

## LEGISLATIVE BILL 1058

Approved by the Governor January 26, 1972

Introduced by William F. Swanson, 27th District

AN ACT to amend sections 39-794, 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,106, 39-7,125, 39-861, 39-1008, 39-1320.02, 39-1407, and 39-1804, Reissue Revised Statutes of Nebraska, 1943, and section 39-723, Revised Statutes Supplement, 1971, relating to highways; to include material omitted in the correlation of Legislative Bills 396 and 756, Eighty-second Legislature, First Session, 1971; to correct internal references; to remove obsolete matter; to harmonize the provisions with previous legislation; and to repeal the original sections.

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

Section 1. That section 39-723, Revised Statutes Supplement, 1971, be amended to read as follows:

39-723. (1) Except as provided in subsections (2) and (3) of this section, no person shall operate a motor vehicle on any highway outside of a city or village or on a freeway as defined in section 39-1369 at a rate of speed greater than is reasonable and proper, having regard for the traffic, the use of the road, and the condition of the road, nor at a rate of speed such as to endanger the life or limb of any person, nor in any case at a rate of speed exceeding (a) seventy-five miles per hour upon any part of the National System of Interstate and Defense Highways or upon any freeway as defined in section 39-1369, (b) sixty-five miles per hour upon any concrete, brick, macadamized, or other hard-surfaced highway, or upon any other highway that is a part of the state highway system, or (c) fifty miles per hour upon any gravel, dirt, or other highway or road that is not hard surfaced, except upon any highway that is a part of the state highway system.

(2) No person shall operate a 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, on any highway outside of a city or village or on a freeway as defined in section 39-1369 at a rate of speed that is greater than reasonable and proper, having regard for the traffic, the use of the road, and the conditions of the road, nor at a rate of speed such as to endanger the life

or limb of any person, nor in any case at a rate of speed exceeding (a) sixty-five miles per hour upon any portion of the National System of Interstate and Defense Highways or on any freeway as defined in section 39-1369, (b) sixty-five miles per hour between the hours of sunrise and sunset, and sixty miles per hour between the hours of sunset and sunrise, upon any concrete, brick, macadamized, or other hard-surfaced highway, or upon any other highway that is a part of the state highway system, or (c) fifty miles per hour upon any gravel, dirt, or other highway or road that is not hard surfaced, except upon any highway that is a part of the state highway system.

(3) No person shall operate any motor vehicle when towing a cabin trailer on any highway outside of a city or village or on a freeway as defined in section 39-1369 at a rate of speed greater than is reasonable and proper, having regard for the traffic, the use of the road, and the conditions of the road, nor at a rate of speed such as to endanger the life or limb of any person, ~~nor in any case at a rate of speed exceeding fifty miles per hour except that a travel trailer less than twenty-three feet in length may be towed at a rate of speed permitted for the towing vehicle nor in any case at a rate of speed exceeding fifty miles per hour when towing a mobile home, and not to exceed the truck speed for such highway when towing a travel trailer or camping trailer.~~

(4) The Department of Roads shall, at the expense of such department, erect and maintain suitable signs along county roads in such number and at such locations as the department shall deem necessary to give adequate notice of the speed limit upon such roads.

Sec. 2. That section 39-794, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-794. Every justice of the peace or police judge or court in this state shall make complete entries in the court docket, including the judgment of conviction, of every case in which a person is charged with violation of any provision of Chapter 39, article 7, Chapter 60, articles 4 and 5 or any amendments thereto, or any traffic regulations in city or village ordinances. In the event that such person is convicted or that his bail is forfeited, a certified abstract of such judgment as provided in section 39-796 shall be sent forthwith by the justice of the peace or police judge or court to the ~~director of motor vehicles until September 20, 1957, and thereafter to the Director of the Department of Motor~~

Vehicles and to the county treasurer of the county wherein the convicted person was licensed; Provided, this requirement shall not be deemed to make such court a court of record.

Sec. 3. That section 39-7,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,102. The term safety glass as used in sections 39-7,100 ~~39-7,101~~ to 39-7,104 shall be construed to mean any product composed of glass or such other or similar products as will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time, and is so manufactured, fabricated or treated as substantially to prevent or reduce in comparison with ordinary sheet glass or plate glass, when struck or broken, the likelihood of injury to persons.

Sec. 4. That section 39-7,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,103. The Director of ~~the~~ Department of Motor Vehicles shall maintain a list of approved types of glass which conform to the requirements of section 39-7,102, and shall not issue a license for or relicense any motor vehicles unless said motor vehicles for which licenses are sought, are equipped with such approved type of safety glass, as defined in said section. The director for the department shall, in such list of approved types of safety glass, by rules and regulations not inconsistent with sections 39-7,100 ~~39-7,101~~ to 39-7,104, prescribe the use and define the places where such approved types of safety glass may be used in motor vehicles.

Sec. 5. That section 39-7,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,104. Any person, firm or corporation desiring approval of safety glass shall submit to the Director of ~~the~~ Department of Motor Vehicles, when requested, two specimens of each type of safety glass upon which approval is desired, together with a fee of twenty-five dollars for each type of safety glass submitted, to pay for the expense of testing the same to determine if it shall conform with the specifications and requirements of sections 39-7,100 ~~39-7,101~~ to 39-7,104. Within thirty days the director shall submit such specimens of safety glass to some recognized testing

laboratory for a report as to the compliance of such type of safety glass with the standard specifications and provisions of said sections. The director is authorized to refuse approval of any type of safety glass, based on the laboratory test, as aforesaid, which he shall determine will be unsafe or impracticable in actual use in motor vehicles or which fails to comply with the provisions of said sections; and likewise he shall grant approval to any type of safety glass which complies with the specifications and requirements of said sections. The director is empowered to require tests or retests of any type of safety glass as often as he may deem necessary in the interest of public safety.

Sec. 6. That section 39-7,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,105. The owner or operator of any motor vehicle operated in violation of the provisions of sections ~~39-7,100~~ 39-7,101 to 39-7,104 shall be deemed guilty of a misdemeanor and upon conviction thereof shall for each offense be fined twenty-five dollars or imprisoned in the county jail for ten days, or both.

Sec. 7. That section 39-7,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,106. In case of the violation of any of the provisions of sections ~~39-7,100~~ 39-7,101 to 39-7,104 by any common carrier or person operating a motor vehicle under a permit issued by the Director of--the--Department of Motor Vehicles, State Railway Commission, or other authorized body or officer, such permit shall be revoked, or, in the discretion of such authorized department, commission or officer, suspended until the provisions of said sections shall be satisfactorily complied with.

Sec. 8. That section 39-7,125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,125. Any person, convicted of manslaughter or mayhem resulting from his operation of a motor vehicle, or of motor vehicle homicide, shall be adjudged and ordered ~~not to drive any motor vehicle for a period of one year from the date of his final discharge from the Nebraska Penitentiary and Correctional Complex, or the date of his final conviction, whichever is later. The court shall order that the operator's license of such person be revoked for a like period.~~ (1) fined in a sum not exceeding five hundred dollars. (2) imprisoned in the

county jail for not to exceed six months, or (3) both so fined and imprisoned.

Sec. 9. That section 39-861, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-861. All bonds authorized by section 39-860 shall be and shall have and are declared to have all the qualities and incidents of negotiable instruments under the negotiable-instrument-law-of-the-state provisions of the Uniform Commercial Code, Article 3, without, however, constituting the revenue bonds, herein authorized, an indebtedness of the county issuing the same. Such bonds shall be exempt from all taxation, state and municipal. Such bonds shall be legal investments of banks, savings banks, and trust companies, of trustees and of the trustees of the sinking fund of municipalities and counties, and shall be acceptable as security for the deposit of public money in the same manner and to the same extent as any other negotiable bonds of any county of the State of Nebraska.

Sec. 10. That section 39-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1008. The funds to carry out the improvement and maintenance of the rural mail route and star mail route roads shall be raised as follows:

~~(1)-The money received under subdivision--(3)--of section 66-424.01; and~~

~~(2)-A by a special assessment of one mill when approved as provided in section 39-1002.~~

All such money shall be placed by the county treasurer in a separate fund to be known as special mail route road fund and shall be used for no other purpose than provided for in this act. The money placed in the special mail route road fund shall be expended as follows:

(1) Eighty per cent on the rural mail routes and star mail routes as provided in subsection (2) of section 39-1006; and

(2) Twenty per cent on the rural mail routes and star mail routes as may otherwise be designated by the county board.

Sec. 11. That section 39-1320.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1320.02. In order that this state may qualify for the payments authorized in 23 United States Code 131 (c) and (e), the Department of Roads, for and in the name of the State of Nebraska, is authorized to enter into an agreement, or agreements, with the Secretary of ~~Commerce~~ Transportation of the United States, which agreement or agreements shall include provisions for regulation and control of the erection and maintenance of advertising signs, displays, and other advertising devices and may include, among other things, provisions for preservation of natural beauty, prevention of erosion, landscaping, reforestation, development of viewpoints for scenic attractions that are accessible to the public without charge, and the erection of markers, signs, or plaques, and development of areas in appreciation of sites of historical significance. Such agreement or agreements shall also provide for excluding from application of the national standards segments of the National System of Interstate and Defense Highways which traverse commercial or industrial zones within the boundaries of incorporated municipalities as they existed on September 21, 1959, wherein the use of real property adjacent to the National System of Interstate and Defense Highways is subject to municipal regulation or control, or which traverse other areas where the land use, as of September 21, 1959, is clearly established by state law as industrial or commercial.

Sec. 12. That section 39-1407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1407. Whenever contracts are to be let for road improvements it shall be the duty of the county board to cause to be prepared and filed with the county clerk an estimate of the nature of the work and the cost thereof. After such estimate has been filed, bids for such contracts shall be advertised in a legal newspaper for ten days. Bids shall be let to the lowest and best bidder. The board shall have the discretionary power to reject any and all bids for sufficient cause. The board shall have the discretionary power to authorize the Department of Roads to take and let bids on behalf of the county at the State-Capitol offices of the department in Lincoln, Nebraska. When the bid is accepted the bidder shall enter into a sufficient bond for the use and benefit of the county, precinct, or township, for the faithful performance of the contract, and for the payment of all laborers employed in the performance of the work,

and for the payment of all damages which the county, precinct, or township may sustain by reason of any failure to perform the work in the manner stipulated. It shall be the duty of the county to determine whether or not the work is performed in keeping with such contract before paying for the same.

Sec. 13. That section 39-1804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1804. The county board may, with the approval of the mayor and council or the chairman and board of trustees, as the case may be, whenever conditions warrant, furnish, deliver, and spread gravel of a depth not exceeding three inches, on certain streets in cities of the second class and villages having a population of not more than fifteen hundred inhabitants, and shall charge the cost of such improvement to that portion of the Gasoline-Tax Highway Allocation Fund allocated to such counties under the provisions of sections-66-424--to 66-425 section 39-2402; Provided, no improvement of any street or streets in cities of the second class or villages having a population of not more than fifteen hundred inhabitants, shall be made, under the provisions of this section, unless the street or streets, when graveled, will constitute one main thoroughfare through such city or village, that connects with or forms a part of the county highway system of such county, which has been or which shall be graveled up to the corporate limits of such city or village; and provided further, before being entitled to such county aid in graveeling such thoroughfare, the same must have been properly graded by such city or village in accordance with the grade established in the construction of the county road system.

Sec. 14. That original sections 39-794, 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,106, 39-7,125, 39-861, 39-1008, 39-1320.02, 39-1407, and 39-1804, Reissue Revised Statutes of Nebraska, 1943, and section 39-723, Revised Statutes Supplement, 1971, are repealed.