

WINNEBAGO TRIBAL CODE  
TITLE 6

TITLE 6  
CIVIL TRAFFIC CODE  
(As amended August 27, 2003)

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**Section 6-101 Purpose.** To ensure the safety of persons and property within the Winnebago Reservation, the Winnebago Tribe has adopted the following civil traffic regulation and control laws. Furthermore, the Winnebago Tribe of Nebraska seeks:

1. To make more uniform traffic laws between state and Tribal jurisdictions;
2. To educate drivers so that they can develop instinctive habits resulting in safer emergency reactions;
3. To educate drivers and pedestrians of all ages to more readily understand each other's responsibilities and privileges when all obey the same rules;
4. To promote economic savings by relieving congestion and confusion in traffic;
5. To increase the efficiency of streets and highways by the application of uniform traffic control devices;
6. To reduce the huge annual loss of life and property which occurs on highways; and
7. To assist traffic law enforcement by encouraging voluntary compliance with law through uniform rules.

These laws are enacted in addition to, and not in lieu of, the Winnebago Criminal Code Title 3, Article 15, Alcohol-related Offenses. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-602]

**Section 6-102 Construction of Rules.** The provisions of the Winnebago Tribe of Nebraska Traffic Code shall be so interpreted and construed as to effectuate their general purpose to make uniform the laws relating to motor vehicles. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-604]

**Section 6-103 References to the law of the State of Nebraska incorporated.** Any references in this Title to the law of the State of Nebraska are hereby incorporated by reference to include the law of the Winnebago Tribe. [TCR 86-79, 03-172]

**Section 6-104 Inappropriate references to be given a common sense meaning.** Any references to jurisdiction, courts, agencies, offices, or other factors or issues which may not appropriately apply to the jurisdictional limitations of the Winnebago Tribe of Nebraska shall, wherever possible, be read in an analogous context appropriate to the jurisdiction and governmental structure and status of the Winnebago Tribe and be given a common sense meaning and interpretation consistent with that context. [TCR 86-79, 03-172]

**Section 6-105 Severability.** If any provision of this Code or the application of any provision of this Code to any person or circumstance is held invalid, the remainder of this Code shall not be affected thereby. [TCR 86-97, 89-87, 03-172]

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**Section 6-106 Violations; civil violation.** Unless otherwise declared in the Winnebago Tribal Code with respect to particular offenses, a violation of any provision herein shall constitute a civil violation. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-682]

**Section 6-107 Peace officers; duty to enforce rules and laws; powers.** All peace officers are hereby specifically directed and authorized and it shall be deemed and considered a part of the official duties of each of such officers to enforce the provisions of the Winnebago Tribe of Nebraska Civil Traffic Code, including the specific enforcement of maximum speed limits, and any other law regulating the operation of vehicles or the use of the highways. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-683]

**Section 6-108 Civil penalties.**

1. The civil penalty for violations of this Title shall be as follows:

Level I	\$25
Level II	\$50
Level III	\$100
Level IV	\$150
Level V	\$200
Level VI	\$500

2. The penalties listed may be imposed in addition to any assessment of costs. [TCR 03-172]

WINNEBAGO TRIBAL CODE  
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TITLE 6  
ARTICLE 2  
PROCEDURES

- 6-201 Enforcement; citation; complaint; contents; procedure.  
6-202 Civil penalty and costs; failure to pay; judgment; installments.
- 6-203 Person charged with traffic infraction; citation; conditions; penalty.
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**Section 6-201 Enforcement; citation; complaint; contents; procedure.**

1. Court proceedings to enforce civil penalties herein are to be initiated by the issuance of a citation by a police officer or Tribal conservation officer or by the filing of a civil complaint by the Tribal prosecutor.
2. All required information shall be entered on the citation or complaint including the name and address of the cited person, the offense violated, the civil penalty due, and the date the penalty is to be paid.
3. One copy of the citation shall be delivered to the person cited, and a duplicate thereof shall be signed by such person. Such person thereupon shall be released from custody.
4. By accepting and signing a civil citation, the violator voluntarily consents to the civil jurisdiction of the Winnebago Tribe of Nebraska and agrees to pay the civil penalty as indicated on the citation by the specified date.
5. As soon as practicable, the copy signed by the person cited shall be delivered to the prosecuting attorney. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 29-424]

**Section 6-202 Civil penalty and costs; failure to pay; judgment; installments.**

1. The failure to pay a civil penalty by the specified date shall result in an automatic civil judgment against the violator.
2. A judgment entered against an individual for failure to pay a civil penalty shall be twice the amount of the penalty.
3. Notwithstanding the provisions of subsection (1) of this Section, when any violator demonstrates to the Court that he/she is unable to pay such penalty or costs in one lump sum, the Court shall make arrangements suitable to the Court or magistrate and to the violator by which the violator may pay in installments. The Court or magistrate shall enter an order specifying the terms of such arrangements and the dates on which payments are to be made. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat 29-2206]

**Section 6-203 Person charged with traffic infraction; citation; conditions; penalty.** Whenever any person shall be found to have violated the Winnebago Traffic Code, such person shall be issued a citation pursuant to the provisions of Section 6-201. Any person under the jurisdiction of the Winnebago Tribe of Nebraska who refuses to sign the citation shall be guilty of a Level I violation. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-684] **NOTE:** TCR 89-87 changes class of offense.

WINNEBAGO TRIBAL CODE  
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TITLE 6  
ARTICLE 3  
LICENSING, REGISTRATION AND VEHICLE REQUIREMENTS

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| 6-302 | Operation of unregistered motor vehicle;<br>penalty.       | 6-306 | Violation of operator's license<br>requirements; penalty. |
| 6-303 | Motor vehicle title.                                       |       |   |
| 6-304 | Violation of motor vehicle title<br>requirements; penalty. |       |   |
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**Section 6-301 Motor vehicle registration.**

1. All motor vehicles owned or operated within the Winnebago Reservation shall register with the State of Nebraska in accordance with Nebraska law, Neb Rev. Stat. 60-102, et seq.
2. All provisions of the Nebraska Revised Statutes related to motor vehicle registration, including without limitation Neb Rev. Stat. Chapter 60, article 3 are hereby incorporated by reference as if fully set forth herein. [TCR 03-172]

**Section 6-302 Operation of unregistered motor vehicle; penalty.** Any person who operates a motor vehicle, semi-trailer, or cabin trailer on any roadway or highway, which vehicle has not been registered as required by the State of Nebraska shall be subject to a Level II civil penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-302.03] **NOTE:** TCR 89-87 changes class of offense.

**Section 6-303 Motor vehicle title.**

1. Title to motor vehicles owned or operated within the Winnebago Reservation shall be maintained and transferred by the State of Nebraska in accordance with the provisions of the Nebraska Revised Statutes.
2. All provisions of the Nebraska Revised Statutes related to title to motor vehicles, including Neb Rev. Stat. 60-116 through 60-117, are hereby incorporated by reference as if fully set forth herein. [TCR 03-172]

**Section 6-304 Violation of motor vehicle title requirements; penalty.** Any person who violates vehicle title requirements as set forth by the laws of the State of Nebraska, specifically Neb Rev. Stat. 60-116 and 60-117, shall be subject to a Level II civil penalty. [TCR 03-172]

**Section 6-305 Operator's license.**

1. No person may operate a motor vehicle within the Winnebago Reservation unless such person shall have a license for the operation of such motor vehicle issued by the State of Nebraska in accordance with the provisions of the Nebraska Revised Statutes, Neb Rev. Stat. 60-102, et seq.
2. All provisions of the Nebraska Revised Statutes related to operator's licenses under Chapter 60, article 4, are hereby incorporated by reference as if fully set forth herein. [TCR 03-172]

**Section 6-306 Violation of operator's license requirements; penalty.** Any person who violates the operator's license requirements as set forth by the laws of the State of Nebraska shall be subject to a Level II civil penalty. [TCR 03-172]

WINNEBAGO TRIBAL CODE  
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TITLE 6  
ARTICLE 4  
MOVING TRAFFIC

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| 6-402 | Traffic control signals; meaning; turns on red signal; when.  | 6-425 | Basic rule; speed.   |
| 6-403 | Pedestrian-control signals.   | 6-426 | Speed; maximum limits; signs.  |
| 6-404 | Flashing signals; exception.  | 6-427 | Special speed limitations; motor vehicle towing a mobile home; school buses; motor-driven cycle.   |
| 6-405 | Driving on right half of roadway required; exceptions.  | 6-428 | Speed determination; use of speed measurement devices; requirements; apprehension of driver; when.   |
| 6-406 | Vehicles proceeding in opposite direction; passing.   | 6-429 | Minimum speed regulation; impeding traffic.  |
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| 6-409 | Limitations on overtaking and passing on the left; precautions required; return to right side of highway. | 6-432 | Driving under influence of alcoholic liquor or drug; penalties.  |
| 6-410 | Limitations on overtaking, passing, or driving to the left of the center of roadway; when prohibited.     | 6-433 | Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; when test administered; refusal; penalty.      |
| 6-411 | No-passing zones; exception.  | 6-434 | Driving under influence of alcoholic liquor or drugs; test; additional rest; refusal to permit; effect; results of test; available upon request. |
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| 6-417 | Controlled-access highway; entrances; exits.  | 6-440 | Careless driving, defined; penalty.  |
| 6-418 | Vehicles approaching or entering intersection at same time; right-of-way; entering a highway or roadway.  | 6-441 | Reckless driving, defined; penalty.  |
| 6-419 | Vehicle turning left; yield right-of-way.   | 6-442 | Willful reckless driving, defined.   |
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| 6-422 | Moving a stopped, standing, or parked vehicle; yield right-of-way.  |       |  |
| 6-423 | Operation of vehicles upon the approach of emergency vehicles.  |       |  |

**Section 6-401 Obedience to traffic control devices; exceptions.**

1. The driver of any vehicle shall obey the instructions of any traffic control device applicable thereto placed in accordance with the Winnebago Tribe of Nebraska Traffic Code, unless otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle in the Rules.
2. No provision of the Rules for which traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by a reasonably observant person. Whenever any provision of the Rules does not state that traffic control devices are required, such provision shall be effective even though no devices are erected or in place.
3. Whenever traffic control devices are placed in position approximately conforming to the requirements of the Rules, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.
4. Any traffic control device placed pursuant to the Rules and purporting to conform with the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of the Rules unless the contrary is established by competent evidence.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,119]

**Section 6-402 Traffic control signals; meaning; turns on red signal; when.** Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend or symbol, and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

1.
  - a. Vehicular traffic facing a circular green indication may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such indication is exhibited;
  - b. Vehicular traffic facing a green arrow indication, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications shown at the same time, and such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and
  - c. Unless otherwise directed by a pedestrian-control signal, pedestrians facing any green indication, except when the sole green indication is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
2.
  - a. Vehicular traffic facing a steady yellow indication is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection, and upon display of a steady yellow indication, vehicular traffic shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection; and
  - b. Pedestrians facing a steady yellow indication, unless otherwise directed by a pedestrian-control signal, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

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3.
  - a. Vehicular traffic facing a steady red indication alone shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, before entering the intersection. The traffic shall remain standing until an indication to proceed is shown except as provided in subdivisions (3)(b) and (3)(c) of this Section;
  - b. Except where a traffic control device is in place prohibiting a turn, vehicular traffic facing a steady red indication may cautiously enter the intersection to make a right turn after stopping as required by subdivision (3)(a) of this Section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;
  - c. Except where a traffic control device is in place prohibiting a turn, vehicular traffic facing a steady red indication at the intersection of two one-way streets may cautiously enter the intersection to make a left turn after stopping as required by subdivision (3)(a) of this Section. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection; and
  - d. Unless otherwise directed by a pedestrian-control signal, pedestrians facing a steady red indication alone shall not enter the roadway.
4. If a traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal.
5. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,123]

**Section 6-403 Pedestrian-control signals.** Whenever pedestrian-control signals exhibiting the words WALK or DON'T WALK or exhibiting the symbol of a walking person or an upraised hand are in place, such signals shall indicate as follows:

1. Pedestrians facing a steady WALK indication or a symbol of a walking person may proceed across the roadway in the direction of such signal and shall be given the right-of-way by the drivers of all vehicles; and
2. No pedestrian shall start to cross the roadway in the direction of a DON'T WALK indication or a symbol of an upraised hand, but any pedestrian who has partially completed his or her crossing on the WALK or walking person indication shall immediately proceed to a sidewalk or safety island while the flashing DON'T WALK or flashing upraised hand indication is showing.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,124]

**Section 6-404 Flashing signals; exception.** Whenever an illuminated flashing red or yellow light is used in a traffic signal or with a traffic sign, it shall require obedience by vehicular traffic as follows:

1. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the nearside of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign; and
2. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such light only with caution.

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3. This Section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules set forth in the Winnebago Tribal Code pertaining to such railroad grade crossings.
4. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,125]

**Section 6-405 Driving on right half of roadway required; exceptions.**

1. Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway except as follows:
  - a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
  - b. When an obstruction exists making it necessary to drive to the left of the center of the highway, except that any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
  - c. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
  - d. Upon a roadway restricted to one-way traffic.
2. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
3. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes or except as permitted under subdivision (1)(b) of this Section. This subsection shall not be construed to prohibit the crossing of the center line in making a left turn into or from an alley, private road, or driveway unless such movement is otherwise prohibited by signs.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,131]

**Section 6-406 Vehicles proceeding in opposite direction; passing.** Passing vehicles proceeding in opposite directions shall each keep to the right side of the roadway, passing left to left, and upon roadways having width for not more than one lane of traffic in each direction, each driver shall give to the other, as nearly as possible, at least one-half of the main-traveled portion of the roadway. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,132]

**Section 6-407 Overtaking and passing rules; vehicles proceeding in same direction.** Except when overtaking and passing on the right is permitted, the following rules shall govern the overtaking and passing of vehicles proceeding in the same direction:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall first give a visible signal of his or her intention and shall pass to the left of the other vehicle at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and



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2. The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of his/her vehicle until completely passed by the overtaking vehicle.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,133]

**Section 6-408 Overtaking and passing upon the right; when permitted.**

1. The driver of a vehicle may overtake and pass on the right of another vehicle only under the following conditions:
  - a. When the vehicle to be overtaken is making or about to make a left turn;
  - b. Upon a two-way street or highway with an unobstructed roadway, not occupied by parked vehicles, of sufficient width for two or more lanes of moving vehicles going in the same direction when the passing vehicle is traveling in one of such lanes; or
  - c. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, when the roadway is free from obstructions and of sufficient width for two or more lanes of moving vehicles.
2. In no event shall the driver of a vehicle overtake and pass another vehicle upon the right unless such movement may be made safely upon the roadway.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,134]

**Section 6-409 Limitations on overtaking and passing on the left; precautions required; return to right side of highway.**

1. No vehicle shall overtake another vehicle proceeding in the same direction on an undivided two-way roadway when such overtaking requires the overtaking vehicle to be driven on the left side of the center of the roadway unless the left side is clearly visible for a distance sufficient to accomplish such overtaking and is free from oncoming traffic for a distance sufficient to:
  - a. Permit the overtaking vehicle to return to an authorized lane of traffic before coming within two hundred feet of any approaching vehicle; and
  - b. Permit the overtaking vehicle to be safely clear of the overtaken vehicle while returning to the authorized lane of travel as provided in the Winnebago Tribal Code.
2. After completing such overtaking, the overtaking vehicle shall return to the authorized lane of travel as soon as practicable.
3. Any such overtaking shall be subject to the rules.
4. The provisions of this Section shall not permit the crossing of the center line of an undivided highway providing for two or more lanes of traffic in each direction for the purpose of overtaking and passing another vehicle.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,135]

**Section 6-410 Limitations on overtaking, passing, or driving to the left of the center of roadway; when prohibited.**

1. No driver shall overtake and pass another vehicle or drive to the left of the center of the roadway whenever:
  - a. He or she approaches the crest of a grade or is upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

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- b. He or she approaches within one hundred feet of or traverses any intersection or railroad grade crossing;
  - c. The view is obstructed when he or she approaches within one hundred feet of any bridge, viaduct, or tunnel; or
  - d. The section of roadway is designated as a no-passing zone under Section 6-411.
2. The limitations imposed by subsection (1) of this Section shall not apply (a) upon a one-way roadway; (b) under the conditions described in subdivision (1)(b) of Section 6-405; or (c) to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.
  3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,136]

**Section 6-411 No-passing zones; exception.**

1. The local authorities may determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the center of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey such indications.
2. Where signs or markings are in place to define a no-passing zone, no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.
3. This Section shall not apply (a) under the conditions described in subdivision (1)(b) of Section 6-405; or (b) to the driver of a vehicle turning left into or from an alley, private road, or driveway unless otherwise prohibited by signs.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,137]

**Section 6-412 One-way roadways and rotary traffic islands; jurisdiction; exception for emergency vehicles.**

1. The local authorities with respect to roadways or highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all times or at such times as shall be indicated by traffic control devices.
2. Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any deceleration lane, acceleration lane, access ramp, shoulder, or roadway.
3. A vehicle which passes around a rotary traffic island shall be driven only to the right of such island.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,138]

**Section 6-413 Driving on roadways laned for traffic; rules; traffic control devices.** Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this Section, shall apply:

1. A vehicle shall be driven as nearly as practicable within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;
2. Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except (a) when overtaking and passing another

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- vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance; (b) in preparation for making a left turn; or (c) when such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by traffic control devices;
3. Traffic control devices may be erected by local authorities to direct specified traffic to use a designated lane or to designate those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device; and
  4. Traffic control devices may be installed by local authorities to prohibit the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.
  5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,139]

**Section 6-414 Following vehicles; restrictions.**

1. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, and such driver shall have due regard for the speed of such vehicles and the traffic upon and the condition of the roadway.
2. The driver of any motor vehicle drawing a trailer, semi-trailer, or another vehicle, when traveling upon a roadway outside of a business or residential district, who is following another vehicle shall, subject to varying road conditions, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger and shall not follow another motor vehicle drawing a trailer, semi-trailer, or another vehicle more closely than one hundred feet. This subsection shall not prevent a vehicle from overtaking and passing any other vehicle.
3. The driver of a motor vehicle upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall operate such vehicle so as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This subsection shall not apply to funeral processions.
4. The driver of any motor vehicle when traveling upon a roadway outside of a business or residential district shall not follow any highway maintenance vehicle more closely than one hundred feet if:
  - a. Such highway maintenance vehicle is engaged in plowing snow, removing deposited material from the surface of the road, or spreading salt, sand, or other material upon the surface of the road or is in motion on or near the traveled portion of a road performing other highway maintenance duties; and
  - b. Such highway maintenance vehicle is displaying a flashing amber or white light.This subsection shall not prevent a vehicle from overtaking and passing any other vehicle.
5. The driver of any motor vehicle, when traveling upon a roadway outside of a business or residential district, who is following another vehicle displaying flashing amber or white lights shall not follow such vehicle more closely than one hundred feet. This subsection shall not prevent a vehicle from overtaking and passing any other vehicle.
6. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,140]

**Section 6-415 Driving on divided highways; driving on median prohibited; exceptions.**

1. Whenever any highway has been divided into two or more roadways by a median, a driver shall drive only upon the right-hand roadway unless directed or permitted to use another roadway by traffic control devices or competent authority.

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2. No driver shall drive any vehicle over, across, or within any median except through a median opening or median crossover as established by competent authority.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,141]

**Section 6-416 Driving on highway shoulders prohibited; exceptions.** No person shall drive on the shoulders of highways, except that:

1. Vehicles may be driven on the shoulders of highways (a) by federal mail carriers while delivering the United States mail; or (b) to safely remove a vehicle from a roadway;
2. Implements of husbandry may be driven on the shoulders of highways; and
3. Bicycles and electric personal assistive mobility devices may be operated on paved shoulders of highways included in the state highway system.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,142]

**Section 6-417 Controlled-access highway; entrances; exits.** No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by competent authority. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,143]

**Section 6-418 Vehicles approaching or entering intersection at same time; right-of-way; entering a highway or roadway.**

1. When two vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
2. Notwithstanding the provisions of subsection (1) of this Section, a vehicle entering a highway from an acceleration lane, a ramp, or any other approach road shall yield the right-of-way to a vehicle on the main roadway entering such merging area at the same time, regardless of whether the approach road is to the left or the right of the main roadway, unless posted signs indicate otherwise.
3. The driver of a vehicle about to enter or cross a paved roadway from an unpaved roadway and who is not subject to control by a traffic control device shall yield the right-of-way to all vehicles approaching on such paved roadway.
4. The right-of-way rules set forth in subsections (1) and (3) of this Section are modified at through highways and otherwise as stated in the Winnebago Traffic Code.
5. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,146]

**Section 6-419 Vehicle turning left; yield right-of-way.** The driver of a vehicle who intends to turn to the left within an intersection or into an alley road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite in which is within the intersection or approaching so close as to constitute an immediate hazard. A violation of this Section shall be a Level II penalty. [TCR 90-24, 03-172, Same as Neb Rev. Stat. 60-6,147]

**Section 6-420 Preferential right-of-way; stop and yield signs.**

1. Competent authority may provide for preferential right-of-way at an intersection and indicate such by stop signs or yield signs erected by such authorities.

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2. Except when directed to proceed by a peace officer or traffic control signal, every driver of a vehicle approaching an intersection where a stop is indicated by a stop sign shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, such driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard if such driver moved across or into such intersection.
3. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable under the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line or shall stop, if there is no such line, before entering the crosswalk on the near side of the intersection or, if no crosswalk is indicated, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, such driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard if such driver moved across or into such intersection.
4. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,148]

**Section 6-421 Vehicle entering roadway from private road or driveway; yield right-of-way.** The driver of a vehicle emerging from an alley, driveway, private road, or building shall stop such vehicle immediately before driving onto a sidewalk and shall yield the right-of-way to any pedestrian approaching on any sidewalk. Before entering the highway, the driver shall yield the right-of-way to all vehicles approaching on such highway. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,149]

**Section 6-422 Moving a stopped, standing, or parked vehicle; yield right-of-way.** No person shall move a vehicle which is stopped, standing, or parked without yielding the right-of-way to all other vehicles and pedestrians affected by such movement and in no event until such movement can be made with reasonable safety. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,150]

**Section 6-423 Operation of vehicles upon the approach of emergency vehicles.**

1. Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:
  - a. The driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes unless otherwise directed by any peace officer; and
  - b. Any pedestrian using such roadway shall yield the right-of-way until such emergency vehicle passes unless otherwise directed by any peace officer.
2. This Section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
3. A violation of this Section shall be a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,151]

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**Section 6-424 Driving upon sidewalk; prohibited; exception.** No person shall drive any vehicle upon a sidewalk except upon a permanent or duly authorized temporary driveway. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,178]

**Section 6-425 Basic rule; speed.** 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. A 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 hillcrest, 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. [TCR 03-172, Same as Neb Rev. Stat. 60-6,185]

**Section 6-426 Speed; maximum limits; signs.**

1. Except when a special hazard exists that requires lower speed for compliance with Section 6-425, the limits set forth in this Section shall be the maximum lawful speeds unless reduced pursuant to subsection (2) of this Section, 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 miles per hour upon any highway that is not dustless surfaced and not part of the state highway system;
  - d. Fifty-five miles per hour upon any dustless-surfaced highway not a part of the state highway system;
  - e. (i) Sixty miles per hour upon any part of the state highway system other than an expressway or a freeway, except where existing design and traffic conditions allow, according to an engineering study, a speed limit five miles per hour greater may be authorized by the appropriate officials.
2. The maximum speed limits established in subsection (1) of this Section may be reduced by local authorities as conditions warrant.
3. The Winnebago Tribe of Nebraska and/or the Nebraska 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 deem necessary to give adequate notice of the speed limits established pursuant to subsection (1) or (2) of this Section upon such highways.
4. The penalty for a violation of this Section shall be as follows:
  - a. 1-10 mph over posted limit Level I
  - b. 11-15 mph over posted limit Level II
  - c. 16-20 mph over posted limit Level III
  - d. 21 mph and over posted limit Level IV

[TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,186]

**Section 6-427 Special speed limitations; motor vehicle towing a mobile home; school buses; motor-driven cycle.**

1. No person shall operate any motor vehicle when towing a mobile home at a rate of speed in excess of fifty miles per hour.
2. Notwithstanding the maximum speed limits established in Section 6-426, no person shall operate any school bus carrying any school child at a speed in excess of:

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- a. 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;
  - b. Forty-five miles per hour on any highway that is not dustless surfaced and not a part of the state highway system during the daytime; and
  - c. Forty miles per hour on any highway that is not dustless surfaced and not a part of the state highway system during the nighttime.
3. During the nighttime, no person shall operate upon a roadway any motor-driven cycle at a speed in excess of:
- a. Thirty-five miles per hour unless such motor-driven cycle is equipped with one or more headlights capable of revealing a person or vehicle in such roadway three hundred feet ahead and with a taillight 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;
  - b. Twenty-five miles per hour if such headlight or headlights are not sufficient to reveal a person or vehicle in such roadway at least two hundred feet ahead; or
  - c. Twenty miles per hour if such headlight or headlights do not reveal a person or vehicle in such roadway at least one hundred feet ahead. If the headlight or headlights 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.
4. The penalty for a violation of this Section shall be according to that which is set out in Section 6-426. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,187]

**Section 6-428 Speed determination; use of speed measurement devices; requirements; apprehension of driver; when.**

1. Determinations made regarding the speed of any motor vehicle based upon the visual observation of any peace officer, while being competent evidence for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such radio microwave, mechanical, or electronic speed measurement device may be accepted as competent evidence of the speed of such motor vehicle in any Court or legal proceeding when the speed of the vehicle is at issue. Before the Tribe may offer in evidence, the results of such radio microwave, mechanical, or electronic speed measurement device for the purpose of establishing the speed of any motor vehicle, the Tribe shall prove the following:
  - a. The radio microwave, mechanical, or electronic speed measurement device was in proper working order at the time of conducting the measurement;
  - b. The radio microwave, mechanical, or electronic speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
  - c. The person operating the radio microwave, mechanical, or electronic speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the radio microwave, mechanical, or electronic speed measurement device; and
  - d. The operator conducted external tests of accuracy upon the radio microwave, mechanical, or electronic speed measurement device, within a reasonable time both prior to and subsequent to an arrest being made, and the device was found to be in proper working order.
2. The driver of any motor vehicle measured by use of a radio microwave, mechanical, or electronic speed measurement device to be driving in excess of the applicable speed limit may be apprehended if the apprehending officer:
  - a. Is in uniform and displays his or her badge of authority; and

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- b. (i) Has observed the recording of the speed of the motor vehicle by the radio microwave, mechanical, or electronic speed measurement device; or (ii) Has received a radio message from a peace officer who observed the speed recorded and the radio message:
  - A. Has been dispatched immediately after the speed of the motor vehicle was recorded; and
  - B. Gives a description of the vehicle and its recorded speed.

[TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,192]

**Section 6-429 Minimum speed regulation; impeding traffic.**

1. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
2. Whenever any local authority within its respective jurisdiction determines on the basis of an engineering and traffic investigation that low speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, such local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.
3. Any minimum speed limit which is imposed under subsection (2) of this Section shall not be effective until appropriate and adequate signs are erected along the roadway affected by such regulation apprising motorists of such limitation.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,193]

**Section 6-430 Charging violations of speed regulation; summons; burden of proof; elements of offense.**

1. In every charge of violation of any speed regulation in the Winnebago Traffic Code, the complaint or citation shall specify the speed at which defendant is alleged to have driven and the maximum speed for the type of vehicle involved applicable within the district or at the location. The speed at which defendant is alleged to have driven and the maximum speed are essential elements of the offense and shall be proved by competent evidence.
2. The provisions of the rules which set maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,194]

**Section 6-431 Racing on highways; violation; penalty.**

1. No person shall drive any vehicle on any highway in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition.
2. For purposes of this Section:
  - a. Drag race shall mean the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one or more vehicles over a common selected course, each starting at the same point and proceeding to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit; and
  - b. Racing shall mean the use of one or more vehicles in an attempt to outgain or outdistance another vehicle, to prevent another vehicle from passing, to arrive at a given destination



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ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes.

3. Any person convicted of violating this Section shall be guilty of a Level IV penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,195]

**Section 6-432 Driving under influence of alcoholic liquor or drug; penalties.**

1. It shall be a civil violation for any person to operate or be in the actual physical control of any motor vehicle:
  - a. While under the influence of alcoholic liquor or of any drug;
  - b. When such person has a concentration of eight-hundredths (0.08) of one gram or more by weight of alcohol per one hundred milliliters of his or her blood;
  - c. When such person has a concentration of eight-hundredths (0.08) of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.
2. Any person who operates or is in the actual physical control of any motor vehicle while in a condition described in subdivision (1) of this Section shall be subject to a Level V penalty.
3. These acts shall also be unlawful pursuant to Title 3, Article 15 of the Winnebago Tribal Criminal Code. [TCR 86-31, 86-79, 95-06, 03-172, Same as Neb Rev. Stat. 60-6,196]

**Section 6-433 Driving under influence of alcoholic liquor or drugs; implied consent to submit to chemical test; when test administered; refusal; penalty.**

1. Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath, or urine, for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine.
2. Any peace officer who has been duly authorized to issue citations or make arrests for violations of traffic laws within this jurisdiction may require any person who violates any law arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle upon a public roadway or highway within the reservation while under the influence of alcoholic liquor or drugs in violation of Section 6-432.
3. Any peace officer who has been duly authorized to issue citations or make arrests for violation of traffic laws of this jurisdiction may require any person who operates or has in his or her actual physical control a motor vehicle in the Winnebago Reservation to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation, or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of Section 6-432 shall be placed under arrest pursuant to Title 3, Article 15. Any person who refuses to submit to such preliminary breath test shall be guilty of a Level V offense.
4. Any person cited or arrested as provided in this Section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood, breath, or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of subsection (1) of Section 6-432, the person shall be subject to a civil penalty as provided in Section 6-432. Any person who refuses to submit to such test or tests required pursuant to this Section shall be subject to a Level V penalty.

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5. Any person involved in a motor vehicle accident within this jurisdiction may be required to submit to a chemical test of his or her blood, breath, or urine by any peace officer if the officer has reasonable ground to believe that the person was driving or was in actual physical control of a motor vehicle on a public roadway or highway within this jurisdiction while under the influence of alcoholic liquor or drugs at the time of the accident. A person involved in a motor vehicle accident subject to the implied consent law of this jurisdiction shall not be deemed to have withdrawn consent to submit to a chemical test of his or her blood, breath, or urine by reason of leaving this jurisdiction. If the person refuses a test under this Section and leaves the jurisdiction for any reason following an accident, he or she shall remain subject to subsection (4) of this Section upon return.
6. Any person who is required to submit to a preliminary breath test or to a chemical blood, breath, or urine test or tests pursuant to this Section shall be advised of (a) the consequences of refusing to submit to such test or tests and (b) the consequences if he or she submits to such test and the test discloses the presence of a concentration of alcohol in violation of subsection (1) of Section 6-432. Refusal to submit to such test or tests shall be admissible in any action for a violation of Section 6-432. [TCR 86-31, 86-79, 95-06, 03-172, Same as Neb Rev. Stat. 60-6,197]

**Section 6-434 Driving under influence of alcoholic liquor or drugs; test; additional test; refusal to permit; effect; results of test; available upon request.** The peace officer who required a chemical blood, breath, or urine test or tests pursuant to Section 6-433 may direct whether the test or tests shall be of blood, breath, or urine. The person tested shall be permitted to have a physician of his or her choice evaluate his or her condition and perform or have performed whatever laboratory tests he or she deems appropriate in addition to and following the test or tests administered at the direction of the officer. If the officer refuses to permit such additional test to be taken, then the original test or tests shall not be competent as evidence. Upon the request of the person tested, the results of the test or tests taken at the direction of the officer shall be made available to him/her. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,199]

**Section 6-435 Driving under influence of alcoholic liquor or drugs; chemical test; consent of person incapable of refusal not withdrawn.** Any person who is unconscious or who is otherwise in a condition rendering him/her incapable of refusal shall be deemed not to have withdrawn the consent provided by S Section 6-433 and the test may be given. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,200]

**Section 6-436 Driving under influence of alcoholic liquor or drugs; chemical test; violation of statute or ordinance; results; competent evidence.**

1. Any test made under Section 6-433, if made in conformity with the requirements of this Section, shall be competent evidence in any civil case under a Tribal law involving operating a motor vehicle while under the influence of alcoholic liquor or drugs or involving driving or being in actual physical control of a motor vehicle when the concentration of alcohol in the blood or breath is in excess of allowable levels.
2. Any test made in conformity with the requirements of this Section, shall be competent evidence in any civil case involving operating or being in actual physical control of a motor vehicle.
3. To be considered valid, tests of blood, breath, or urine shall be performed according to methods approved by the Nebraska Department of Health and by an individual possessing a valid permit issued by such department for such purpose, except that a physician, registered nurse, or other trained person employed by a licensed institution or facility or certified clinical laboratory to withdraw human blood for scientific or medical purposes, acting at the request of a peace officer, may withdraw blood for the purpose of a test to determine the alcohol concentration or the presence of drugs and no permit from the department shall be required for such person to

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withdraw blood pursuant to such an order. The department may to be a health and safety hazard by driving with an excessive concentration of alcohol in his or her body and to deter others from driving while under the influence of alcohol. [TCR 86-31, 86-79, 89-87, 95-28, 03-172, Same as Neb Rev. Stat. 60-6,200]

**Section 6-437 Blood sample; results of chemical test; admissible in civil proceeding; disclosure required.**

1. If the driver of a motor vehicle involved in an accident is transported to a hospital within or outside of Nebraska and a sample of the driver's blood is withdrawn by a physician, registered nurse, qualified technician, or hospital for the purpose of medical treatment, the results of a chemical test of the sample shall be admissible in a civil proceeding under Section 6-432 to show the alcoholic content of or the presence of drugs or both in the blood at the time of the accident regardless of whether (a) a peace officer requested the driver to submit to a test as provided in Section 6-433 or (b) the driver had refused a chemical test.
2. Any physician, registered nurse, qualified technician, or hospital in this state performing a chemical test to determine the alcoholic content of or the presence of drugs in such blood for the purpose of medical treatment of the driver of a vehicle involved in a motor vehicle accident shall disclose the results of the test (a) to a prosecuting attorney who requests the results for use in a civil case under Section 6-432 and (b) to any prosecuting attorney in another state who requests the results for use in a criminal prosecution or civil case for driving while intoxicated, driving under the influence, or motor vehicle homicide under the laws of the other state if the other state requires a similar disclosure by any hospital or person in such state to any prosecuting attorney in Nebraska who requests the results for use in such a criminal prosecution under the laws of Nebraska. [TCR 95-28, 03-172, Same as Neb Rev. Stat. 60-6,210]

**Section 6-438 Person under twenty-one years of age; prohibited acts; enforcement.**

1. It shall be a civil violation for any person under twenty-one years of age to operate or be in the actual physical control of any motor vehicle:
  - a. When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood but less than the concentration prescribed under subdivision (1)(b) of Section 6-432, or
  - b. When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath but less than the concentration prescribed under subdivision (1)(c) of Section 6-432.
2. Enforcement of this Section by Tribal law enforcement agencies shall be accomplished only as a secondary action when the driver of a motor vehicle has been cited for a violation of some other offense. [TCR 95-28, 03-172, Same as Neb Rev. Stat. 60-6,211.01]

**Section 6-439 Implied consent to submit to chemical test; when test administered; refusal; penalty.**

1. Any person under twenty-one years of age who operates or has in his or her actual physical control a motor vehicle within this jurisdiction shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath.
2. Any peace officer who has been duly authorized to issue citations or make arrests for violations of traffic laws of this jurisdiction may require any person under twenty-one years of age who has been cited for some offense to submit to a chemical test or tests of his or her blood or breath when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in this jurisdiction in violation of Section 6-438. Such peace

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officer may require such person to submit to a preliminary breath test. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of Section 6-438 shall be subject to a Level V civil penalty.

3. Any person cited as provided in this Section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breath for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation Section 6-438, the person shall be subject to a Level V civil penalty. Any person who refuses to submit to such test or tests required pursuant to this Section shall not have the tests taken but shall be subject to a Level V penalty. [TCR 95-28, 03-172, Same as Neb Rev. Stat. 60-6, 211.02]

**Section 6-440 Careless driving, defined; penalty.** Any person who drives any motor vehicle in this state carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,212]

**Section 6-441 Reckless driving, defined; penalty.** Any person who drives any motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be guilty of reckless driving. A violation of this Section shall be a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,213]

**Section 6-442 Willful reckless driving, defined.** Any person who drives any motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be guilty of willful reckless driving. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,214]

**Section 6-443 Willful reckless driving; penalty.** Any person who is guilty of willful reckless driving shall be subject to a Level IV penalty. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,216]

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NON-MOVING TRAFFIC

6-501	Pedestrian obedience to traffic control devices and regulations.	6-508	Stopping, standing, or parking prohibited; exceptions.
6-502	Pedestrians' right-of-way in crosswalk; traffic control devices.	6-509	Parking regulations; signs; control by local authority.
6-503	Crossing at other than crosswalks; yield right-of-way.	6-510	Unattended motor vehicles; conditions.
6-504	Pedestrians on highways and roadways; sidewalks and shoulders.	6-511	Overloading front seat or obstructing driver; prohibited.
6-505	Pedestrians soliciting rides or business; prohibited acts.	6-512	Opening and closing vehicle doors; restriction.
6-506	Stopping, parking, or standing upon a roadway or bridge; limitations.	6-513	Traveling on a downgrade; gears; position.
6-507	Persons authorized to remove vehicles; cost of removal; lien.	6-514	Following fire apparatus in response to an alarm; prohibited.
		6-515	Restrictions on driving over unprotected fire hose.

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**Section 6-501 Pedestrian obedience to traffic control devices and regulations.**

1. A pedestrian shall obey the instructions of any traffic control device specifically applicable to pedestrians unless otherwise directed by a peace officer.
2. Pedestrians shall be subject to traffic and pedestrian-control signals as provided in the Winnebago Traffic Code.
3. At all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions set forth in the rules.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,152]

**Section 6-502 Pedestrians' right-of-way in crosswalk; traffic control devices.**

1. Except at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided, when traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within a crosswalk who is in the lane in which the driver is proceeding or is in the lane immediately adjacent thereto by bringing his or her vehicle to a complete stop.
2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to stop.
3. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
4. The local authorities in their respective jurisdictions may, after an engineering and traffic investigation, designate unmarked crosswalk locations where pedestrian crossing is prohibited or where pedestrians shall yield the right-of-way to vehicles. Such restrictions shall be effective only when traffic control devices indicating such restrictions are in place.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,153]

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**Section 6-503 Crossing at other than crosswalks; yield right-of-way.**

1. Every pedestrian who crosses a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.
2. Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
3. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
4. No pedestrian shall cross a roadway intersection diagonally unless authorized by traffic control devices, and when authorized to cross diagonally, pedestrians shall cross only in accordance with the traffic control devices pertaining to such crossing movements.
5. Local authorities, by erecting appropriate official traffic control devices, may, within their respective jurisdictions, prohibit pedestrians from crossing any roadway in a business district or any designated highway except in a crosswalk.
6. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,154]

**Section 6-504 Pedestrians on highways and roadways; sidewalks and shoulders.**

1. Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway or shoulder.
2. Where a sidewalk is not available and a shoulder is available, any pedestrian walking along and upon a highway shall walk only on the shoulder as far as practicable from the edge of the roadway.
3. Where neither a sidewalk nor a shoulder is available, any pedestrian who walks along and upon a highway shall walk as near as practicable to the edge of the roadway and, if on a two-way roadway, shall walk only on the left side of such roadway.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,156]

**Section 6-505 Pedestrians soliciting rides or business; prohibited acts.**

1. No person shall stand in a roadway for the purpose of soliciting a ride, employment.
2. No person shall stand on or in proximity to a highway for the purposes of soliciting the watching or guarding of any vehicle while parked or about to be parked on a highway.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,157]

**Section 6-506 Stopping, parking, or standing upon a roadway or bridge; limitations.**

1. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon a roadway outside of a business or residential district when it is practicable to stop, park, or leave such vehicle off such part of a highway, but in any event an unobstructed width of the roadway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred feet in each direction upon such highway. Such parking, stopping, or standing shall in no event exceed twenty-four hours.
2. No person, except law enforcement, fire department, emergency management, public or private ambulance, or local authority personnel, shall loiter or stand or park any vehicle upon any bridge,

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- highway, or structure which is located above or below or crosses over or under the roadway of any highway or approach or exit road thereto.
3. This Section shall not apply to the driver of any vehicle which is disabled while on the roadway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.
  4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,164]

**Section 6-507 Persons authorized to remove vehicles; cost of removal; lien.**

1. Whenever a peace officer, or any other authorized employee of a law enforcement agency who is employed by a political subdivision of the Tribe and specifically empowered by law to act, finds a vehicle standing upon a highway in violation of any of the provisions of the Winnebago Tribal Code, such individual may remove the vehicle, have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such highway or from such highway.
2. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this Section shall not apply to the contents of any vehicle. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,165]

**Section 6-508 Stopping, standing, or parking prohibited; exceptions.**

1. Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall:
  - a. Stop, stand, or park any vehicle:
    - i. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
    - ii. On a sidewalk;
    - iii. Within an intersection;
    - iv. On a crosswalk;
    - v. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone unless the local authority indicates a different length by signs or markings;
    - vi. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
    - vii. Upon any bridge or other elevated structure over a highway or within a highway tunnel;
    - viii. On any railroad track; or
    - ix. At any place where official signs prohibit stopping;
  - b. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
    - i. In front of a public or private driveway;
    - ii. Within fifteen feet of a fire hydrant;
    - iii. Within twenty feet of a crosswalk at an intersection;
    - iv. Within thirty feet of any flashing signal, stop sign, yield sign, or other traffic control device located at the side of a roadway;

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- v. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance when properly signposted; or
    - vi. At any place where official signs prohibit standing; or
  - c. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
    - i. Within fifty feet of the nearest rail of a railroad crossing; or
    - ii. At any place where official signs prohibit parking.
2. No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as shall be unlawful.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,166]

**Section 6-509 Parking regulations; signs; control by local authority.**

1. Except as otherwise provided in this Section, any vehicle stopped or parked upon a two-way roadway where parking is permitted shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or edge of such roadway. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking.
2. Except when otherwise provided by a local authority, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of such roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or edge of the roadway or its left-hand wheels within twelve inches of the left-hand curb or edge of such roadway.
3. A local authority may permit angle or center parking on any roadway, so long as local authorities have determined that such roadway is of sufficient width to permit angle or center parking without interfering with the free movement of traffic.
4. The local authority may prohibit or restrict stopping, standing, or parking on highways under its respective jurisdiction outside the corporate limits of any city or village and erect and maintain proper and adequate signs thereon. No person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,167]

**Section 6-510 Unattended motor vehicles; conditions.** No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended on a highway without first stopping the motor of such vehicle, locking the ignition, removing the key from the ignition, and effectively setting the brakes thereon and, when standing upon any roadway, turning the front wheels of such vehicle to the curb or side of such roadway. A violation of this Section shall be a Level I penalty. [TCR 88-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,168]

**Section 6- 511 Overloading front seat or obstructing driver; prohibited.**

1. No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle.
2. No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with the driver's control over the driving mechanism of such vehicle.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,179]



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**Section 6-512 Opening and closing vehicle doors; restriction.** No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and it can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload property or passengers. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,180]

**Section 6-513 Traveling on a downgrade; gears; position.** The driver of a motor vehicle when traveling upon a downgrade upon any highway shall not coast with the gears of such vehicle in neutral. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,182]

**Section 6-514 Following fire apparatus in response to an alarm; prohibited.** The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. A violation of this Section shall be a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,183]

**Section 6-515 Restrictions on driving over unprotected fire hose.** No vehicle shall be driven over unprotected hose of a fire department when laid down on any highway or private road or driveway, in use or to be used at any fire or alarm of fire, without the consent of the fire department official in command. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,184]

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HIGHWAYS, ROADS AND BRIDGES

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| 6-601 | Removal of traffic hazards; determined by local authority; violation; penalty.      | 6-605 | Hunting, trapping, or molesting predatory animal on or from roadway; prohibited, exception; violation; penalty. |
| 6-602 | Depositing materials on roads or ditches; penalties.                                | 6-606 | Advertising signs, displays, or devices; permitted signs enumerated.  |
| 6-603 | Rubbish on highways or roads; prohibited; signs; enforcement; violation; penalties. |       |   |
| 6-604 | Camping; permitted; where; violation; penalty.                                      |       |   |

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**Section 6-601 Removal of traffic hazards; determined by local authority; violation; penalty.** It shall be the duty of the owner of real property to remove from such property any tree, plant, shrub, or other obstruction, or part thereof, which, by obstructing the view of any driver, constitutes a traffic hazard. When the local authority determines upon the basis of traffic investigation that such a traffic hazard exists, it shall notify the owner and order that the hazard be removed within ten days. Failure of the owner to remove such traffic hazard within ten days shall constitute a Level I penalty. Every day such owner fails to remove it shall be a separate offense. [TCR 86-31, 86-79, 89-87, 03-172; Same as Neb Rev. Stat. 39-308]

**Section 6-602 Depositing materials on roads or ditches; penalties.** Any person who deposits any wood, stone, or other kind of material on any part of any lawful public road within the reservation, inside of the ditches of such road, or outside of the ditches but so near thereto as to cause the banks thereof to break into the same, causes the accumulation of rubbish, or causes any kind of obstruction, shall be guilty of a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 39-310]

**Section 6-603 Rubbish on highways or roads; prohibited; signs; enforcement; violation; penalties.**

1. No person shall throw or deposit upon any highway or road:
  - a. Any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person or animal or damage any vehicle upon such highway; or
  - b. Any burning material.
2. Any person who deposits or permits to be deposited upon any highway or road any destructive or injurious material shall immediately remove such or cause it to be removed.
3. Any person who removes a wrecked or damaged vehicle from a highway or road shall remove any glass or other injurious substance deposited on the highway or road from such vehicle.
4. The local authority may procure and place at reasonable intervals on the side of highways under its respective jurisdiction appropriate signs showing the penalty for violating this Section. Such signs shall be of such size and design as to be easily read by persons on such highways, but the absence of such a sign shall not excuse a violation of this Section.
5. It shall be the duty of all law enforcement officers and conservation officers to enforce this Section and to make prompt investigation of any violations of this Section reported by any person.
6. Any person who violates any provision of this Section shall be guilty of a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 39-311]

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**Section 6-604 Camping; permitted; where; violation; penalty.**

1. It shall be unlawful to camp on any Tribal, state or county public highway, roadside area, park, or other property acquired for highway or roadside park purposes except at such places as are designated campsites by the Winnebago Tribal Council, its designee or other legal entity owning or controlling such places.
2. For purposes of this Section, camping means temporary lodging out of doors and presupposes the occupancy of a shelter designed or used for such purposes, such as a sleeping bag, tent, trailer, station wagon, pickup camper, camper-bus, or other vehicle, and the use of camping equipment and camper means an occupant of any such shelter.
3. Any person who camps on any Tribal, state or county public highway, roadside area, park, or other property acquired for highway or roadside park purposes, which has not been properly designated as a campsite, or any person who violates any lawfully promulgated rules or regulations properly posted to regulate camping at designated campsites shall be guilty of a Level II penalty and shall be ordered to pay any amount as determined by the Court which may be necessary to reimburse the Tribe or other entity for the expense of repairing any damage to such campsite resulting from such violation. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 39-312]

**Section 6-605 Hunting, trapping, or molesting predatory animal on or from roadway; prohibited, exception; violation; penalty.**

1. No person shall hunt, trap, or molest any predatory animal on or upon any portion of a roadway or approach or exit thereto except at locations designated for such purpose.
2. No person shall shoot from the roadway onto or across the land of any farmer or landowner or kill, attempt to kill, or retrieve any wildlife or game on such land prior to receiving permission from such farmer or landowner.
3. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 39-313]

**Section 6-606 Advertising signs, displays, or devices; permitted signs enumerated.**

1. The following signs shall be permitted along roadways within the Winnebago Reservation:
  - a. Directional and official signs to include, but not be limited to, signs and notices pertaining to natural wonders, scenic attractions, and historical attractions;
  - b. Signs, displays, and devices advertising the sale or lease of property upon which such media are located;
  - c. Signs, displays, and devices advertising activities conducted on the property on which such media are located; and
  - d. Landmark signs, signs on farm structures, markers, and plaques of historical or artistic significance.
2. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172; Same as Neb Rev. Stat. 39-202]

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**Section 6-701 Peace officers; investigation of traffic accident; duty to report; Department of Roads; powers; duties.** It shall be the duty of any peace officer who investigates any traffic accident in the performance of his/her official duties in all instances of an accident resulting in injury or death to any person or in which estimated damage exceeds five hundred dollars to the property of any one person to submit an original report of such investigation to the State of Nebraska Accident Records Bureau of the Department of Roads within ten days after each such accident. The department shall have authority to collect accident information it deems necessary and shall prescribe and furnish appropriate forms for reporting. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-695]

**Section 6-702 Motor vehicle; accident; duty to stop; information to furnish; report; violation; penalty.** The driver of any vehicle involved in an accident either upon a public highway, private road, or

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private drive, resulting in damage to property, shall (1) immediately stop such vehicle at the scene of such accident; and (2) give his name, address, and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the owner of the property struck or the driver or occupants of any other vehicle involved in the collision. Any person violating this Section shall be guilty of a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-696] **NOTE:** TCR 89-87 changes class of offense.

**Section 6-703 Accident; operator's duty; penalty.** The driver of any vehicle in an accident upon either a public highway, private road, or private drive, resulting in injury or death to any person, shall (1) immediately stop such vehicle at the scene of such accident; (2) give his name, address, and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with; and (3) render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person. Any person violating any of the provisions of this Section shall be guilty of a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-697] **NOTE:** TCR 89-87 changes class of offense.

**Section 6-704 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 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 five hundred dollars shall forward a report of such accident to the Nebraska Department of Roads in accordance with the requirements of Nebraska Revised Statutes § 60-699.
2. Any person who fails to report an accident as provided in this Section or to correctly give the information required in connection with the report shall be subject to a Level I penalty. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-699]

**Section 6-705 Accidents; reports required of garages and repair shops.** The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the police station within twenty-four hours after such motor vehicle is received, giving the engine number, the registration number, and the name and address of the owner or operator of such vehicle. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,100]

**Section 6-706 Accidents; coroner; report to Nebraska Department of Roads.** Any coroner or other official performing the duties of coroner shall report in writing to the Nebraska Department of Roads the death of any person within his or her jurisdiction as the result of an accident involving a motor vehicle and the circumstances of such accident in accordance with Neb Rev. Stat. § 60-6101. Such report by the coroner shall be made within ten days after such death. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,101]

**Section 6-707 Accident; death; driver; pedestrian sixteen years or older; coroner; examine body; amount of alcohol or drugs; report to Department of Roads; public information.** In the case of a driver who dies within four hours after being in a motor vehicle accident, including a motor vehicle accident in which one or more persons in addition to such driver is killed, and of a pedestrian sixteen years of age or older who dies within four hours after being struck by a motor vehicle, the coroner or other official performing the duties of coroner shall examine the body and cause such tests to be made as are necessary to determine the amount of alcohol or drugs in the body of such driver or pedestrian. Such information shall be included in each report submitted pursuant to Neb Rev. Stat. sections 60-6,101 to

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60-6,104 and shall be tabulated on a monthly basis by the Nebraska Department of Roads. Such information, including the identity of the deceased and any such amount of alcohol or drugs, shall be public information and may be released or disclosed as provided in rules and regulations of the department. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,102]

**Section 6-708 Accident; driver or pedestrian sixteen years of age or older; person killed; submit to chemical test; results in writing to Director-State Engineer; public information.** Any surviving driver or pedestrian sixteen years of age or older who is involved in a motor vehicle accident in which a person is killed shall be requested, if he/she has not otherwise been directed by a peace officer to submit to a chemical test under Section 6-433, to submit to a chemical test of blood, urine, or breath as the peace officer directs for the purpose of determining the amount of alcohol or drugs in his or her body fluid. The results of such test shall be reported in writing to the Nebraska Director-State Engineer who shall tabulate such results on a monthly basis. Such information, including the identity of such driver or pedestrian and any such amount of alcohol or drugs, shall be public information and may be released or disclosed as provided in rules and regulations of the Nebraska Department of Roads. The provisions of Sections 6-434 and 6-435, shall, when applicable, apply to the tests provided for in this Section. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,103]

**Section 6-709 Accidents; body fluid; samples; test; report.** All samples and tests of body fluids shall be submitted to and performed by an individual possessing a valid permit issued by the Department of Health and Human Services Regulation and Licensure for such purpose. Such tests shall be performed according to methods approved by the department. Such individual shall promptly perform such analysis and report the results thereof to the official submitting the sample. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,104]

**Section 6-710 Roadway; removal of dead or injured persons; peace officer.** Peace officers or other local authority may remove a dead body or an injured person from any roadway to the nearest available position off the roadway as may be necessary to keep the roadway open or safe for public travel or to any hospital, clinic, or medical doctor as may be necessary to preserve life. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-679]

**Section 6-711 Roadways, travel on; regulation by local authorities; when authorized; signs.**

1. Local authorities may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed ninety days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. Such local authorities enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.
2. Local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-681]

**Section 6-712 Display of unauthorized signs, signals, or markings; public nuisance; removal.**

1. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, light, marking, or device which purports to be, is an imitation of, or resembles a lawful traffic control device or railroad sign or signal, which uses the words stop or danger prominently displayed, which implies the need or requirement of stopping or the existence of danger, which attempts to direct the movement of traffic, which otherwise copies or resembles any lawful traffic control device, or which hides from view or interferes with the effectiveness of a traffic control device or any railroad sign or signal.
2. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal which bears commercial advertising except as otherwise authorized by the Winnebago Tribal Code.
3. This Section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs unless prohibited by another Code provision.
4. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over any highway where such prohibited sign, signal, or marking is found may remove it or cause it to be removed without notice.
5. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,127]

**Section 6-713 Advertising devices adjacent to highway; when prohibited; public nuisance; removal.** No advertising devices shall be erected or operated upon any private property adjacent to or near any highway which:

1. Have a light, the beam of which is concentrated on the highway or adversely affects the vision of operators of vehicles upon the roadway by the use of flashing red, amber, yellow, or green lights which have the very obvious appearance of devices generally used as official traffic control devices.
2. Have photo-flash type lights, flood lights, spotlights, or other lighted signs which use the words Stop or Danger prominently displayed, which imply the need or requirement of stopping or the existence of danger, or which otherwise copy or resemble official traffic control devices.
3. Nothing in this Section shall be construed to apply to official traffic control devices erected by the public agencies having jurisdiction.
4. Any advertising device erected, maintained, or operated in violation of this Section is hereby declared to be a public nuisance. It shall be the duty of the public agency having jurisdiction to notify the owner of all lights in violation of the provisions of this Section, and the public agency may remove such lights if the owner fails or refuses to remove them within a reasonable time after he/she is notified of such violation.
5. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,128]

**Section 6-714 Required obedience to traffic laws; private property used for public road by consent of owner; provisions uniform throughout the Reservation.**

1. The provisions of the Winnebago Traffic Code relating to operation of vehicles refer exclusively to operation of vehicles upon highways except where a different place is specifically referred to in a given section.
2. Nothing in the Winnebago Traffic Code shall be construed to prevent the owner of real property used by the public for the purposes of vehicular travel, by permission of the owner and not as a



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matter of right, from prohibiting such use nor from requiring other, different, or additional conditions from those specified or otherwise regulating the use thereof by such owner.

3. The Winnebago Traffic Code shall be applicable and uniform throughout the Winnebago Reservation. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,108]

**Section 6-715 Drivers to exercise due care with pedestrian; audible signal.** Notwithstanding the other provisions of the Winnebago Tribal Code, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or obviously confused or incapacitated person upon a roadway. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,109]

**Section 6-716 Obedience to peace officers; violation; penalty.**

1. Any person who knowingly fails or refuses to obey any lawful order of any peace officer who is controlling or directing traffic shall be guilty of a Level I penalty.
2. Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of a Level II penalty whenever such order is given in furtherance of the apprehension of a person who has violated the Winnebago Tribal Code or of a person whom such officer reasonably believes has violated the rules. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,110]  
**NOTE:** The language of subsection (2) has been changed by the Code Specialist to retain the intention of the Winnebago 1989 and Nebraska 1994 amendments.

**Section 6-717 Failing to observe a blind person; penalty.**

1. A person commits the offense of failing to observe a blind person if, as an operator of any vehicle or other conveyance, he/she fails to:
  - a. Give special consideration to the bearer of a white cane or user of a guide dog; and
  - b. Stop and remain when approaching such bearer until such time as the bearer has safely reached a position well outside the course normally used by the operator of the vehicle or other conveyance.
2. Failure to observe a blind person is a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 28-1314]

**Section 6-718 Persons riding animals or driving animal-drawn vehicles; farm implements; duties.**

1. Any person who rides an animal or drives an animal-drawn vehicle, a farm tractor, or an implement of husbandry upon a roadway shall be granted all of the rights and shall be subject to all of the duties made applicable to the driver of a vehicle by the Winnebago Traffic Code except those provisions of the rules which by their very nature can have no application.
2. Whenever the slowness of such animal, animal-drawn vehicle, farm tractor, or implement of husbandry is obstructing the normal flow of traffic, the rider or driver shall drive to the nearest available shoulder of the highway and allow traffic to pass.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,111]

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**Section 6-719 Interference with official traffic control devices or railroad signs or signals; prohibited; liability in civil action.**

1. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device, any railroad sign or signal, or any part of such a device, sign, or signal.
2. Any person who moves, alters, damages, or destroys warning devices placed upon roads which any local authority or its representative has closed in whole or in part for the protection of the public or for the protection of the highway from damage during construction, improvement, or maintenance operation and thereby causes injury or death to any person or damage to any property, equipment, or material thereon shall be liable for the full or allocated amount of such death, injury, or damage, and such amount may be recovered by the injured or damaged party or his/her legal representative in a civil action brought in any Court of competent jurisdiction.
3. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,129]

**Section 6-720 Signs, markers, devices, or notices; prohibited acts; penalty.**

1. Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highways shall be guilty of a Level II violation.
2. No person shall willfully or maliciously injure, deface, alter, or knock down any sign, traffic control device, or traffic surveillance device.
3. It shall be unlawful for any person, other than duly authorized authorities to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the department, county, or municipality. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this subsection.
4. Any person violating subsection (2) or (3) of this Section shall be assessed liquidated damages in the amount of the value of the sign, traffic control device, or traffic surveillance device and the cost of replacing it. A violation of this Section shall also be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,130]

**Section 6-721 Motor vehicle; motorcycle; lights; requirements; prohibited acts.**

1. Every motor vehicle upon a roadway or highway within the Winnebago Reservation during the period from sunset to sunrise and at any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the highway at a distance of five hundred feet ahead shall be equipped with lighted headlights and taillights as respectively required in this Section for different classes of vehicles.
2. Every motor vehicle, other than a motorcycle, a road roller, or road machinery, shall be equipped with two or more headlights, at the front of and on opposite sides of the motor vehicle.
3. Every motor vehicle and trailer, other than a motorcycle, a road roller, or road machinery, shall be equipped with one or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred feet to the rear of such vehicle.
4. Every motorcycle shall be equipped with at least one and not more than two headlights and with a taillight exhibiting a red light visible from a distance of at least five hundred feet to the rear of such motorcycle.
5. The requirement in this Section as to the distance from which lights must render obstructions visible or within which lights must be visible shall apply during the time stated in this Section upon a straight, level, unlighted highway under normal atmospheric conditions.

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6. It shall be unlawful for any owner or operator of any motor vehicle to operate such vehicle upon a highway unless:
  - a. The condition of the lights and electric circuit is such as to give substantially normal light output;
  - b. Each taillight shows red directly to the rear, the lens covering each taillight is unbroken, each taillight is securely fastened, and the electric circuit is free from grounds or shorts;
  - c. There is no more than one spotlight except for law enforcement personnel, government employees, and public utility employees;
  - d. There are no more than two auxiliary driving lights and every such auxiliary light meets the requirements for auxiliary driving lights provided in Section 6-727;
  - e. If equipped with any lighting device, other than headlights, spotlights, or auxiliary driving lights, which projects a beam of light of an intensity greater than twenty-five candlepower, such lighting device meets the requirements of subsection (4) of Section 6-727; and
  - f. If equipped with side cowl or fender lights, there are no more than two such lights and each such side cowl or fender light emits an amber or white light.
7. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,219]

**Section 6-722 Lights; vehicle being driven.** Whenever a motor vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in Section 6-721, such vehicle shall be equipped with one or more lights which shall exhibit a light in such color as designated by the local authorities on the roadway side visible from a distance of five hundred feet to the front of such vehicle and a red light visible from a distance of five hundred feet to the rear, except that a local authority may provide by ordinance that no lights need be displayed upon any such vehicle when stopped or parked in accordance with local parking regulations upon a highway where there is sufficient light to reveal any person or obstruction within a distance of five hundred feet upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed and turn signals shall not be flashed on one side only. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,220]

**Section 6-723 Headlights; construction; adjustment; requirements.**

1. The headlights of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection (2) of this Section, they will at all times mentioned in Section 60-6,219 produce a driving light sufficient to render clearly discernible a person two hundred feet ahead, but the headlights shall not project a glaring or dazzling light to persons in front of such headlights.
2. Headlights shall be deemed to comply with the provisions prohibiting glaring and dazzling lights if none of the main bright portion of the headlight beam rises above a horizontal plane passing through the light centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,221]

**Section 6-724 Violations; penalty.** Any person who shall violate any of the provisions of Sections 6-737, 6-745, 6-721, 6-723, shall be guilty of a Level I penalty. In the event of such violation, the violator may be required to produce in Court or submit to the prosecuting attorney, satisfactory proof showing that such brake or light equipment, as the case may be, involved in such person's violation, has been made to conform with the requirements of said Sections. The failure to abide by such direction or refusal or neglect of such to conform with the brake equipment or light equipment requirements, as the case may be,

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shall be deemed to be an additional offense and the violator shall subject to an additional Level I penalty for failure to comply. [TCR 86-31, 86-79, 89-87, 95-28, 03-172, Same as Neb Rev. Stat. 6,222]

**Section 6-725 Acetylene headlights; number; construction; requirements.** Motor vehicles may be equipped with two acetylene headlights of approximately equal candlepower when equipped with clear, plain glass fronts, bright six-inch spherical mirrors, and standard acetylene five-eighths-foot burners, no more and no less. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,223]

**Section 6-726 Headlights; glare; duty of operator; penalty.** Notwithstanding any other provision of the Winnebago Traffic Code:

1. Whenever any person operating a motor vehicle on any roadway or highway in this jurisdiction state meets another person operating a motor vehicle, proceeding in the opposite direction and equipped with headlights constructed and adjusted to project glaring or dazzling light to persons in front of such headlights, upon signal of either person, the other shall dim the headlights of his/her motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward so as not to blind or confuse the vision of the operator in front of such headlights; and
2. Whenever any person operating a motor vehicle on any roadway or highway in this jurisdiction state follows another vehicle within two hundred feet to the rear, he/she shall dim the headlights of his/her motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward.
3. Any person, firm, or corporation who shall violate any of the provisions of this Section shall be guilty of a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,224]

**Section 6-727 Spotlights; auxiliary driving lights; signal lights; other devices; intensity and direction.**

1. Any motor vehicle may be equipped with spotlights as specified in Section 6-721, and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than one hundred feet ahead of the vehicle.
2. Any motor vehicle may be equipped with not to exceed two auxiliary driving lights mounted on the front at a height not less than twelve inches nor more than forty-two inches above the level surface on which the vehicle stands, and every such auxiliary driving light shall meet the requirements and limitations set forth in Section 6-225. The restrictions on mounting height provided in this subsection shall not apply to any motor vehicle equipped with a blade, plow, or any other device designed for the movement of snow. Auxiliary driving lights shall be turned off at the same time the motor vehicle's headlights are required to be dimmed when approaching another vehicle from either the front or the rear.
3. Whenever a motor vehicle is equipped with a signal light, the signal light shall be so constructed and located on the vehicle as to give a signal which shall be plainly visible in normal sunlight from a distance of one hundred feet to the rear of the vehicle but shall not project a glaring or dazzling light.
4. Any device, other than headlights, spotlights, or auxiliary driving lights, which projects a beam of light of an intensity greater than twenty-five candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than fifty feet from the vehicle.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,225]

**Section 6-728 Parking lights; unlawful use.** It shall be unlawful for any person to drive on any of the roadways or highways of this jurisdiction with only parking lights turned on. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,227]

**Section 6-729 Vehicle proceeding in forward motion; backup lights on; prohibited; violation; penalty.** No vehicle shall be operated while proceeding in a forward motion with the backup lights on when the vehicle is being operated on the highways. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,228]

**Section 6-730 Lights, red or green, in front of vehicle prohibited; exceptions.** Except as provided in Sections 6-731 to 6-733, it shall be unlawful for any person to drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof. This Section shall not apply to police or fire department or fire patrol vehicles or school buses. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,229]

**Section 6-731 Lights; rotating or flashing; colored lights; when permitted.**

1. Except as provided in Sections 6-731 to 6-733 and subsections (4) and (5) of this Section, no person shall operate any motor vehicle or any equipment of any description on any roadway or highway in this jurisdiction with any rotating or flashing light.
2. Except for stop lights and directional signals, which may be red, yellow, or amber, no person shall display any color of light other than red on the rear of any motor vehicle or any equipment of any kind on any highway within this jurisdiction.
3. Blue and green lights may be displayed on vehicles of the Military Department for purpose of convoy control when on any state emergency mission.
4. A single flashing white light may be displayed on the roof of school transportation vehicles during extremely adverse weather conditions.
5. Blue and amber rotating or flashing lights may be displayed on vehicles used for the movement of snow when operated by the Department of Roads or any local authority.
6. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,230]

**Section 6-732 Flashing or rotating lights; emergency vehicles; colors permitted.** A flashing or rotating red light or red and white light shall be displayed on any emergency vehicle whenever operated in this jurisdiction. A blue light may also be displayed with such flashing or rotating red light or red and white light. For purposes of this Section, any publicly owned police, fire, or rescue vehicles and publicly or privately owned ambulances and funeral escort vehicles shall be considered to be emergency vehicles. A violation of this Section shall be a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,231]

**Section 6-733 Rotating or flashing amber light; when permitted.**

1. A rotating or flashing amber light or lights shall be displayed on the roof of any motor vehicle being operated by any rural mail carrier outside the corporate limits of any municipality in this state on or near any highway in the process of delivering mail.
2. A rotating or flashing amber light or lights may be displayed on (a) any vehicle of the Military Department while on any state emergency mission; (b) any motor vehicle being operated by any public utility, vehicle service, or towing service or any publicly or privately owned construction or maintenance vehicle while performing its duties on or near any highway; (c) any motor vehicle being operated by any member of the Civil Air Patrol; (d) any pilot vehicle escorting an over-

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- dimensional load; or (e) any vehicle while actually engaged in the moving of houses, buildings, or other objects of extraordinary bulk.
3. A violation of this Section shall be a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,232]

**Section 6-734 Rotating or flashing red light or red and blue lights; when permitted; application; permit; expiration.**

1.
  - a. A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights may be displayed on any motor vehicle operated by any volunteer firefighter or peace officer anywhere in this state while actually en route to the scene of a fire or other emergency requiring his/her services as a volunteer firefighter or peace officer but only after its use has been authorized in writing by the county sheriff.
  - b. Application for a permit to display such light shall be made in writing to the sheriff on forms to be prescribed and furnished by the Nebraska Superintendent of Law Enforcement and Public Safety. The application shall be accompanied by a statement that the applicant is a volunteer firefighter or peace officer and is requesting issuance of the permit. The statement shall be signed by the applicant's superior.
  - c. The permit shall be carried at all times in the vehicle named in the permit. Each such permit shall expire on December 31 of each year and shall be renewed in the same manner as it was originally issued.
  - d. The sheriff may at any time revoke such permit upon a showing of abuse thereof or upon receipt of notice from the applicant's superior that the holder thereof is no longer an active volunteer firefighter or peace officer. Any person whose permit has been so revoked shall upon demand surrender it to the sheriff or his or her authorized agent.
2. A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights may be displayed on any motor vehicle being used by rescue squads actually en route to, at, or returning from any emergency requiring their services, or by any privately owned wrecker when engaged in emergency services at the scene of an accident, or at a disabled vehicle, located outside the city limits of a city of the metropolitan or primary class, but only after its use has been authorized in writing by the county sheriff. Applications shall be made and may be revoked in the same manner as for volunteer firefighters as provided in subsection (1) of this Section.
3. A violation of this Section shall be a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,233]

**Section 6-735 Rotating or flashing lights; violation; penalty.** Any person who violates any provision of Sections 6-730 to 6-734 shall be subject to a Level III penalty and shall also be ordered to remove from any vehicle or equipment any light found to be in violation of such sections. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,234]

**Section 6-736 Clearance lights; requirements; substitution; violations; penalty.**

1. Every vehicle, including road rollers, road machinery, combines, farm machinery, wagons, racks, and farm tractors, (a) having a width, including load, of eighty inches or more or (b) having any part thereof or having any load thereupon which extends forty inches or more to the left of the center of the chassis shall display, when driven, pulled, operated, or propelled upon any highway during the period from sunset to sunrise and at all other times when there is not sufficient light to render such vehicle clearly discernible, two clearance lights on the left side of such vehicle.
2. One clearance light shall be located at the front and display an amber light which is visible, under normal atmospheric conditions, from a distance of three hundred feet to the front of such vehicle.

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The other clearance light shall be located at the rear and display a red light which is visible, under normal atmospheric conditions, from a distance of three hundred feet to the rear of the vehicle. The light at the rear shall be so located as not to be confused with the taillight by those approaching from the rear.

3. Such lights shall be located on a line with the extreme outer point of such vehicle or the load on the vehicle. The installation of the lights shall be made in such a manner that no hazard will be created by their use on the highway.
4. Suitable reflectors of like color and equal visibility may be substituted for such clearance lights.
5. Any person who violates any provision of this Section shall be subject to a Level I penalty. In the event of such a violation, as part of the penalty, the person may be directed to produce in Court or submit to the prosecuting attorney satisfactory proof showing that the light equipment involved in the person's violation has been made to conform with the requirements of this Section. The failure, refusal, or neglect of the violator to abide by such direction shall be deemed an additional offense for which the person shall be subject for an additional Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,235]

**Section 6-737 Vehicles required to have clearance lights; flares; reflectors; when required as equipment.** Any vehicle required by Section 6-736 to have clearance lights, while operating on the highways during the period from sunset to sunrise, shall at all times be equipped with at least three portable flares, or red emergency reflectors referred to in Section 6-738, which may be plainly visible for a distance of five hundred feet. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,236]

**Section 6-738 Vehicles required to have clearance lights; flares; reflectors; how and when displayed.** The operator of any vehicle required by Section 6-736 to have clearance lights shall, immediately upon bringing his/her vehicle to a stop upon or immediately adjacent to the traveled portion of the highway at any time during the period from sunset to sunrise, (1) place one lighted flare or one red emergency reflector at the side of such vehicle just inside the white line marking the center of paved highways and near the center of dirt or gravel highways; (2) place one lighted flare or one red emergency reflector approximately one hundred feet to the rear of such vehicle; and (3) place one lighted flare or one red emergency reflector approximately one hundred feet to the front of such vehicle. The operator shall maintain such lighted flares or red emergency reflectors in such positions during the time such vehicle remains parked, except that motor vehicles transporting flammables shall be required to use two flares or two red emergency reflectors to be placed as described in this Section to the front and rear but shall not be permitted to place open flame flares adjacent to such vehicles. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,237]

**Section 6-739 Vehicles; red flags; red emergency reflectors; when required as equipment; how and when displayed.**

1. Except as provided in subsection (2) of this Section, between one-half hour before sunrise and one-half hour after sunset, any vehicle described in Section 6-737 shall be equipped with two red flags, and when the vehicle is parked, one flag shall be placed one hundred feet behind and the other one hundred feet ahead of such vehicle and in such position as to be visible to all approaching traffic during the daylight hours.
2. In lieu of the requirements of subsection (1) of this Section, such a vehicle may be equipped with three red emergency reflectors. One of the reflectors shall be placed alongside the vehicle on the traffic side and within ten feet of the front or rear of the vehicle. When there is two-way traffic, one reflector shall be placed one hundred feet ahead of the vehicle and one shall be placed one hundred feet behind the vehicle. When there is only one-way traffic, one reflector shall be placed one hundred feet and one two hundred feet behind the vehicle.

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3. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,238]

**Section 6-740 Clearance lights, flares, and reflector requirements; violations; penalty.** Any person who violates any provision of Sections 6-737 to 6-739 shall be subject to a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,239]

**Section 6-741 Removing flares or flags; penalty.** Any person who willfully removes any flares or red flags placed upon the highways under the provisions of Sections 6-737 to 6-739 before the driver of such vehicle is ready to proceed immediately on the highway shall be subject to a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,240]

**Section 6-742 Vehicles; slow moving; emblem required; when used.**

1. It shall be unlawful for any person to operate on the roadway of any highway any slow-moving vehicle or equipment, any animal-drawn vehicle, or any other machinery, designed for use at speeds less than twenty-five miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flag person or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as described in and displayed as provided in subsection (2) of this Section. The requirement of such emblem shall be in addition to any lighting devices required by law. The emblem shall not be displayed on objects which are customarily stationary in use except while being transported on the roadway of any highway.
2. The emblem shall be of substantial construction and shall be a base-down equilateral triangle of fluorescent yellow-orange film with a base of fourteen inches and an altitude of twelve inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen inches. The emblem shall comply with the current standards and specifications for slow-moving vehicle emblems of the American Society of Agricultural Engineers. Such emblem shall be mounted on the rear of such vehicle at a height of two to six feet above the roadway and shall be maintained in a clean, reflective condition. This Section shall not apply to an electric personal assistive mobility device.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,241]

**Section 6-743 Vehicles; slow moving; emblem; how equipped; penalty.** All vehicles, equipment, or machinery sold in the State of Nebraska after January 1, 1968, and required to display the emblem provided for in Section 6-742, shall be equipped with a bracket on which such emblem may be mounted. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,242] **NOTE:** TCR 89-87 adds penalty.

**Section 6-744 Load projecting to rear; red flag or red light required.** Whenever the load on any vehicle extends more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between sunset and sunrise, there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,243]



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**Section 6-745 Motor vehicles; brakes; requirements.**

1. Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle shall be required to be equipped with only one brake. All such brakes shall be maintained at all times in good working order.
2. It shall be unlawful for any owner or operator of any motor vehicle, other than a motorcycle, to operate such motor vehicle upon a highway unless the brake equipment thereon qualifies with regard to maximum stopping distances from a speed of twenty miles per hour on dry asphalt or concrete pavement free from loose materials as follows:
  - a. Two-wheel brakes, maximum stopping distance, forty feet;
  - b. Four or more wheel brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, thirty feet;
  - c. Four or more wheel brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, thirty-five feet;
  - d. All hand, parking, or emergency brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, fifty-five feet; and
  - e. All hand, parking, or emergency brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, sixty-five feet.
3. All braking distances specified in this Section shall apply to all vehicles whether unloaded or loaded to the maximum capacity permitted by law.
4. The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,244]

**Section 6-746 Trailers; brake requirements; safety chains; when required.**

1. All commercial trailers with a carrying capacity of more than ten thousand pounds and semi-trailers shall be equipped on each wheel with brakes that can be operated from the driving position of the towing vehicle.
2. Cabin trailers and recreational trailers having a gross loaded weight of three thousand pounds or more but less than six thousand five hundred pounds shall be equipped with brakes on at least two wheels, and such trailers with a gross loaded weight of six thousand five hundred pounds or more shall be equipped with brakes on each wheel. The brakes shall be operable from the driving position of the towing vehicle. Such trailers shall also be equipped with a breakaway, surge, or impulse switch on the trailer so that the trailer brakes are activated if the trailer becomes disengaged from the towing vehicle. For purposes of this subsection, recreational trailer shall mean a vehicular unit without motive power primarily designed for transporting a motorboat or vessel.
3. Cabin trailers, recreational trailers, and utility trailers, when being towed upon a highway, shall be securely connected to the towing vehicle by means of two safety chains or safety cables in addition to the hitch or other primary connecting device. Such safety chains or safety cables shall be so attached and shall be of sufficient breaking load strength so as to prevent any portion of such trailer drawbar from touching the roadway if the hitch or other primary connecting device becomes disengaged from the towing vehicle.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,246]

**Section 6-747 Trucks and buses; brake requirements; violation; penalty.** It shall be unlawful for any person to operate or cause to be operated on the highways buses or trucks having a gross weight of the truck and load exceeding twelve thousand pounds unless such bus or truck is equipped with power brakes, auxiliary brakes, or some standard booster brake equipment. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,247]

**Section 6-748 Hydraulic brake fluids; requirements; violation; penalty.** In order to promote highway safety by providing the public with safe and efficient hydraulic fluids for motor vehicle braking systems, it shall be unlawful for any person to sell, offer to sell, or display for sale any hydraulic fluids for use in motor vehicle braking systems that do not equal or exceed the specifications for types SAE 70R1 or SAE 70R3 brake fluids as set forth in 49 C.F.R. 571.116. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,248]

**Section 6-749 Tires; requirements; cleats or projections prohibited; exceptions; permissive uses; special permits; exceptions.**

1. Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
2. No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that:
  - a. This prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the stud-casing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch between November 1 and April 1, except that school buses, mail carrier vehicles, and emergency vehicles shall be permitted to use metal or metal-type studs at any time during the year;
  - b. It shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; and
  - c. It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.
3. No person shall operate or move on any highway any motor vehicle, trailer, or semi-trailer (a) having any metal tire in contact with the roadway or (b) equipped with solid rubber tires, except that this subsection shall not apply to farm vehicles having a gross weight of ten thousand pounds or less or to implements of husbandry.
4. Local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,250]

**Section 6-750 Trucks; rearview mirror.** Each truck shall be equipped with a rearview mirror which shall be kept clean, repaired, and installed. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,253]

**Section 6-751 Operator; view to rear required; outside mirrors authorized.** No person shall drive a motor vehicle, other than a motorcycle, on a highway when the motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position unless such vehicle is equipped with a right-side and a left-side outside mirror so located

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as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Temporary outside mirrors and attachments used when towing a vehicle shall be removed from such motor vehicle or retracted within the outside dimensions thereof when it is operated upon the highway without such trailer. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,254]

**Section 6-752 Windshield and windows; nontransparent material prohibited; windshield equipment; requirements.**

1. Every motor vehicle registered pursuant to the laws of the State of Nebraska, except motorcycles, shall be equipped with a front windshield.
2. It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side wing vents, or side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law. The front windshield, side wing vents, and side or rear windows may have a visor or other shade device which is easily moved aside or removable, is normally used by a motor vehicle operator during daylight hours, and does not impair the driver's field of vision.
3. Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,255]

**Section 6-753 Safety glass, defined.** For purposes of Section 6-754, safety glass shall 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. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,262]

**Section 6-754 Safety glass; requirements; vehicles built after January 1, 1935; motorcycle windshield; requirements; violation; penalty.** It shall be unlawful to operate on any highway any motor vehicle, other than a motorcycle, manufactured or assembled after January 1, 1935, which is designed or used for the purpose of carrying passengers unless such vehicle is equipped in all doors, windows, and windshields with safety glass. Any windshield attached to a motorcycle shall be manufactured of products which will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time. The owner or operator of any motor vehicle operated in violation of this Section is subject to a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,263]

**Section 6-755 Violation by common carrier; permit revoked or suspended.** In case of any violation of Section 6-754 by any common carrier or person operating a motor vehicle under a permit issued by the Director of Motor Vehicles, the Public Service Commission, or any other authorized body or officer, such permit shall be revoked or, in the discretion of such authorized department, commission, body, or officer, suspended until the provisions of such Section are satisfactorily complied with. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,264]

**Section 6-756 Occupant protection systems.** For purposes of Sections 6-757 to 6-762, occupant protection system shall mean a system utilizing a lap belt, a shoulder belt, or any combination of belts installed in a motor vehicle which (1) restrains drivers and passengers and (2) conforms to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.208, 571.209, and 571.210, or to the federal motor vehicle safety

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standards for passenger restraint systems applicable for the motor vehicle's model year. [TCR 95-06, 03-172, Same as Neb Rev. Stat. 60-6,265]

**Section 6-757 Occupant protection system; 1973 year model and later motor vehicles; requirements; violation; penalty.** Every motor vehicle designated by the manufacturer as 1973 year model or later operated on any highway, road, or street in this jurisdiction, except farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations, motorcycles, motor-driven cycles, mopeds, and buses, shall be equipped with an occupant protection system of a type which:

1. Meets the requirements of 49 C.F.R. 571.208, 571.209, and 571.210 as such regulations currently exist or as the regulations existed when the occupant protection system was originally installed by the manufacturer; or
2. If the occupant protection system has been replaced, meets the requirements of 49 C.F.R. 571.208, 571.209, and 571.210 that applied to the originally installed occupant protection system or of a more recently issued version of such regulations. The purchaser of any such vehicle may designate the make or brand of or furnish such occupant protection system to be installed. Any person selling a motor vehicle in this state not in compliance with this Section shall be subject to a Level I penalty. [TCR 95-06, 03-172, Same as Neb Rev. Stat. 60-6,266]

**Section 6-758 Child passenger; use restraint system or occupant protection system; when; information and education program.**

1. Any person who resides in this jurisdiction and drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:
  - a. All children up to six years of age being transported in such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration as of July 10, 1990, and which is correctly installed in such vehicle; and
  - b. All children six years of age and less than eighteen being transported in such vehicle use an occupant protection system. This subsection shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208 except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.
2. Whenever any physician licensed to practice medicine in Nebraska determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of child's weight, physical condition, or other medical reason, the provisions of subsection (1) of this Section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.
3. The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (1) of this Section when operating such authorized emergency vehicles pursuant to their employment.
4. The Environmental Health shall develop and implement an ongoing public information and education program regarding the use of child passenger restraint systems and occupant protection systems. [TCR 95-06, 03-172, 60-48, Same as Neb Rev. Stat. 60-6,267]

**Section 6-759 Child passenger restraint requirements; violations; penalty; defense.**

1. A person violating any provision of subsection (1) of Section 6-758 shall be guilty of an infraction. The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in such subsection, shall not be treated as a separate offense. Any person who violates such subsection, who does not have in his or her possession a child restraint system meeting the requirements of Federal Motor Vehicle Safety Standard 213 as of August 26, 1983, and who subsequently purchases or rents for one-year period such a system prior to the date the penalty is due to be paid, upon presentation of proof of purchase or proof of rental for a one-year period of such a system, be able to utilize such presentation as an absolute defense and cause for dismissal of such penalty.
2. A person who has acquired the statement authorized by subsection (2) of Section 6-758, but fails to show a peace officer such statement when requested to do so, shall be guilty of an infraction. The failure to produce a statement for more than one child in the same vehicle at the same time shall not be treated as a separate offense. [TCR 95-06, 03-172, 06-48, Same as Neb Rev. Stat. 60-6,268]

**Section 6-760 Violation of child passenger restraint requirements; how construed.** Violations of the provisions of Sections 6-758 and 6-759 shall not constitute prima facie evidence of negligence nor shall compliance with such sections constitute a defense to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident. Violation of such sections by a driver shall not constitute a defense for another person to any claim for personal injuries to a child or recovery of medical expenses for injuries sustained in any motor vehicle accident. [TCR 95-06, 03-172, Same as Neb Rev. Stat. 60-6,269]

**Section 6-761 Occupant protection system; use required; when; exceptions.**

1. Except as provided in subsection (2) of this Section, no driver shall operate a motor vehicle upon a highway or street in this state unless the driver and each front-seat occupant in the vehicle are wearing occupant protection systems and all occupant protection systems worn are properly adjusted and fastened.
2. The following persons shall not be required to wear an occupant protection system:
  - a. A person who possesses written verification from a physician that the person is unable to wear an occupant protection system for medical reasons;
  - b. A rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier between the first and last delivery points; and
  - c. A member of an ambulance or rescue service unit while involved in patient care.
3. For purposes of this Section, motor vehicle shall mean a vehicle required by Section 6-757 to be equipped with an occupant protection system. [TCR 95-06, 03-172, Same as Neb Rev. Stat. 60-6,270]

**Section 6-762 Enforcement of occupant protection system requirements; when.** Enforcement of Sections 6-758 and 6-761 by Tribal law enforcement agencies shall be accomplished as a primary action when a police officer suspects persons are not properly restrained in a moving vehicle. [TCR 95-06, 03-172, 06-48, Same as Neb Rev. Stat. 60-6,271]

**Section 6-763 Occupant protection system; violation; penalty.** Any person who violated Section 6-761 shall be subject to an infraction. Regardless of the number of persons in such vehicle not wearing an occupant protection system pursuant to such section, only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and a violation of such section is found. [TCR 95-06, 03-172, 06-48, Same as Neb Rev. Stat. 60-6,272]

**Section 6-764 Occupant protection system violation; evidence; when admissible.** Evidence that a person was not wearing an occupant protection system at the time he or she was injured shall not be admissible in regard to the issue of liability or proximate cause but may be admissible as evidence concerning litigation of damages, except that it shall not reduce recovery for damages by more than five percent. [TCR 95-06, 03-172, Same as Neb Rev. Stat. 60-6,273]

**Section 6-765 Limitations on backing vehicles.**

1. The driver of a vehicle shall not back such vehicle on any roadway unless such movement can be made with safety and without interfering with other traffic.
2. The driver of a vehicle shall not back such vehicle upon any roadway or shoulder of any highway.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,169]

**Section 6-766 Obedience to signal indicating approach of train; prohibited acts.**

1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances set forth in this Section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall not proceed until he/she can do so safely. The requirements of this subsection shall apply when:
  - a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
  - b. A crossing gate is lowered or a flag person gives or continues to give a signal of the approach or passage of a railroad train;
  - c. A railroad train approaching within approximately one-quarter mile of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard; or
  - d. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
2. No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
3. A violation of this Section shall be a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,170]

**Section 6-767 Buses and school buses required to stop at all railroad grade crossings; exceptions.**

1. The driver of any bus carrying passengers for hire or of any school bus, before crossing at grade any track of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, except as otherwise provided in the Winnebago Traffic Code. The driver shall not proceed until he/she can do so safely. After stopping as required by this Section and upon proceeding when it is safe to do so, the driver of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such track and the driver shall not shift gears while crossing such track.
2. No stop shall be made at any such crossing when a peace officer or a flag person directs traffic to proceed or at an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority when such markings can be read from the driver's position.

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3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,172]

**Section 6-768 Grade crossings; certain carriers; required to stop; exceptions.**

1. The driver of any vehicle which is required to be placarded before crossing at a grade any track of a railroad on streets and highways, shall stop such vehicle not more than fifty feet nor less than fifteen feet from the nearest rail or railroad and while stopped shall listen and look in both directions along the track for an approaching train. The driver shall not proceed until precaution has been taken to ascertain that the course is clear.
2. The requirements of subsection (1) of this Section shall not apply:
  - a. When a peace officer or a flag person directs traffic to proceed;
  - b. At an abandoned or exempted grade crossing which is clearly marked as such by or with the consent of competent authority when such markings can be read from the driver's position; or
  - c. At railroad tracks used exclusively for industrial switching purposes within a business district.
3. Nothing in this Section shall be deemed to exempt the driver of any vehicle from compliance with the other requirements contained in the Winnebago Traffic Code.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,173]

**Section 6-769 School bus; safety requirements; use of stop signal arm; use of warning signal lights; violations; penalty.**

1. Upon meeting or overtaking, from the front or rear, any school bus on which the stop warning signal lights are flashing, the driver of a motor vehicle shall reduce the speed of such vehicle to not more than twenty-five miles per hour, shall bring such vehicle to a complete stop when the school bus stop signal arm is extended, and shall remain stopped until the stop signal arm is retracted and the school bus resumes motion or until signaled by the bus driver to proceed. This Section shall not apply to approaching traffic in the opposite direction on a divided highway or to approaching traffic when there is displayed a sign as provided in subsection (7) of this Section directing traffic to proceed. Any person violating this subsection shall be guilty of a Level III penalty.
2. Except as provided in subsection (7) of this Section, the driver of any school bus, when stopping to receive or discharge pupils, shall turn on flashing stop warning signal lights at a distance of not less than three hundred feet when inside the corporate limits of any city or village and not less than five hundred feet nor more than one thousand feet in any area outside the corporate limits of any city or village from the point where such pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils, the bus driver shall bring the school bus to a stop and extend a stop signal arm. After receiving or discharging pupils, the bus driver shall turn off the flashing stop warning signal lights, retract the stop signal arm, and then proceed on the route. No school bus shall stop to load or unload pupils unless there is at least four hundred feet of clear vision in each direction of travel.
3. All pupils shall be received and discharged from the right front entrance of every school bus. If such pupils must cross a roadway, the bus driver shall instruct such pupils to cross in front of the school bus and the bus driver shall keep such school bus halted with the flashing stop warning signal lights turned on and the stop signal arm extended until such pupils have reached the opposite side of such roadway.
4. The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is on a different roadway or when upon a freeway and such school bus is stopped in a

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- loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.
5. Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words school bus in letters not less than eight inches high.
  6. When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating school bus shall be covered or concealed. The stop signal arm and system of alternately flashing stop warning signal lights shall not be operable through the usual controls.
  7. When a school bus is (a) parked in a designated school bus loading area which is out of the flow of traffic and which is adjacent to a school site or (b) parked on a roadway which possesses more than one lane of traffic flowing in the same direction and which is adjacent to a school site, the bus driver shall engage only the flashing stop warning signal lights when receiving or discharging pupils if a school bus loading area warning sign is displayed. Such signs shall not be directly attached to any school bus but shall be free standing and placed at the rear of a parked school bus or line of parked school buses.
  8. A violation of this Section shall be a Level III penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,175]

**Section 6-770 Splash aprons; requirements; violation; penalty.** Every new motor vehicle or semi-trailer purchased after January 1, 1956, and operated on any highway in this jurisdiction shall be equipped with fenders, covers, or devices, including flaps or splash aprons, unless the body of the vehicle affords adequate protection to effectively minimize the spray or splash of water or mud to the rear of the motor vehicle or semi-trailer. Any person violating the provisions of this Section shall be subject to a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,283] **NOTE:** TCR 89-87 adds class of offense.

**Section 6-771 Towing; drawbars or other connections; length; red flag required, when.** The drawbar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other, except a vehicle being towed with a connection device that is an integral component of the vehicle and is designed to attach to a lead unit with construction in such a manner as to allow articulation at the attachment point on the chassis of the towed vehicle but not to allow lateral or side-to-side movement. Such connecting device shall meet the safety standards for towbar failure or disconnection in the Federal Motor Carrier Safety Regulations and shall have displayed at approximately the halfway point between the towing vehicle and the towed vehicle on the connecting mechanism a red flag or other signal or cloth not less than twelve inches both in length and width that shall be at least five feet and not more than ten feet from the level of the paving and shall be displayed along the outside line on both sides of the towing and towed vehicles. Whenever such connection consists of a chain, rope, or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches both in length and width. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,284]

**Section 6-772 Horn; requirements; prohibited acts.** Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. Except as otherwise provided in this Section, it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression, or spark plug whistle or for any person at any time to use a horn, otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren, or exhaust whistle. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,285]



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**Section 6-773 Muffler or noise-suppressing system; prevention of fumes and smoke; requirements.** Every vehicle shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. It shall be considered a violation to use a muffler cutout, bypass, or similar device on any motor vehicle upon a highway. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,286]

**Section 6-774 Television set; equipping motor vehicle with screen visible to driver; penalty.** It shall be a violation of this Section to operate upon any public highway within this jurisdiction a motor vehicle which is equipped with or in which is located a television set so placed that the viewing screen is visible to the driver while operating such vehicle. Any person violating this Section shall be subject to a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,287]

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**Section 6-801 Motor vehicle owner or operator; liability to guest passenger; limitation.**

1. The owner or operator of a motor vehicle shall not be liable for any damages to any passenger or person related to such owner or operator as spouse or within the second degree of consanguinity or affinity who is riding in such motor vehicle as a guest or by invitation and not for hire, unless such damage is caused by (1) the driver of such motor vehicle being under the influence of intoxicating liquor or (2) the gross negligence of the owner or operator in the operation of such motor vehicle.
2. For the purpose of this section, the term guest is hereby defined as being a person who accepts a ride in any motor vehicle without giving compensation therefor but shall not be construed to apply to or include any such passenger in a motor vehicle being demonstrated to such passenger as a prospective purchaser. Relationship by consanguinity or affinity within the second degree shall include parents, grandparents, children, grandchildren, and brothers and sisters. Should the

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marriage of the driver or owner be terminated by death or dissolution, the affinal relationship with the blood kindred of his or her spouse shall be deemed to continue. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 25-21, 237]

**Section 6-802 Leased trucks, truck-tractors, and trailers; liability of owner for damages.** The owner of any truck, truck-tractor, whether with or without trailer, or trailer, leased for a period of less than thirty days or leased for any period of time and used for commercial purposes, shall be jointly and severally liable with the lessee and the operator thereof for any injury to or the death of any person or persons, or damage to or the destruction of any property resulting from the operation thereof in this state, except that the owner shall not be jointly and severally liable if there is in effect at the time the claim arises a valid liability insurance policy with coverage limits in the minimum amount of one million dollars per occurrence which is available to compensate any person with a claim arising out of the operation or use of the leased truck, truck-tractor, or trailer. This Section shall not limit or reduce the owner's liability for his/her own acts or omissions which cause damage to any person or when the lessee is a related entity or by reason of any workers' compensation law. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 25-21, 239]

**Section 6-803 Operating a motor vehicle or a vessel to avoid arrest; penalty.**

1. Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest or citation for the violation of any law of the Winnebago Tribe of Nebraska except non-moving traffic violations commits the offense of operation of a motor vehicle to avoid arrest.
2. Operating a motor vehicle to avoid arrest under subsection (1) of this Section is subject to a Level III penalty.
3.
  - a. Any person who operates a vessel as in an effort to avoid arrest or citation for the violation of any law of the Winnebago Tribe of Nebraska shall be guilty of operation of a vessel to avoid arrest.
  - b. Any person violating subdivision (a) of this subsection shall be guilty of a Level III civil offense. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 28-905]

**Section 6-804 Winnebago Traffic Code; applicability to persons operating motorcycles.** Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under the Winnebago Traffic Code except for special motorcycle regulations in the rules and except for those provisions of the rules which by their nature can have no application. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,306]

**Section 6-805 Restrictions on operating motorcycles.**

1. Any person who operates a motorcycle shall ride only upon a permanent and regular seat attached to the motorcycle. A person operating a motorcycle shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.
2. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward.
3. No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him/her from keeping both hands on the handlebars.
4. No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the motorcycle or the view of the operator.

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5. Any motorcycle which carries a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.
6. No person shall operate any motorcycle with handlebars more than fifteen inches above the mounting point of the handlebars.
7. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,307]

**Section 6-806 Operating motorcycles on roadways laned for traffic; prohibited acts.**

1. A motorcycle shall be entitled to full use of a traffic lane of any highway, and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane, except that motorcycles may be operated two abreast in a single lane.
2. The operator of a motorcycle shall not overtake and pass in the same lane occupied by a vehicle being overtaken.
3. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.
4. Motorcycles shall not be operated more than two abreast in a single lane.
5. Subsections (2) and (3) of this Section shall not apply to peace officers in the performance of their official duties.
6. No person who rides upon a motorcycle shall attach him/herself, or the motorcycle to any other vehicle on a roadway.
7. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,308]

**Section 6-807 Moped; operation; license or permit; required.** No person shall operate a moped upon a highway unless such person has (1) a valid Class O operator's license or (2) a valid school or learner's permit. A violation of this Section shall be a Level II penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,310]

**Section 6-808 Moped; operator; Winnebago Traffic Code; applicable.**

1. Any person who rides a moped upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Winnebago Traffic Code except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.
2. Regulations applicable to mopeds shall apply whenever a moped is operated upon any highway or upon any path set aside by the local authority for the use of mopeds. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,311]

**Section 6-809 Moped; restrictions on operation.**

1. Any person who operates a moped shall ride only upon a permanent and regular seat attached to the moped. A person operating a moped shall not carry any other person nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one person.
2. A person shall ride upon a moped only while sitting astride the seat, facing forward.
3. No person shall operate a moped while carrying any package, bundle, or other article which prevents him/her from keeping both hands on the handlebars.
4. No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the moped or the view of the operator.
5. Any moped which carries a passenger shall be equipped with footrests for such passenger.

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6. No person shall operate any moped with handlebars more than fifteen inches above the mounting point of the handlebars.
7. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,312]

**Section 6-810 Operating mopeds on roadways laned for traffic; prohibited acts.**

1. A moped shall be entitled to full use of a traffic lane of any highway with an authorized speed limit of forty-five miles per hour or less, and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.
2. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.
3. Mopeds shall not be operated more than two abreast in a single lane.
4. Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file.
5. No person who rides upon a moped shall attach him/ herself, or the moped to any other vehicle on a roadway.
6. Mopeds shall not be operated on sidewalks.
7. Notwithstanding the maximum speed limits in excess of twenty-five miles per hour established in Section 6-426, no person shall operate any moped at a speed in excess of thirty miles per hour.
8. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,313]

**Section 6-811 Winnebago Traffic Code; applicability to persons operating bicycles.**

1. Any person who operates a bicycle upon a highway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the Winnebago Traffic Code except for special bicycle regulations in the rules, except for those provisions of the rules which by their nature can have no application.
2. Regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside by local authority for the exclusive use of bicycles. [TCR 86-31, 86\_79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,314]

**Section 6-812 Riding of bicycles; prohibited acts.**

1. Any person who rides a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
2. Any person who rides a bicycle shall not remove his/her feet from the pedals and shall have at least one hand on the handlebars at all times.
3. Any person who operates a bicycle shall not carry any package, bundle, or article which prevents such operator from keeping at least one hand upon the handlebars.
4. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,315]

**Section 6-813 Bicycles on roadways and bicycle paths; general rules; regulation by local authority.**

1. Any person who operates a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under conditions then existing shall ride as near to the right-hand curb or right-hand edge of the roadway as practicable except when:
  - a. Overtaking and passing another bicycle or vehicle proceeding in the same direction;
  - b. Preparing for a left turn onto a private road or driveway or at an intersection;
  - c. Reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals, or surface hazards;
  - d. Riding upon a lane of substandard width which is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or
  - e. Lawfully operating a bicycle on the paved shoulders of a highway included in the state highway system.

Any person who operates a bicycle upon a roadway with a posted speed limit of thirty-five miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable. Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person shall clearly signal his or her intention and yield the right-of-way to all other vehicles.

2. Any person who operates a bicycle upon a highway shall not ride more than single file except on paths or parts of highways set aside for the exclusive use of bicycles.
3. Whenever a usable path for bicycles has been provided adjacent to a highway, a person operating a bicycle shall use such path and shall not use such highway.
4. A local authority may by ordinance further regulate the operation of bicycles and may provide for the registration and inspection of bicycles.
5. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,317]

**Section 6-814 Equipment on bicycles; lights; brakes.**

1. When in use at nighttime, a bicycle shall be equipped with a light visible from a distance of at least five hundred feet to the front on a clear night and with a red reflector on the rear of a type which is approved by local authority and which is visible on a clear night from all distances between one hundred feet and six hundred feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A red light visible from a distance of five hundred feet to the rear may be used in addition to such red reflector.
2. Any bicycle used on a highway shall be equipped with a brake or brakes which will enable the operator to stop the bicycle within twenty-five feet of the point of braking when moving at a speed of ten miles per hour on dry, level, clean pavement.
3. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,318]

**Section 6-815 Bicycles; reflective device or material; retail sale; requirements; violation; penalty.**

1. No commercial dealer shall sell or offer to sell at retail any bicycle unless such bicycle is equipped with pedals which display a white or amber reflective device or material on both the front and rear surfaces of the pedal and such reflective surface is visible during the hours of darkness from four hundred feet when viewed from the front or rear under low beam headlights of a motor vehicle under normal atmospheric conditions.

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2. All bicycles shall also be equipped with tires bearing a white or silver retro-reflective material on each side or a wide-angle reflector mounted on the spokes of each wheel. Such retro-reflective material shall be at least three-sixteenths of an inch wide, shall be affixed as an integral part of the tire or wheel, and shall remain effective for the life of the tire or wheel. The spoke-mounted, wide-angle reflector devices shall have a reflective surface of at least two square inches and shall be clear, amber, or red in color. Both the retro-reflective tires and wide-angle spoke reflectors shall be visible during the hours of darkness from four hundred feet when viewed under low beam headlights of a motor vehicle under normal atmospheric conditions when the bicycle is traveling at a ninety degree right angle to the direction of travel of the motor vehicle and is directly in front of such motor vehicle. Such reflective devices shall remain visible when the bicycle is turned forty degrees in either direction from such angle and crosses directly in front of such motor vehicle at a distance of four hundred feet.
3. No commercial dealer shall sell or offer to sell at retail any bicycle which does not comply with this Section. Any person who violates this Section shall be subject to a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,319]

**Section 6-816 All-terrain vehicle, defined.** For purposes of Sections 6-816 to 6-822, 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 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. [TCR 89-87, 03-172, Same as Neb Rev. Stat. 60-6,355]

**Section 6-817 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 within this jurisdiction. 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 under Nebraska law 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 Winnebago Tribe or any department, board, commission, or political subdivision of the Tribe.
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

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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. [TCR 89-87, 03-172, Same as Neb Rev. Stat. 60-6,356]

**Section 6-818 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. A violation of this Section shall be a Level I penalty. [TCR 89-87, 03-172, Same as Neb Rev. Stat. 60-6,357]

**Section 6-819 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. A violation of this Section shall be a Level I penalty. [TCR 89-87, 03-172, Same as Neb Rev. Stat. 60-6,358]

**Section 6-820 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. A violation of this Section shall be a Level I penalty. [TCR 89-87, 03-172, Same as Neb Rev. Stat. 60-6,359]

**Section 6-821 All-terrain vehicle; competitive events; exemptions.** All-terrain vehicles participating in competitive events may be exempted from Sections 6-818 to 6-820 at the discretion of the proper authority. [TCR 89-87, 03-172, Same as Neb Rev. Stat. 60-6,360]

**Section 6-822 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 6-704. [TCR 89-87, 03-172, Same as Neb Rev. Stat. 60-6,361]

**Section 6-823 Snowmobiles; registration required.**

1. No person may operate a snowmobile with the Winnebago Reservation unless such snowmobile has been registered with the State of Nebraska in accordance with the Revised Nebraska Statutes, Neb Rev. Stat. § 60,322 through § 60,331.
2. A violation of this Section shall be a Level I penalty. [TCR 03-172]

**Section 6-824 Snowmobile operation; equipment; permission of landowner.**

1. Except as provided herein, no person shall operate a snowmobile upon any highway. Subject to regulation by local authorities in their respective jurisdictions, a snowmobile may be operated on the roadway of any highway, on the right-hand side of such roadway and in the same direction as the highway traffic, except that no snowmobile shall be operated at any time within the right-of-way of any controlled-access highway within this state.
2. A snowmobile may make a direct crossing of a highway at any hour of the day 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;



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- b. The snowmobile is brought to a complete stop before crossing the shoulder or roadway of the highway;
  - c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;
  - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and
  - e. When the crossing is made between sunset and sunrise or in conditions of reduced visibility, both the headlights and taillights are on.
3. No snowmobile shall be operated upon a highway unless equipped with at least one headlight and one taillight, with reflector material of a minimum area of sixteen square inches mounted on each side forward of the handlebars, and with brakes.
  4. A snowmobile may be operated upon a highway other than as provided by subsection (2) of this Section in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.
  5. Unless otherwise provided herein, all other provisions of the Winnebago Traffic Code shall apply to the operation of snowmobiles upon highways except for those relating to required equipment and those which by their nature have no application.
  6. No person shall operate a snowmobile upon any private lands without first having obtained permission of the owner, lessee, or operator of such lands.
  7. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,335]

**Section 6-825 Snowmobile contests; requirements.** Nothing in these sections shall prohibit the use of snowmobiles within the right-of-way of any state highway or other public road in any international or other sponsored contest; provided, that prior written permission for such contests shall first be obtained by the sponsoring persons or group from the official or board having jurisdiction over the highway or public road upon which the contest is to be held. Any person or persons holding a snowmobile contest on any right-of-way of a public road or highway without first obtaining written permission therefore shall be guilty of a Level I penalty. In permitting such contest, the official or board having jurisdiction may prescribe such restrictions or conditions as may be deemed advisable. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-2,014 (1971)] **NOTE:** TCR 89-87 changes class of offense.

**Section 6-826 Snowmobiles; prohibited acts.** It shall be unlawful for any person to drive or operate any snowmobile on any public land, ice, snow, park, right-of-way, trail, or course in the following unsafe or harassing ways:

1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
2. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
3. While under the influence of alcoholic liquor or of any drug;
4. Without a lighted headlight and taillight when required for safety; and
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. A violation of subsection (4) of this Section shall be a Level II penalty; a violation of any other subsection shall be a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,337]

**Section 6-827 Snowmobile; operation; muffler, when required.** Except as provided in this Section, every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise. The exhaust system shall not emit or produce a sharp popping or crackling sound. This Section shall not apply to organized races or similar competitive events held on (1) private lands, with the

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permission of the owner, lessee, or custodian of the land, or (2) public lands, with the consent of the public agency owning the land. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,339]

**Section 6-828 Operation by person under twelve years of age; operation by a person under sixteen; restrictions; snowmobile safety certificate.**

1. No person under the age of twelve years shall operate a snowmobile in this jurisdiction unless accompanied by a parent, guardian, or other person over eighteen years of age.
2. No person over the age of twelve years and under the age of sixteen years shall operate a snowmobile in this jurisdiction unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person fourteen years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of eighteen years.
3. The operator of a snowmobile shall not be required to hold an operator's license.
4. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,340]

**Section 6-829 Snowmobile owner; prohibited acts.** It shall be unlawful for the owner of a snowmobile to permit such snowmobile to be operated contrary to these provisions for purposes of carrying a shotgun or rifle thereon unless such shotgun or rifle is unloaded and encased. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,344]

**Section 6-830 Snowmobiles; carrying firearms; hunting; unlawful.** It shall be unlawful for any person to shoot, take, hunt, or kill or attempt to shoot, take, hunt, or kill any wild animal or bird from or with a snowmobile or for any person to carry or possess any shotgun or rim-fire rifle while operating or riding on a snowmobile, or for any person to carry or possess any firearm, bow and arrow, or other projectile device on a snowmobile unless such bow and arrow or projectile device is enclosed in a carrying case or such firearm is unloaded and enclosed in a carrying case. A violation of this Section shall be a Level I penalty. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,342]

**Section 6-831 Snowmobile; confiscation; sale; proceeds; disposition.** A peace officer shall seize any snowmobile used for the purpose of gaining access to property for the purpose of committing a felony thereon. Any snowmobile seized pursuant to this Section shall be held, subject to the order of the Tribal Court in which such felony was committed, and shall be confiscated after conviction of the person from whom the snowmobile was seized and disposed of by public auction which shall be conducted by the local police department. The proceeds from the sale of a confiscated snowmobile shall be remitted to the Tribal Court for credit to local charity. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,345]

**Section 6-832 Snowmobile operation; accident; requirements.**

1. The operator of a snowmobile involved in a collision, accident, or other casualty occurring on any public land, ice, snow, park, right-of-way, trail, or course shall give his or her name and address and the number of such snowmobile in writing to any injured person and to the owner of any property damaged in such collision, accident, or other casualty.
2. When a collision, accident, or other casualty involving a snowmobile results in death or injury to a person or damage to property in excess of one hundred dollars, the operator of such snowmobile shall within ten days file with the Nebraska Director of Motor Vehicles a full report of such collision, accident, or other casualty in such form and detail as the director by regulation may prescribe. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,346]

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**Section 6-833 Legislative intent.** It is the intent of the Winnebago Tribe to remove from street use and operation minibikes and similar two-wheeled, three-wheeled, or four-wheeled miniature vehicles, the visibility, power, and equipment of which are inadequate for mixing with normal vehicular traffic upon streets and highways. This Section shall not apply to an electric personal assistive mobility device. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,351]

**Section 6-834 Minibikes; operation; violations; penalty; unlawful acts.** It shall be unlawful for any person to drive or operate any minibike on any public land, park, right-of-way, trail, or course in the following unsafe or harassing ways:

1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
2. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
3. While under the influence of intoxicating liquor or narcotics or habit forming drugs;
4. Without a lighted head and tail light when required for safety; and
5. In any tree nursery or planting in a manner which damages or destroys growing stock.
6. A violation of subsection (4) of this Section is a Level II penalty; any other violation is a Level I penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-2,107]

**Section 6-835 Radar transmission device; definitions.** For purposes of Sections 6-835 to 6-838:

1. Radar transmission device shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;
2. Possession shall mean to have a radar transmission device in a motor vehicle if such device is not (a) disconnected from all power sources and (b) in the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle; and
3. Transceiver shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,274]

**Section 6-836 Radar transmission device; operation; possession; unlawful; violation; penalty.** It shall be unlawful for any person to operate or possess any radar transmission device while operating a motor vehicle on any highway in this jurisdiction. A violation of this Section shall be a Level V penalty. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,275]

**Section 6-837 Authorized devices.** Section 6-836 shall not apply to (1) any transmitter, transceiver, or receiver of radio waves which has been lawfully licensed by the Federal Communications Commission or (2) any device being used by law enforcement officials in their official duties. [TCR 86-31, 86-79, 89-87, 03-172, Same as Neb Rev. Stat. 60-6,276]

**Section 6-838 Prohibited device; seizure; disposal.** Any device prohibited by Sections 6-835 and 6-838 found as the result of a traffic stop made under such sections shall be seized, and when no longer needed as evidence, such device shall, if the owner was convicted of an offense under such sections, be considered as contraband and disposed of. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-6,277]

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**Section 6-839 Abandoned motor vehicle, defined.**

1. A motor vehicle is an abandoned vehicle:
  - a. If left unattended, with no license plates or valid In Transit decals affixed thereto, for more than six hours on any public property;
  - b. If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;
  - c. If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
  - d. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated; or
  - e. If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner.
2. For purposes of this Section:
  - a. Public property means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and
  - b. Private property means any privately owned property which is not included within the definition of public property. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-1901]

**Section 6-840 Abandoned motor vehicle; title; vest in local authority; when.** If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit decals affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of two hundred fifty dollars or less, title shall immediately vest in the local authority having jurisdiction thereof in accordance with Nebraska Revised Statutes 60-1902 through 60-1909 as though fully set forth herein. [TCR 86-31, 86-79, 03-172, Same as Neb Rev. Stat. 60-1902]