



SAFETY SHORTS

General Safety • Highway Departments • Law Enforcement & Corrections

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LAW ENFORCEMENT/CORRECTIONS

By: Todd Duncan, Law Enforcement and Safety Specialist

Emergency Vehicle Operations: Understanding the Risks and Reducing Liability

Motor vehicle crashes remain the leading source of losses for NIRMA members, and emergency vehicle operations continue to be among the highest-risk tasks in law enforcement. Deputies must often make rapid decisions about speed, traffic control devices, and pursuit while balancing operational urgency with public safety. Because each of these choices carries significant legal and civil-liability exposure, a clear understanding of Nebraska’s statutory requirements is essential.

Why It Matters

Nebraska’s primary law governing emergency vehicle operations, [NRS § 60-6,114](#), grants certain operational privileges, but it also places strict limits on how those privileges may be used. Under the statute, the driver of an authorized emergency vehicle, when responding to an emergency call or when pursuing an actual or suspected violator of the law may proceed past stop signs or red lights and may exceed posted speed limits, but only when doing so does not endanger life, limb, or property. The law is explicit: even law enforcement officers during emergency response have a duty to exercise due regard for the safety of all persons when driving, and reckless disregard eliminates any statutory protections.

These standards matter because the legal consequences of failing to follow them can be severe. For instance, in 2024 [a former Louisiana police officer pleaded guilty to two counts of manslaughter and sentenced to 32 years in prison](#) for the deaths of two teenagers and negligent injuring of a third following a high-speed chase and crash. Like Nebraska, Louisiana’s emergency vehicle operations law includes a “due regard” requirement. In another case out of Washington, [the City of Seattle reached a \\$29 million settlement](#) with the family of a woman struck and killed by an officer enroute to an emergency call.

While § 60-6,114 focuses on the deputy’s conduct, NRS § 13-911 places financial liability directly on political subdivisions, i.e., counties, when innocent third parties are injured or killed during a vehicular pursuit. In such cases, the county must pay damages on a “strict liability” basis (regardless of fault), and

then seek reimbursement from the fleeing driver or other legally responsible parties. This creates substantial financial exposure even when deputies acted reasonably.

Key Liability Risks

- Failure to slow or ensure safe clearance when proceeding through intersections under § 60-6,114.
- Driving at speeds or in a manner that endangers others, even during legitimate emergencies.
- Pursuit decisions that increase risk to uninvolved motorists, triggering automatic political subdivision liability under § 13-911.
- Failure to properly use emergency warning equipment, i.e., lights and sirens.

What You Can Do to Reduce Risk

- Reinforce Policy and Training (model policies available through NIRMA)
- Maintain clear pursuit and emergency driving policies consistent with NRS § 60-6,114 and 13-911. Training must emphasize slowing at intersections, evaluating risk vs. need, and documenting objective decision-making during emergencies.
- Emphasize “Due Regard” as the operational imperative.
- Understand that statutory privileges are conditional, not absolute. The duty to protect the public overrides the urgency of response.
- Strengthen supervisory oversight, including random in-car/body-worn camera reviews.
- Real-time supervisory involvement during pursuits helps ensure compliance with agency policy and the law.
- Review all pursuits and near misses.
- Conduct regular after-action reviews to identify patterns, reinforce best practices, and adjust policy to reduce future liability.

Effective emergency vehicle operations require more than rapid response, they require disciplined, legally informed decision-making. By grounding their policies and training in Nebraska law, agencies can safeguard the public, protect their deputies, and significantly reduce exposure to civil liability.

Stay professional. Stay accountable. Protect the badge.

HIGHWAY/ROAD DEPARTMENTS

By: KC Pawling, NIRMA Road Safety and Loss Prevention Specialist

Steering Safe and Legal: CDL Essentials for County Government Fleets

County road and public works departments frequently use heavy trucks, equipment haulers, and other vehicles that meet the federal definition of a Commercial Motor Vehicle (CMV). While this is well known and obvious to most, there seems to be ongoing confusion about whether employees of these departments need CDLs. When these vehicles meet CDL thresholds, department employees **MUST** hold the appropriate Commercial Driver's License (CDL) unless a specific exemption applies.

When a CDL Is Required

Drivers must hold a CDL when operating:

1. A single vehicle with GVWR of 26,001 lbs. or more.
2. A combination vehicle with GCWR of 26,001 lbs. or more and trailer over 10,000 lbs.
3. When the GVWR of the trailer/towed unit is 10,001 or more pounds.
4. A vehicle designed to transport 16+ passengers including the driver.
5. Any vehicle transporting hazardous materials requiring placards.

Exemptions for Government Vehicles, NOT County Employees

You will also notice that of the government vehicles listed below, county and public works departments are **NOT** on this list.

1. Covered farm vehicles.
2. Recreational vehicles.
3. Emergency vehicles operated by a public or volunteer fire department.
4. Military vehicles driven by active-duty military personnel.
5. Vehicles driven by members of the military reserves, other than military technicians.
6. Vehicles driven by active-duty United States Coast Guard personnel.
7. Vehicles driven by members of the National Guard on active-duty including:
 - a) personnel on full-time National Guard duty;
 - b) personnel on part-time National Guard training; and
 - c) National Guard Military Technicians required to wear military uniforms.

CDL Classifications and Endorsements

Class A: Combination units (tractor-trailer).

Class B: Heavy single vehicles (Dump Trucks).

Class C: Smaller vehicles carrying hazmat or 16+ passengers.

Common county-related endorsements:

N: Tank vehicle.

H: Hazardous materials.

X: Tank + Hazmat.

Certification, Medical Requirements, and Disqualifications

CDL holders must meet federal medical certification requirements, comply with mobile phone/texting rules, and can face disqualification for violations. But as county government employees, Interstate or Intrastate, you are in the excepted category regarding medical card requirements.

Importance of CDL Compliance

Operating a CDL-required vehicle without the proper license risks liability, coverage issues, fines, and safety hazards. It's also noted that one of NIRMA's common policy exclusions is as follows:

Fraud, Dishonesty, Criminal Acts or Other Violations of Laws, Policies or Procedures.

*Any **claim** made or **suit** against an **Insured**:*

- 1. Brought about or contributed to by fraud, dishonesty or a criminal act of any **Insured**.*
- 2. Arising from acts or omissions by an **Insured** who knowingly and willfully violates a written policy or procedure, or rule, regulation, ordinance or law of the **Insured** or State of Nebraska or of the United States.*

In summary, county employees must hold a CDL when operating heavy, combination, passenger, or hazardous-materials vehicles. All county officials **MUST** ensure that employees under their management operate these vehicles with the correct licensing for legal operation. It's also worth noting that anyone operating these vehicles also has the personal legal responsibility to operate these vehicles legally and safely, to include licensure and condition of the vehicle in their control.

If you need a training scheduled, you can contact me via email at kcpawling@nirma.info or phone at 402-310-4417. Let's continue the year with a focus on safety!

GENERAL SAFETY

By: Chad Engle, Loss Prevention Manager and Safety Specialist

Non-DOT Drug and Alcohol Testing in County Government

As NIRMA renews our annual DOT Drug and Alcohol testing agreements with Medical Enterprises, Inc. (MEI), questions often arise about **non-DOT** drug and alcohol testing. MEI continues to serve as a Consortium/Third Party Administrator (C/TPA) for many NIRMA members, and NIRMA covers the annual fee for members who choose to use MEI as their provider. Among their services, MEI manages random testing pools for participating counties.

During recent discussions, MEI noted that some NIRMA members also rely on their services for **non-DOT pre-employment** drug and alcohol testing. While this isn't a new practice, it is a topic that deserves careful consideration.

When Is Non-DOT Drug or Alcohol Testing Allowed?

For governmental employers, non-DOT drug or alcohol testing is permitted **only** for positions that are considered **safety sensitive**. Testing employees in non-safety sensitive positions—whether during hiring or through random testing—may expose a county to **civil rights violation claims**.

What Is a Safety Sensitive Position?

A “safety sensitive” position is one in which an employee’s momentary lapse in attention can create a high likelihood of serious injury to others. These positions carry the possibility of “**disastrous consequences**” should impairment occur before any signs become noticeable to supervisors. Common examples include:

- Law enforcement officers
- Firefighters
- Health care workers responsible for direct patient care
- Employees who transport passengers
- Employees who operate heavy or large equipment

NIRMA’s *Guide to Creating a Personnel System* provides additional information on drug and alcohol testing.

Avoid Blanket Classification

It may be tempting to categorize all employees in a department—such as all Road Department or Sheriff’s Office employees—as safety sensitive. However, this approach is not recommended. Determinations must be made **position-by-position**, based on actual job duties and tasks.

To properly identify safety sensitive roles, counties should ensure they have:

- **Accurate, up-to-date job descriptions** outlining essential duties

- A **clear, written drug testing policy** specifying which positions are safety sensitive and the testing procedures

Need Assistance?

If you have questions about your current drug and alcohol testing program—or if your county is considering creating or revising one—NIRMA’s HR Help Line is available at **1.866.896.6423** to assist you.

NIRMA Member Officials, Supervisors, and Managers:

Have a human resource question or issue? Contact NIRMA’s Human Resources Helpline at (866) 896-6423.

Have a non-HR legal question or issue? Contact NIRMA’s Legal Link at (402) 742-9240 or by email at legallink@nirma.info