

LEGISLATIVE BILL 256

Approved by the Governor February 24, 1977

Introduced by Public Works Committee, Kremer, 34, Chmn.;  
Moylan, 6; Merz, 1; Kelly, 35; Mills, 44; R.  
Lewis, 38; Boughn, 21

AN ACT relating to rules of the road; to enact speed limits as prescribed; to repeal section 39-662.03, Revised Statutes Supplement, 1975, and sections 39-662 and 39-666, Revised Statutes Supplement, 1976; and to declare an emergency.

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

Section 1. (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 sections 1 and 2 of this act or set pursuant to section 39-663, Reissue Revised Statutes of Nebraska, 1943, 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) Fifty-five miles per hour upon any freeway;

(d) Fifty-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 section 39-663, Reissue Revised Statutes of Nebraska, 1943, or section 2 of 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. 2. (1) Notwithstanding the maximum speed limits established in section 1 of 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, or 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) Fifty-five miles per hour upon any freeway;

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

(3) Notwithstanding the maximum speed limits established in section 1 of 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) Fifty-five miles per hour upon any freeway;

(d) 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 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.

(4) Notwithstanding the maximum speed limits established in section 1 of 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.

(5) 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.

(6) The maximum speed limits in business and residence districts declared for specific vehicles in subsections (1), (3), and (4) of this section may be altered by the Department of Roads or local authorities as provided in section 39-663, Reissue Revised Statutes of Nebraska, 1943.

(7) 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 ahead. 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.

(8) 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.

(9) 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 (10) of this section.

(10) 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, 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.

(11) Upon the trial of any person charged with a violation of subsection (9) 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.



(12) 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 section 1 or 2 of this act or set pursuant to section 39-663, Reissue Revised Statutes of Nebraska, 1943, 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. 3. That section 39-662.03, Revised Statutes Supplement, 1975, and sections 39-662 and 39-666, Revised Statutes Supplement, 1976, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.