

CHAPTER 5

TRAFFIC

ARTICLE 9. ALL-TERRAIN VEHICLES

5-901 ALL-TERRAIN VEHICLES; DEFINED. As used in this Article, unless the context otherwise requires, 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 six hundred (600) pounds or less, (3) travels on three or more low pressure tires, (4) is designed for operator use only with no passengers, (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 this Article shall not be registered under Chapter 60, Article 3. (Ref. 60-6,355 RS Neb.)

5-902 ALL TERRAIN VEHICLES; OPERATION;

(1) An all-terrain vehicle shall not be operated on any controlled- access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (2), (3), and (5) of this section authorize and apply to operation of an all-terrain vehicle only on a highway other than a controlled- access highway with more than two marked traffic lanes.

(2) An all-terrain vehicle may be operated in accordance with the operating requirements of subsection three (3) of this section within the corporate limits of the Village of Brady, provided that such operation shall be allowed only on public streets and alleys and shall not be allowed in parks or other areas owned or operated by the Village of Brady.

(3) An all-terrain vehicle may be operated as authorized in subsection two (2) of this section when such operation occurs only between the hours of sunrise and sunset. Any person operating an all-terrain vehicle as authorized in subsection two (2) of this section shall have a valid Class O operator's license or a farm permit as provided in Nebraska Statue section 60-4,126, shall have liability insurance coverage for the all-terrain vehicle while operating the all-terrain vehicle on highway, and shall not operate such vehicle at a speed in excess of thirty miles per hour. The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. When operating an all-terrain vehicle as authorized in subsection (2) of this section, 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 a day-glow in color.

(4) All-terrain vehicles may be operated without complying with subsection three (3) of this section on highways in parades which have been authorized by the State of Nebraska or the Village of Brady.

(5) Subject to subsection one (1) of this section, the crossing of a highway shall be permitted by an all-terrain vehicle without complying to subsection three (3) of this section 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.

5-903 ALL-TERRAIN VEHICLES; HEADLIGHTS. Every all-terrain vehicle shall display a lighted headlight and taillight during the period of time from one-half (1/2) hour after sunset to one-half hour before sunrise and at any time when visibility is reduced due to insufficient light or unfavorable atmospheric conditions. (Ref. 60-6,357 RS Neb.)

5-904 ALL-TERRAIN VEHICLES; EQUIPMENT, REQUIREMENT. 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.

(Ref. 60-6,358 RS Neb.)

5-905 ALL-TERRAIN VEHICLES; PROHIBITIONS. 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.

(Ref. 60-6,359 RS Neb.)

5-906 ALL-TERRAIN VEHICLES; COMPETITION. 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. (Ref. 60-6,360 RS Neb.)

5-907 ALL-TERRAIN VEHICLES; ACCIDENT REPORT. 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. (Ref. 60-6,361 RS Neb.)

5-908 ALL-TERRAIN VEHICLES; PENALTY. Any violation of this Article which is also a violation under Chapter 60 of RS Neb. may be punished under the penalty provisions of such chapter. (Ref. 60-6,362 RS Neb.)

5-909 ALL-TERRAIN VEHICLES; ENFORCEMENT. Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission shall be charged with the enforcement of the provisions of this Article. (Ref. 60-678 RS Neb.)