulder and who is
23 on any:

24 (a) Coaster, skate, sled, ski, board, or toy vehicle;

25 (b) Electric personal assistive mobility device; or

26 (c) Wheelchair.

27 **Sec. 27. Section 60-682.01, Reissue Revised Statutes of Nebraska, is**
28 **amended to read:**

29 **60-682.01 (1) Any person who operates a vehicle in violation of any**
30 **maximum speed limit established for any highway or freeway is guilty of a**
31 **traffic infraction.**

1 (2) Upon and upon conviction for a violation of this section, a
2 person shall be fined:

3 (a) Fifty Ten dollars for traveling one to five miles per hour over
4 the authorized speed limit;

5 (b) Seventy-five Twenty-five dollars for traveling over five miles
6 per hour but not over ten miles per hour over the authorized speed limit;

7 (c) One hundred twenty-five Seventy-five dollars for traveling over
8 ten miles per hour but not over fifteen miles per hour over the
9 authorized speed limit;

10 (d) Two hundred One hundred twenty-five dollars for traveling over
11 fifteen miles per hour but not over twenty miles per hour over the
12 authorized speed limit;

13 (e) Three Two hundred dollars for traveling over twenty miles per
14 hour but not over thirty-five miles per hour over the authorized speed
15 limit; and

16 (f) Four Three hundred dollars for traveling over thirty-five miles
17 per hour over the authorized speed limit.

18 (3) (2) The fines prescribed in subsection (2) (1) of this section
19 shall be doubled if the violation occurs within a maintenance, repair, or
20 construction zone established pursuant to section 60-6,188. For purposes
21 of this subsection, maintenance, repair, or construction zone means (a)
22 (i) the portion of a highway identified by posted or moving signs as
23 being under maintenance, repair, or construction or (ii) the portion of a
24 highway identified by maintenance, repair, or construction zone speed
25 limit signs displayed pursuant to section 60-6,188 and (b) within such
26 portion of a highway where road construction workers are present. The
27 maintenance, repair, or construction zone starts at the location of the
28 first sign identifying the maintenance, repair, or construction zone and
29 continues until a posted or moving sign indicates that the maintenance,
30 repair, or construction zone has ended.

31 (4) (3) The fines prescribed in subsection (2) (1) of this section

1 shall be doubled if the violation occurs within a school crossing zone as
2 defined in section 60-658.01.

3 **Sec. 28.** Section 60-6,186, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-6,186 (1) Except when a special hazard exists that requires lower
6 speed for compliance with section 60-6,185, the limits set forth in this
7 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
8 the maximum lawful speeds unless reduced pursuant to subsection (2) of
9 this section, and no person shall drive a vehicle on a highway at a speed
10 in excess of such maximum limits:

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

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

13 (c) Fifty miles per hour upon any highway that is gravel or not
14 dustless surfaced;

15 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
16 a part of the state highway system;

17 (e) Sixty-five miles per hour upon any four-lane divided highway not
18 a part of the state highway system;

19 (f) Sixty-five miles per hour upon any part of the state highway
20 system other than an expressway, a super-two highway, or a freeway;

21 (g) Seventy miles per hour upon an expressway or a super-two highway
22 that is part of the state highway system;

23 (h) Seventy miles per hour upon a freeway that is part of the state
24 highway system but not part of the National System of Interstate and
25 Defense Highways; and

26 (i) Seventy-five miles per hour upon the National System of
27 Interstate and Defense Highways, except that the maximum speed limit
28 shall be sixty-five miles per hour for:

29 (i) Any portion of the National System of Interstate and Defense
30 Highways located in Douglas County; and

31 (ii) That portion of the National System of Interstate and Defense

1 Highways designated as Interstate 180 in Lancaster County and Interstate
2 129 in Dakota County.

3 (2) The maximum speed limits established in subsection (1) of this
4 section may be reduced by the Department of Transportation or by local
5 authorities pursuant to section 60-6,188 or 60-6,190 or section 29 of
6 this act.

7 (3) The Department of Transportation and local authorities may erect
8 and maintain suitable signs along highways under their respective
9 jurisdictions in such number and at such locations as they deem necessary
10 to give adequate notice of the speed limits established pursuant to
11 subsection (1) or (2) of this section upon such highways.

12 **Sec. 29.** (1) The Department of Transportation may temporarily
13 reduce the maximum lawful speed for vehicles on any highway for any of
14 the following reasons:

15 (a) Any weather or environmental condition that reduces the
16 visibility of vehicle operators to approximately one-fourth of one mile
17 or less, including, but not limited to, fog, precipitation, smoke, or
18 dust;

19 (b) Any condition that could result in reduced vehicle traction to
20 the highway, including rain, water, ice, snow, oil, road surface
21 conditions, or any object on the highway;

22 (c) Any emergency situation; or

23 (d) Any traffic congestion, reduced traffic mobility, or reduced
24 traffic flow.

25 (2) Any reduction of the maximum lawful speed for vehicles on a
26 highway under subsection (1) of this section is only effective if the
27 Department of Transportation prominently displays an electronic or
28 digital sign with the reduced maximum lawful speed for vehicles on such
29 highway.

30 (3) When the normal maximum lawful speed limit for a highway has
31 been reduced under this section, the normal maximum lawful speed limit

1 for such highway shall not apply until another electronic, digital,
2 nonelectronic, or nondigital sign indicates a return to the normal
3 maximum lawful speed limit for such highway.

4 (4) Any temporarily reduced maximum lawful speed limit under this
5 section shall be changed in increments of five miles per hour.

6 (5) When the maximum lawful speed limit is temporarily reduced under
7 this section, there shall be no minimum speed limit for the corresponding
8 area of the temporarily reduced maximum lawful speed limit.

9 (6) The Department of Transportation shall:

10 (a) Develop and implement a policy for determining:

11 (i) When to temporarily reduce maximum lawful speed limits;

12 (ii) What such speed limits should be; and

13 (iii) The increments, which may exceed the increments specified in
14 section 60-6,190, to be used in reducing and reestablishing the regular
15 maximum lawful speed limit;

16 (b) Keep appropriate records that include when any maximum lawful
17 speed limit under this section has been changed, what such maximum lawful
18 speed limit was set at, and the reason for the change; and

19 (c) Keep appropriate records that include the maximum lawful speed
20 limit for each highway.

21 (7) The Department of Transportation may adopt and promulgate rules
22 and regulations to carry out this section.

23 **Sec. 30.** Section 60-6,213, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 60-6,213 (1) Any person who drives any motor vehicle in such a
26 manner as to indicate an indifferent or wanton disregard for the safety
27 of persons or property shall be guilty of reckless driving.

28 (2) For purposes of determining if a person is guilty of reckless
29 driving, evidence that such person was driving a motor vehicle in excess
30 of double the maximum lawful speed limit shall be prima facie evidence
31 that the motor vehicle was being driven in a manner as to indicate an

1 indifferent or wanton disregard for the safety of persons or property.

2 **Sec. 31.** Section 60-6,378, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-6,378 (1)(a) The driver of a vehicle on a controlled-access
5 highway approaching or passing a stopped vehicle located on the same side
6 of the highway shall proceed with due care and caution as described in
7 this section. A driver in a vehicle on a controlled-access highway
8 approaching or passing a stopped authorized emergency vehicle or road
9 assistance vehicle which makes use of proper audible or visual signals
10 shall proceed with due care and caution as described in subdivision (b)
11 of this subsection.

12 (b) If there are at least two adjacent lanes of travel in the same
13 direction on the same side of the highway as the stopped vehicle, the
14 driver of the approaching or passing vehicle shall proceed with due care
15 and caution and yield the right-of-way when approaching or passing the
16 stopped vehicle by moving into a lane at least one moving lane apart from
17 the stopped vehicle unless directed otherwise by any peace officer,
18 authorized emergency personnel, or road assistance personnel. On a
19 controlled-access highway with at least two adjacent lanes of travel in
20 the same direction on the same side of the highway where a stopped
21 authorized emergency vehicle or road assistance vehicle is using proper
22 audible or visual signals, the driver of the vehicle shall proceed with
23 due care and caution and yield the right of way by moving into a lane at
24 least one moving lane apart from the stopped authorized emergency vehicle
25 or road assistance vehicle unless directed otherwise by a peace officer
26 or other authorized emergency personnel. If moving into another lane is
27 not possible because of weather conditions, road conditions, or the
28 immediate presence of vehicular or pedestrian traffic or because the
29 controlled-access highway does not have two available adjacent lanes of
30 travel in the same direction on the same side of the highway where such a
31 stopped authorized emergency vehicle or road assistance vehicle is

1 ~~located,~~

2 (c) If there are not two adjacent lanes of travel in the same
3 direction on the same side of the highway as the stopped vehicle or if
4 moving into another lane is not reasonably possible, the driver of the
5 approaching or passing vehicle shall:

6 (i) Reduce ~~reduce~~ his or her speed; ~~τ~~

7 (ii) Maintain ~~maintain~~ a safe speed with regard to the location of
8 the stopped ~~authorized emergency vehicle or road assistance vehicle,~~ the
9 weather conditions, the road conditions, and vehicular or pedestrian
10 traffic; ~~τ~~ and

11 (iii) Proceed ~~proceed~~ with due care and caution or proceed as
12 directed by any ~~a~~ peace officer, ~~or other~~ authorized emergency personnel,
13 or road assistance personnel.

14 (d) Any person who violates this subsection is guilty of a:

15 (i) Class IIIA misdemeanor for a second or subsequent violation
16 committed within five years after a conviction for a violation of this
17 subsection; or

18 (ii) Traffic infraction for any other violation.

19 ~~(c) Any person who violates this subsection is guilty of a traffic~~
20 ~~infraction for a first offense and Class IIIA misdemeanor for a second or~~
21 ~~subsequent offense.~~

22 (2) Subsection (1) of this section does not apply if the stopped
23 vehicle is unoccupied and there are no individuals present in or near the
24 stopped vehicle.

25 (3) (2) The Department of Transportation shall erect and maintain or
26 cause to be erected and maintained signs giving notice of subsection (1)
27 of this section along controlled-access highways.

28 (4) (3) Enforcement of subsection (1) of this section shall not be
29 accomplished using simulated situations involving a stopped ~~an~~ authorized
30 emergency vehicle or a road assistance vehicle.

31 (5) (4) This section does not relieve the driver of a stopped ~~an~~

1 ~~authorized emergency vehicle or a road assistance vehicle~~ from the duty
2 ~~to operate or stop such vehicle~~ drive with due regard for the safety of
3 all persons using the highway.

4 ~~(6) (5)~~ For purposes of this section:

5 ~~(a) Moving into another lane is not reasonably possible if it would~~
6 ~~be impractical or unsafe to do so because of weather conditions, road~~
7 ~~conditions, or the immediate presence of vehicular or pedestrian traffic;~~
8 ~~and~~

9 ~~(b) Road~~ ~~, road assistance personnel vehicle~~ includes ~~any agent of a~~
10 ~~vehicle operated by~~ the Nebraska Department of Transportation, ~~the a~~
11 Nebraska State Patrol ~~motorist assistance vehicle, the a~~ United States
12 Department of Transportation ~~registered towing or roadside assistance~~
13 ~~vehicle, or and a utility service vehicle operated by~~ a utility company.
14 ~~A road assistance vehicle shall emit a warning signal utilizing properly~~
15 ~~displayed emergency indicators such as strobe, rotating, or oscillating~~
16 ~~lights when stopped along a highway.~~

17 **Sec. 32.** ~~(1) The operator of a motor vehicle shall proceed with due~~
18 ~~care and caution as described in subsection (2) of this section when~~
19 ~~approaching or passing a vulnerable road user.~~

20 ~~(2)(a) If there are at least two adjacent lanes of travel in the~~
21 ~~same direction on the same side of the highway as the vulnerable road~~
22 ~~user, the driver of the approaching or passing motor vehicle shall~~
23 ~~proceed with due care and caution and yield the right-of-way when~~
24 ~~approaching or passing the vulnerable road user by moving into a lane at~~
25 ~~least one moving lane apart from the vulnerable road user unless directed~~
26 ~~otherwise by any peace officer, authorized emergency personnel, or road~~
27 ~~assistance personnel as defined in section 60-6,378.~~

28 ~~(b) If there are not two adjacent lanes of travel in the same~~
29 ~~direction on the same side of the highway as the vulnerable road user or~~
30 ~~if moving into another lane is not reasonably possible as defined in~~
31 ~~section 60-6,378, the driver of the approaching or passing vehicle shall:~~

1 (i) Reduce his or her speed;

2 (ii) Maintain a safe speed with regard to the location of the
3 vulnerable road user, the weather conditions, the road conditions, and
4 vehicular or pedestrian traffic; and

5 (iii) Proceed with due care and caution or proceed as directed by
6 any peace officer, authorized emergency personnel, or road assistance
7 personnel.

8 (3) Any person who violates this section is guilty of a:

9 (a) Class IIIA misdemeanor for a second or subsequent violation
10 committed within five years after a conviction for a violation of this
11 section; or

12 (b) Traffic infraction for any other violation.

13 (4) This section does not grant any vulnerable road user the right
14 to be on or along any highway in violation of any other state or local
15 law.

16 **Sec. 33.** Original sections 28-306, 28-394, 29-2262.06, 29-2267,
17 60-682.01, 60-6,186, 60-6,213, and 60-6,378, Reissue Revised Statutes of
18 Nebraska, and sections 28-101, 28-416, 28-1204.05, 29-2263, 29-3001,
19 43-245, 43-250, 43-251.01, 43-253, 43-260.01, 43-286.01, 43-2,108,
20 43-2,108.05, 43-2,129, 60-601, and 60-605, Revised Statutes Cumulative
21 Supplement, 2024, are repealed.