

AMENDMENTS TO LB1340

Introduced by Kauth, 31.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-306, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-306 (1) A person who causes the death of another unintentionally
6 while engaged in the operation of a motor vehicle in violation of the law
7 of the State of Nebraska or in violation of any city or village ordinance
8 commits motor vehicle homicide.

9 (2) Except as provided in subsection (3) of this section, motor
10 vehicle homicide is a Class IV felony ~~I misdemeanor~~.

11 (3)(a) If the proximate cause of the death of another is the
12 operation of a motor vehicle in violation of section 60-6,179.01,
13 60-6,179.02, ~~60-6,213,~~ or 60-6,214, motor vehicle homicide is a Class
14 IIIA felony.

15 (b) If the proximate cause of the death of another is the operation
16 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
17 vehicle homicide is a Class IIA felony. The court shall, as part of the
18 judgment of conviction, order the person not to drive any motor vehicle
19 for any purpose for a period of at least one year and not more than
20 fifteen years and shall order that the operator's license of such person
21 be revoked for the same period.

22 (c) If the proximate cause of the death of another is the operation
23 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
24 vehicle homicide is a Class II felony if the defendant has a prior
25 conviction for a violation of section 60-6,196 or 60-6,197.06, under a
26 city or village ordinance enacted in conformance with section 60-6,196,
27 or under a law of another state if, at the time of the conviction under

1 the law of such other state, the offense for which the defendant was
2 convicted would have been a violation of section 60-6,196. The court
3 shall, as part of the judgment of conviction, order the person not to
4 drive any motor vehicle for any purpose for a period of fifteen years and
5 shall order that the operator's license of such person be revoked for the
6 same period.

7 (d) An order of the court described in subdivision (b) or (c) of
8 this subsection shall be administered upon sentencing, upon final
9 judgment of any appeal or review, or upon the date that any probation is
10 revoked.

11 (4) The crime punishable under this section shall be treated as a
12 separate and distinct offense from any other offense arising out of acts
13 alleged to have been committed while the person was in violation of this
14 section.

15 Sec. 2. Section 60-682.01, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 60-682.01 (1) A Any person shall not operate who operates a vehicle
18 in violation of any maximum speed limit established for any highway or
19 freeway. A violation of this section shall be punished as is guilty of a
20 traffic infraction except that if the violation involved traveling over
21 thirty-five miles per hour over the authorized speed limit, it shall be
22 punished as a Class I misdemeanor.

23 (2) Upon and upon conviction for a violation of this section, a
24 person shall be fined:

25 (a) Fifty Ten dollars for traveling one to five miles per hour over
26 the authorized speed limit;

27 (b) Seventy-five Twenty-five dollars for traveling over five miles
28 per hour but not over ten miles per hour over the authorized speed limit;

29 (c) One hundred twenty-five Seventy-five dollars for traveling over
30 ten miles per hour but not over fifteen miles per hour over the
31 authorized speed limit;

1 (d) Two hundred ~~One hundred twenty-five~~ dollars for traveling over
2 fifteen miles per hour but not over twenty miles per hour over the
3 authorized speed limit;

4 (e) Three ~~Two~~ hundred dollars for traveling over twenty miles per
5 hour but not over thirty-five miles per hour over the authorized speed
6 limit; and

7 (f) Four ~~Three~~ hundred dollars for traveling over thirty-five miles
8 per hour over the authorized speed limit.

9 (3) ~~(2)~~ The fines prescribed in subsection (2) ~~(1)~~ of this section
10 shall be doubled if the violation occurs within a maintenance, repair, or
11 construction zone established pursuant to section 60-6,188. For purposes
12 of this subsection, maintenance, repair, or construction zone means (a)
13 (i) the portion of a highway identified by posted or moving signs as
14 being under maintenance, repair, or construction or (ii) the portion of a
15 highway identified by maintenance, repair, or construction zone speed
16 limit signs displayed pursuant to section 60-6,188 and (b) within such
17 portion of a highway where road construction workers are present. The
18 maintenance, repair, or construction zone starts at the location of the
19 first sign identifying the maintenance, repair, or construction zone and
20 continues until a posted or moving sign indicates that the maintenance,
21 repair, or construction zone has ended.

22 (4) ~~(3)~~ The fines prescribed in subsection (2) ~~(1)~~ of this section
23 shall be doubled if the violation occurs within a school crossing zone as
24 defined in section 60-658.01.

25 Sec. 3. Original sections 28-306 and 60-682.01, Reissue Revised
26 Statutes of Nebraska, are repealed.