

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 966

Introduced by DeKay, 40; Brandt, 32.

Read first time January 04, 2024

Committee:

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,123
- 2 and 66-4,144, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to traffic control signals and excise tax rates;
- 4 and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,123, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 60-6,123 Whenever traffic is controlled by traffic control signals
4 exhibiting different colored lights or colored lighted arrows,
5 successively one at a time or in combination, only the colors green, red,
6 and yellow shall be used, except for special pedestrian signals carrying
7 a word legend, number, or symbol, and such lights shall indicate and
8 apply to drivers of vehicles and pedestrians as follows:

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

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

22 (c) Unless otherwise directed by a pedestrian-control signal,
23 pedestrians facing any green indication, except when the sole green
24 indication is a turn arrow, may proceed across the roadway within any
25 marked or unmarked crosswalk;

26 (2)(a) Vehicular traffic facing a steady yellow indication is
27 thereby warned that the related green movement is being terminated or
28 that a red indication will be exhibited immediately thereafter when
29 vehicular traffic shall not enter the intersection, and upon display of a
30 steady yellow indication, vehicular traffic shall stop before entering
31 the nearest crosswalk at the intersection, but if such stop cannot be

1 made in safety, a vehicle may be driven cautiously through the
2 intersection;~~and~~

3 (b) Vehicular traffic facing a flashing yellow arrow indication may
4 cautiously enter the intersection only to make the movement indicated by
5 such arrow, and such vehicular traffic shall yield the right-of-way to
6 pedestrians lawfully within an adjacent crosswalk and to other traffic
7 lawfully using the intersection; and

8 (c) ~~(b)~~ Pedestrians facing a steady yellow indication, unless
9 otherwise directed by a pedestrian-control signal, are thereby advised
10 that there is insufficient time to cross the roadway before a red
11 indication is shown and no pedestrian shall then start to cross the
12 roadway;

13 (3)(a) Vehicular traffic facing a steady circular red indication
14 alone shall stop at a clearly marked stop line or shall stop, if there is
15 no such line, before entering the crosswalk on the near side of the
16 intersection or, if there is no crosswalk, before entering the
17 intersection. The traffic shall remain standing until an indication to
18 proceed is shown except as provided in subdivisions (3)(b) and (3)(c) of
19 this section;

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

26 (c) Except where a traffic control device is in place prohibiting a
27 turn, vehicular traffic facing a steady circular red indication at the
28 intersection of two one-way streets may cautiously enter the intersection
29 to make a left turn after stopping as required by subdivision (3)(a) of
30 this section. Such vehicular traffic shall yield the right-of-way to
31 pedestrians lawfully within an adjacent crosswalk and to other traffic

1 lawfully using the intersection;~~and~~

2 (d) Vehicular traffic facing a steady red arrow indication alone
3 shall stop at a clearly marked stop line or shall stop, if there is no
4 such line, before entering the crosswalk on the near side of the
5 intersection or, if there is no crosswalk, before entering the
6 intersection. The traffic shall not enter the intersection to make the
7 movement indicated by the arrow and shall remain standing until an
8 indication to proceed is shown; and

9 (e) ~~(d)~~ Unless otherwise directed by a pedestrian-control signal,
10 pedestrians facing a steady red indication alone shall not enter the
11 roadway;

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

18 (5)(a) If a traffic control signal at an intersection is not
19 operating because of a power failure or other cause and no peace officer,
20 flagperson, or other traffic control device is providing direction for
21 traffic at the intersection, the intersection shall be treated as a
22 multi-way stop; and

23 (b) If a traffic control signal is not in service and the signal
24 heads are turned away from traffic or covered with opaque material,
25 subdivision (a) of this subdivision shall not apply.

26 Sec. 2. Section 66-4,144, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 66-4,144 (1) In order to insure that an adequate balance in the
29 Highway Restoration and Improvement Bond Fund is maintained to meet the
30 debt service requirements of bonds to be issued by the commission under
31 subsection (2) of section 39-2223, the Director-State Engineer shall

1 certify to the department the excise tax rate to be imposed by sections
2 66-4,140 and 66-6,108 for each year during which such bonds are
3 outstanding necessary to provide in each such year money equal in amount
4 to not less than one hundred twenty-five percent of such year's bond
5 principal and interest payment requirements. The department shall adjust
6 the rate as certified by the Director-State Engineer. Such rate shall be
7 in addition to the rate of excise tax set pursuant to subsection (2) of
8 this section. Each such rate shall be effective from July 1 of a stated
9 year through June 30 of the succeeding year or during such other period
10 not longer than one year as the Director-State Engineer certifies to be
11 consistent with the principal and interest requirements of such bonds.
12 Such excise tax rates set pursuant to this subsection may be increased,
13 but such excise tax rates shall not be subject to reduction or
14 elimination unless the Director-State Engineer has received from the
15 State Highway Commission notice of reduced principal and interest
16 requirements for such bonds, in which event the Director-State Engineer
17 shall certify the new rate or rates to the department. The new rate or
18 rates, if any, shall become effective on the first day of the following
19 semiannual period.

20 (2) In order to insure that there is maintained an adequate Highway
21 Cash Fund balance to meet expenditures from such fund as appropriated by
22 the Legislature, by June 15 or five days after the adjournment of the
23 regular legislative session each year, whichever is later, the Director-
24 State Engineer shall certify to the department the excise tax rate to be
25 imposed by sections 66-4,140 and 66-6,108. The department shall adjust
26 the rate as certified by the Director-State Engineer to be effective from
27 July 1 through June 30 of the succeeding year. The rate of excise tax for
28 a given July 1 through June 30 period set pursuant to this subsection
29 shall be in addition to and independent of the rate or rates of excise
30 tax set pursuant to subsection (1) of this section for such period. The
31 Director-State Engineer shall determine the cash and investment balances

1 of the Highway Cash Fund at the beginning of each fiscal year under
2 consideration and the estimated receipts to the Highway Cash Fund from
3 each source which provides at least one million dollars annually to such
4 fund. The rate of excise tax shall be an amount sufficient to meet the
5 appropriations made from the Highway Cash Fund by the Legislature. Such
6 rate shall be set in increments of one-hundreth ~~one-tenth~~ of one percent.

7 (3) The Department of Transportation shall provide to the
8 Legislative Fiscal Analyst an electronic copy of the information that is
9 submitted to the Department of Revenue and used to set or adjust the
10 excise tax rate.

11 (4) If the actual receipts received to date added to any projections
12 or modified projections of deposits to the Highway Cash Fund for the
13 current fiscal year are less than ninety-nine percent or greater than one
14 hundred two percent of the appropriation for the current fiscal year, the
15 Director-State Engineer shall certify to the department the adjustment in
16 rate necessary to meet the appropriations made from the Highway Cash Fund
17 by the Legislature. The department shall adjust the rate as certified by
18 the Director-State Engineer to be effective on the first day of the
19 following semiannual period.

20 (5) Nothing in this section shall be construed to abrogate the
21 duties of the Department of Transportation or attempt to change any
22 highway improvement program schedule.

23 Sec. 3. Original sections 60-6,123 and 66-4,144, Reissue Revised
24 Statutes of Nebraska, are repealed.