ENFORCEMENT GUIDE

FOR E-BIKES, ATVS, MINIBIKES, & OTHER SIMILAR VEHICLES IN OMAHA

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For educational purposes only.

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DEFINITIONS

ALL-TERRAIN VEHICLE (ATV)

All-terrain vehicle means any motorized off-highway device which (1) is fifty inches or less in width, (2) travels on three or more nonhighway tires, and (3) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. Nebraska Statute § 60-103.

AUTOCYCLE

Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) having antilock brakes, (4) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system. Nebraska Statute § 60-104.01.

BICYCLE

Bicycle shall mean:

- (1) Every device propelled solely by human power, upon which any person may ride, and having two, three, or four wheels any one or more of which being more than fourteen inches in diameter; and
- (2) An electric bicycle.

Nebraska Statute § 60-611.

CONTROLLED-ACCESS HIGHWAY

Controlled-access highway shall mean every highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or egress from except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway. Nebraska Statute § 60-615.

DEFINITIONS

EXPRESSWAY

Expressway shall mean a divided arterial highway designed primarily for through traffic with full or partial control of access which may have grade separations at intersections. Nebraska Statute § 60-618.01.

FREEWAY

Freeway shall mean a divided arterial highway designed primarily for through traffic with full control of access and with grade separations at all intersecting road crossings, including all interchanges and approach and exit roads thereto. Nebraska Statute § 60-621.

GOLF CAR VEHICLE

Golf car vehicle means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes. Nebraska Statute § 60-116.01.

HIGHWAY

Highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Nebraska Statute § 60-332.

DEFINITIONS

LOW-SPEED VEHICLE

(1) Low-speed vehicle means any:

- (a) Four-wheeled motor vehicle:
  - (i) With a speed attainable in one mile of more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface;
  - (ii) With a gross vehicle weight rating of less than three thousand pounds; and
  - (iii) That complies with 49 C.F.R. part 571, as such part existed on the date specified in section 60-201; or
- (b) Three-wheeled motor vehicle:
  - (i) With a maximum speed attainable of not more than twenty-five miles per hour on a paved, level surface;
  - (ii) With a gross vehicle weight rating of less than three thousand pounds; and
  - (iii) That is equipped with a windshield and an occupant protection system.

(2) Low-speed vehicle does not include a motorcycle with a sidecar attached.
Nebraska Statute § 60-119.01

MINIBIKE

(1) Minibike means a two-wheel device that:

- (a) Has a total wheel and tire diameter of less than fourteen inches;
- (b) Has an engine-rated capacity of less than forty-five cubic centimeters displacement;
- (c) Has an engine power output of less than three horsepower;
- (d) Has an engine-rated capacity of less than two thousand two hundred thirty-eight watts; or
- (e) Was primarily designed by the manufacturer for off-road use only.

(2) Minibike does not include an electric personal assistive mobility device.
Nebraska Statute § 60-121.

DEFINITIONS

MINITRUCK

Minitruck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (1) is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less, (2) is sixty-seven inches or less in width, (3) has a dry weight of four thousand two hundred pounds or less, (4) travels on four or more tires, (5) has a top speed of approximately fifty-five miles per hour, (6) is equipped with a bed or compartment for hauling, (7) has an enclosed passenger cab, (8) is equipped with headlights, taillights, turnsignals, windshield wipers, a rearview mirror, and an occupant protection system, and (9) has a four-speed, five-speed, or automatic transmission. Nebraska Statute § 60-121.01.

MOPED

Moped means a device with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters which produces no more than two brake horsepower and is capable of propelling the device at a maximum design speed of no more than thirty miles per hour on level ground. Nebraska Statute § 60-122.

MOTORCYCLE

Any motor vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground. Motorcycle includes an autocycle. Nebraska Statute § 60-124.

MOTOR-DRIVEN CYCLE

(1) Motor-driven cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as measured at the drive shaft, mopeds, and every bicycle with a motor attached except for an electric bicycle. Motor-driven cycle shall not include an electric personal assistive mobility device.
(2) For purposes of this section, motorcycle does not include an autocycle.
Nebraska Statute § 60-640.

DEFINITIONS

MOTOR VEHICLE

Motor vehicle means any vehicle propelled by any power other than muscular power.

Motor vehicle does not include (1) mopeds, (2) farm tractors, (3) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops, agricultural floater-spreader implements, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (4) power unit hay grinders or a combination which includes a power unit and a hay grinder when operated without cargo, (5) vehicles which run only on rails or tracks, (6) off-road designed vehicles not authorized by law for use on a highway, including, but not limited to, golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles, utility-type vehicles, snowmobiles registered or exempt from registration under sections 60-3,207 to 60-3,219, and minibikes, (7) road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors, (8) self-propelled chairs used by persons who are disabled, (9) electric personal assistive mobility devices, and (10) bicycles as defined in section 60-611.
Nebraska Statute § 60-6,123.

ROADWAY

Roadway shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term roadway shall refer to any such roadway separately but not to all such roadways collectively. Nebraska Statute § 60-656.

DEFINITIONS

TRAILER

Trailer means any device without motive power designed for carrying persons or property and being towed by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Trailer does not include an auxiliary axle or a car toter or tow dolly. Nebraska Statute § 60-133.

TRUCK

Truck means any motor vehicle designed, used, or maintained primarily for the transportation of property or designated as a truck by the manufacturer. Nebraska Statute § 60-134.

UTILITY-TYPE VEHICLE (UTV)

(1) Utility-type vehicle means any motorized off-highway device which (a) is seventy-four inches in width or less, (b) is not more than one hundred eighty inches, including the bumper, in length, and (c) travels on four or more nonhighway tires.
(2) Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles.
Nebraska Statute § 60-135.01.

VEHICLE

Vehicle means a motor vehicle, all-terrain vehicle (ATV), utility-type vehicle, minibike, trailer, or semi-trailer. Nebraska Statute § 60-136.

ALL-TERRAIN VEHICLES (ATVS)

WHAT IS REQUIRED?

- *Certificate of title required*
  - Nebraska Statute § 60-139 applicable since an ATV is considered a "vehicle."
- *Registration not required*
  - ATVs are not "motor vehicles" pursuant to Nebraska Statute § 60-362.
- *No license plate required*
  - Nebraska Statute § 60-3,100(1).
- *Class O operator's license required*
  - Nebraska Statute § 60-6,356(3)(b)(i).
- *Liability insurance required*
  - Nebraska Statute § 60-6,356(3)(b)(ii).

WHERE MAY ATVS BE OPERATED?

- ATVs shall not be operated on any controlled-access highway with more than two marked traffic lanes. Nebraska Statute § 60-6,356.
  - This means that ATVs may be operated on controlled-access highways with two or less lanes.
- Cannot drive on sidewalks. Nebraska Statute § 60-6,178.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
☑	☑			☑	☑
		☒	☒		

AUTOCYCLES

WHAT IS REQUIRED?

- *Certificate of title required*
  - Nebraska Statute § 60-139 applicable since an autocycle is considered a "vehicle."
- *Registration required*
  - Considered "motor vehicle" pursuant to Nebraska Statute § 60-362.
- *Two license plates required*
  - Nebraska Statute § 60-3,100(2).
- *Class O operator's license required*
  - Note that a Class M motorcycle license is NOT required, because Nebraska Statute § 60-4,127 doesn't apply to autocycles.
- *Liability insurance required*
  - Considered "motor vehicle" pursuant to Nebraska Statute § 60-3,167.

WHERE MAY AUTOCYCLES BE OPERATED?

- There are no specific limitiations for autocycles driving on highways.
- Cannot drive on sidewalks. Nebraska Statute § 60-6,178.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
☑	☑	☑	☑	☑	☑

BICYCLES

WHAT IS REQUIRED?

- No paperwork or operator's license is required.

WHERE MAY BICYCLES BE OPERATED?

- Bicycles may be operated on highways and sidewalks with certain restrictions.
  - Bicycle riders must ride as near to the right-hand curb or edge or roadways as practicable. Nebraska Statute § 60-6,317(1)(a).
  - When on a sidewalk, bicyclists must yield the right of way to pedestrians. Nebraska Statute § 60-6,317(4).
  - Cannot operate bicycles (human propelled only) on sidewalks in the Old Market and Wholesale District areas. OMC § 36-148.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
☑					
	☒	☒	☒	☒	☒

ELECTRIC BICYCLES

WHAT IS REQUIRED?

- No paperwork or operator's license is required.

WHERE MAY ELECTRIC BICYCLES BE OPERATED?

- Electric bicycles may be operated on highways and sidewalks with certain restrictions.
  - Electric Bicycle riders must ride as near to the right-hand curb or edge or roadways as practicable. Nebraska Statute § 60-6,317(1)(a).
  - When on a sidewalk, electric bicyclists must yield the right of way to pedestrians. Nebraska Statute § 60-6,317(4).

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
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ELECTRIC BICYCLES

TYPES OF ELECTRIC BICYCLES

3 classes of electric bicycles under rules of the road (60-601 to 60-6,383).

Class I Electric Bicycle – Nebraska Statute § 60-614.02

- ·Class I electric bicycle means a device with the following components:
  - (1) Two, three, or four wheels;
  - (2) A saddle or seat for the rider;
  - (3) Fully operative pedals for propulsion by human power; and
  - (4) An electric motor:
    - (a) Not exceeding seven hundred fifty watts of power;
    - (b) That produces no more than one brake horsepower;
    - (c) Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;
    - (d) That only provides power when the rider is pedaling; and
    - (e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

Class II Electric Bicycle – Nebraska Statute § 60-614.03

- ·Class II electric bicycle means a device with the following components:
  - (1) Two, three, or four wheels;
  - (2) A saddle or seat for the rider;
  - (3) Fully operative pedals for propulsion by human power; and
  - (4) An electric motor:
    - (a) Not exceeding seven hundred fifty watts of power;
    - (b) That produces no more than one brake horsepower;
    - (c) Capable of propelling the bicycle at a maximum design speed of no more than twenty miles per hour on level ground;
    - (d) Capable of providing power whether or not the rider is pedaling; and
    - (e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty miles per hour.

ELECTRIC BICYCLES

TYPES OF ELECTRIC BICYCLES CONTINUED

Class III Electric Bicycle – Nebraska Statute. § 60-614.04

- ·Class III electric bicycle means a device with the following components:
  - (1) Two, three, or four wheels;
  - (2) A saddle or seat for the rider;
  - (3) Fully operative pedals for propulsion by human power; and
  - (4) An electric motor:
    - (a) Not exceeding seven hundred fifty watts of power;
    - (b) That produces no more than one brake horsepower;
    - (c) Capable of propelling the bicycle at a maximum design speed of no more than twenty-eight miles per hour on level ground;
    - (d) That only provides power when the rider is pedaling; and
    - (e) That does not provide power if the electric bicycle is traveling at a speed of more than twenty-eight miles per hour.

GOLF CAR VEHICLES (GOLF CARTS)

WHAT IS REQUIRED?

- No paperwork or operator's license is required.

WHERE MAY GOLF CAR VEHICLES BE OPERATED?

- Golf car vehicles may not be driven on highways unless authorized by city ordinance.
  - Nebraska Statute § 60-6,381 explicitly states that cities may allow for operation of a golf cart on city streets adjacent and contiguous to a golf course. Omaha has not adopted such an ordinance. If it did, then golf cart operators would be required to have a Class O operator's license and proof of liability insurance.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
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LOW-SPEED VEHICLES

WHAT IS REQUIRED?

- *Certificate of title required*
  - Nebraska Statute § 60-142.08. It is a different process than motor vehicles.
- *Registration required*
  - Nebraska Statute § 60-383.02.
- *Two license plates required (half size of normal license plate)*
  - Nebraska Statute § 60-3,100(1).
- *Class O operator's license required*
  - Nebraska Statute § 60-6,380.
- *Liability Insurance required*
  - Nebraska Statute § 60-6,380.

WHERE MAY LOW SPEED VEHICLES BE OPERATED?

- Low speed vehicles may be driven on highways on which the speed limit is 35 mph or less. Nebraska Statute § 60-6,380.
- Cannot drive on sidewalks. Nebraska Statute § 60-6,178.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
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MINIBIKES

WHAT IS REQUIRED?

- *Certificate of title required*
  - Nebraska Statute § 60-139 applicable since a minibike is considered a "vehicle."
- *Registration not required*
  - Nebraska Statute § 60-6,347.
- *License plates not required*
- *Operator's license not required*
  - Nebraska Statute § 60-6,347.
- *Liability Insurance not required*
  - Nebraska Statute § 60-6,347.

WHERE MAY MINIBIKES BE OPERATED?

- Nebraska Statutes §§ 60-6,348 and 60-6,352 provide that minibikes cannot be operated on highways.
  - However, Nebraska Statute § 60-6,350 provides an exception for the "occasional necessary movement" for the purposes of moving the minibike across streets or turning around in the streets.
- Cannot drive on sidewalks. Nebraska Statute § 60-6,178.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
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☒		☒	☒	☒	☒

MINITRUCKS

WHAT IS REQUIRED?

- *Certificate of title required*
  - Nebraska Statute § 60-142.07. It is a different process than motor vehicles.
- *Registration required*
  - Nebraska Statute § 60-383.01.
- *One rear license plate required (half size of normal license plate)*
  - Nebraska Statute 60-3,100(1); 60-3,100(2)
- *Operator's license required*
  - Required pursuant to Nebraska Statute § 60-484 since minitrucks are "motor vehicles" under Nebraska Statute § 60-6,123.
- *Liability Insurance required*
  - Required pursuant to Nebraska Statute § 60-3,167 since minitrucks are "motor vehicles" under Nebraska Statute § 60-6,123.

WHERE MAY MINITRUCKS BE OPERATED?

- A minitruck shall not be operated on interstates, defense highways, expressways, or freeways. Nebraska Statute § 60-6,379.
  - Minitrucks may be operated on normal city streets, but not interstates/divided arterial highways.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
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MOPEDS

WHAT IS REQUIRED?

- *Certificate of title not required*
  - Mopeds are not considered "vehicles" and thus Nebraska Statute § 60-139 does not apply.
- *Registration not required*
  - Nebraska Statute § 60-6,309.
- *License plates not required*
  - Nebraska Statute 60-6,309.
- *Operator's license required*
  - Nebraska Statute 60-6,309.
- *Liability Insurance not required*
  - Nebraska Statute 60-6,309.

WHERE MAY MOPEDS BE OPERATED?

- Mopeds may be driven on highways with speed limits of 45 mph or less. Nebraska Statute § 60-6,313.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
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MOTORIZED SCOOTERS

WHAT IS REQUIRED?

- *Certificate of title not required*
  - OMC § 36-146.
- *Registration not required*
  - OMC § 36-146.
- *License plates not required*
  - OMC § 36-146.
- *Operator's license required*
  - OMC § 36-146.
- *Liability Insurance not required*
  - OMC § 36-146.

WHERE MAY MOTOR SCOOTERS BE OPERATED?

- Motorized scooters may be driven on city streets, but may not be driven on sidewalks or controlled-access highways. Nebraska Statute § 60-6,144(4); OMC § 36-146.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
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MOTORIZED SCOOTERS

MOTORIZED SCOOTERS - DEFINITION:

- A device with an electric motor designed to transport only one person with at least two wheels in contact with the ground, propelled or with the capability to propel exclusively or in combination with the application of human power and which cannot attain a speed of more than 15 miles per hour on a paved level surface without the application of human power.

OMC 36-2.

MOTORIZED SCOOTERS - GENERAL OPERATION REQUIREMENTS:

- It shall be unlawful for any person to purposely or knowingly operate a motorized scooter, as defined in section 36-2, in violation of one or more of the following manners:
  - (a) The operator of a motorized scooter shall obey all the traffic laws of the State of Nebraska and the City of Omaha;
  - (b) A motorized scooter shall not be operated on any sidewalk;
  - (c) A motorized scooter shall not, at any time, impede the free flow of pedestrian traffic;
  - (d) No one under the age of 18 shall operate a motorized scooter;
  - (e) Only one person may operate a motorized scooter;
  - (f) An operator of a motorized scooter shall have a valid driver's license or state-issued identification;
  - (g) A motorized scooter shall not operate on any street or highway where the speed limit is greater than 35 miles per hour;
  - (h) Drivers are prohibited from operating a motorized scooter while consuming any alcoholic beverage and the results of a preliminary breath test (PBT) shall be sufficient evidence to presume consumption;
  - (i) Refusal to submit to a preliminary breath test (PBT) constitutes a separate offense; or
  - (j) A motorized scooter shall not be parked in a way that blocks:
    - (1) Railroad tracks;
    - (2) Handicapped or prohibited parking; or
    - (3) Vehicular driveways.
  - (k) Children under the age of 18 and wearing a helmet are exempt from the restrictions stated in subsections (b), (d), (f) and (j)(3).
  - (l) A person who violates any provision of this section shall be punished by a fine of $100.00 for each offense.

OMC 36-146.

UTILITY-TYPE VEHICLES (UTV)

WHAT IS REQUIRED?

- *Certificate of title required*
  - Nebraska Statute § 60-139 applicable since a UTV is considered a "vehicle."
- *Registration not required*
  - UTVs are not "motor vehicles" pursuant to Nebraska Statute § 60-362.
- *No license plate required*
  - Nebraska Statute § 60-3,100(1).
- *Class O operator's license required*
  - Nebraska Statute § 60-6,356(3)(b)(i).
- *Liability Insurance required*
  - Nebraska Statute § 60-6,356(3)(b)(ii).

WHERE MAY UTVS BE OPERATED?

- UTVs shall not be operated on any controlled-access highway with more than two marked traffic lanes. Nebraska Statute § 60-6,356.
  - This means that UTVs may be operated on controlled-access highways with two or less lanes.
- Cannot drive on sidewalks. Nebraska Statute § 60-6,178.

Allowed to operate on highways?	Certificate of Title	Registration	License Plates	Operator's License	Insurance
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		☒	☒		

MOPED VS. MINIBIKE VS. ELECTRIC BICYCLE

MOPED [1]	MINIBIKE [2]	E-BIKE [3]
Fully operative pedals	Tires less than 14 inches in diameter	2-4 wheels
Automatic transmission	Engine capacity less than 45 cc	Saddle or seat for rider
Motor cylinder capacity of 50 cc or less	Engine power of less than 3 HP	Fully operative pedals
2 brake HP or less	Engine capacity of less than 2,238 watts	Electric motor capacity of 750 watts or less
Max. speed of 30 MPH on level ground	Primarily designed for off-road use only.	1 brake HP or less
		Max. speed of 20-28 MPH on level ground
		*Look at pages 12-13 to determine E-Bike's class

1. Nebraska Statute § 60-122.
2. Nebraska Statute § 60-121.
3. Nebraska Statutes §§ 60-614.02 to 60-614.04.

FLOW CHART

*This flowchart is a helpful tool to narrow down and identify distinguishing characteristics of different types of vehicles. Make sure to double check ALL statutory requirements before relying on this chart.

**Motorcycles can statutorily have up to three tires, but are most commonly going to have two.