

Nebraska ATV Laws

Section 60-6,355 *All-terrain vehicle, defined.* For purposes of sections 60-6,355 to 60-6,362, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty inches or less in width, (2) has a dry weight of nine hundred pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control. All-terrain vehicles which have been modified to include additional equipment not required by sections 60-6,357 and 60-6,358 shall not be required to be registered under the Motor Vehicle Registration Act.

Section 60-6,356 *All-terrain vehicle; operation.* (1) Except as provided in subsections (2) through (5) of this section, an all-terrain vehicle shall not be operated on any highway of this state. The crossing of any controlled-access highway shall not be permitted. (2) The crossing of a highway shall be permitted only if: (a) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; (b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway; (c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; (d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and (e) Both the headlight and taillight of the vehicle are on when the crossing is made. (3) An all-terrain vehicle may be operated on a highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a highway shall have a valid Class O operator's license or a farm permit as provided in section 60-4,126 and shall not operate such vehicle at a speed in excess of thirty miles per hour. When operated on a highway, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. (4) All-terrain vehicles may be operated on highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state. (5) All-terrain vehicles may be operated on highways outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection (3) of this section, except that the operation of the vehicle pursuant to this subsection need not be incidental to the use of the vehicle for agricultural purposes.

Section 60-6,357 *All-terrain vehicle; lights required; when.* Every all-terrain vehicle shall display a lighted headlight and taillight during the period of time from sunset to sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions.

Section 60-6,358 *All-terrain vehicle; equipment required.* Every all-terrain vehicle shall be equipped with: (1) A brake system maintained in good operating condition; (2) An adequate muffler system in good working condition; and (3) A United States Forest Service qualified spark arrester.

Section 60-6,359 *Modification of all-terrain vehicle; prohibited.* No person shall: (1) Equip the exhaust system of an all-terrain vehicle with a cutout, bypass, or similar device; (2) Operate an all-terrain vehicle with an exhaust system so modified; or (3) Operate an all-terrain vehicle with the spark arrester removed or modified except for use in closed-course competition events.

Section 60-6,360 *All-terrain vehicle; competitive events; exemptions.* All-terrain vehicles participating in competitive events may be exempted from sections 60-6,357 to 60-6,359 at the discretion of the Director of Motor Vehicles.

Section 60-6,361 *All-terrain vehicle; accident; report required.* If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in section 60-699.

Section 60-6,362 *Violations; penalty.* (1) Any person who violates sections 60-6,356 to 60-6,361 shall be guilty of a Class III misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one year, he or she shall be guilty of a Class II misdemeanor. (2) Any violation of such sections which is also a violation under any other provision of Chapter 60 may be punished under the penalty provisions of such chapter. injury of any person which requires the treatment of the person by a physician, the operator of each all-terrain vehicle involved in the accident shall give notice of the accident in the same manner as provided in section 60-699.

Section 60-137 *Act; applicability.* (1) The Motor Vehicle Certificate of Title Act applies to all vehicles as defined in the act, except: (a) Farm trailers; (b) Well-boring apparatus, backhoes, bulldozers, and front-end loaders; and (c) Trucks and buses from other jurisdictions required to pay registration fees under Chapter 60, article 3, except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-356. (2) All new all-terrain vehicles and minibikes sold on or after January 1, 2004, shall be required to have a certificate of title. An owner of an all-terrain vehicle or minibike sold prior to such date may apply for a certificate of title for such all-terrain vehicle or minibike as provided in rules and regulations of the department. (3) An owner of a utility trailer may apply for a certificate of title upon compliance with the Motor Vehicle Certificate of Title Act.

Section 60-154 *Fees.* (1)(a) For each original certificate of title issued by a county for a motor vehicle or trailer, the fee shall be ten dollars. Three dollars and twenty-five cents shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to the State Treasurer for credit to the General Fund. Seventy-five cents shall be remitted to the State Treasurer for credit as follows: Twenty cents to a fund to be administered by the Consumer Protection Division of the Department of Justice at the direction of the Attorney General for the purposes of the investigation and prosecution of odometer and motor vehicle fraud and motor vehicle licensing violations which may be referred by the Nebraska Motor Vehicle Industry Licensing Board; forty-five cents to the Nebraska State Patrol Cash Fund; and ten cents to the Nebraska Motor Vehicle Industry Licensing Fund for the purpose of conducting preliminary investigations of motor vehicle licensing violations relating to odometer and motor vehicle fraud. (b) For each original certificate of title issued by a county for an all-terrain vehicle or a minibike, the fee shall be ten dollars. Three dollars and twenty-five cents shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to the State Treasurer for credit to the

General Fund. Seventy-five cents shall be remitted to the State Treasurer for credit as follows: Twenty cents to a fund to be administered by the Consumer Protection Division of the Department of Justice at the direction of the Attorney General for the purposes of the investigation and prosecution of fraud and theft of all-terrain vehicles and minibikes; and fifty-five cents to the Nebraska State Patrol Cash Fund. (2) For each original certificate of title issued by the department for a vehicle, the fee shall be ten dollars, which shall be remitted to the State Treasurer for credit to the Motor Carrier Division Cash Fund.

Section 60-699 Accidents; reports required of operators and owners; when; supplemental reports; reports of peace officers open to public inspection; limitation on use as evidence; violation; penalty.

(1) The operator of any vehicle involved in an accident resulting in injuries or death to any person or damage to the property of any one person, including such operator, to an apparent extent of more than one thousand dollars shall within ten days forward a report of such accident to the Department of Roads. If the operator is physically incapable of making the report, the owner of the motor vehicle involved in the accident shall, within ten days from the time he or she learns of the accident, report the matter in writing to the Department of Roads. The Department of Roads or Department of Motor Vehicles may require operators involved in accidents to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of either department. The operator or the owner of the motor vehicle shall make such other and additional reports relating to the accident as either department requires. Such records shall be retained for the period of time specified by the State Records Administrator pursuant to the Records Management Act. (2) The report of accident required by this section shall be in two parts. Part I shall be in such form as the Department of Roads may prescribe and shall disclose full information concerning the accident. Part II shall be in such form as the Department of Motor Vehicles may prescribe and shall disclose sufficient information to disclose whether or not the financial responsibility requirements of the Motor Vehicle Safety Responsibility Act are met through the carrying of liability insurance. The form used for the report shall be so perforated that the parts may be readily separated. (3) Upon receipt of a report of accident, the Department of Roads shall determine the reportability and classification of the accident and enter all information into a computerized data base. Upon completion, the department shall separate the parts of the accident report and shall forward Part II of the report to the Department of Motor Vehicles for processing as provided in section 60-506.01. (4) Such reports shall be without prejudice. All reports made by peace officers, made to or filed with peace officers in their respective offices or departments, or filed with or made by or to any other law enforcement agency of the state shall be open to public inspection, but accident reports filed by the operator or owner of a motor vehicle pursuant to this section shall not be open to public inspection. The fact that a report by an operator or owner has been so made shall be admissible in evidence solely to prove compliance with this section, but no such report or any part of or statement contained in the report shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents nor shall the report be referred to in any way or be any evidence of the negligence or due care of either party at the trial of any action at law to recover damages. (5) The failure by any person to report an accident as provided in this section or to correctly give the information required in connection with the report shall be a Class V misdemeanor.