

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 106

Introduced by Byars, 30; Aguilar, 35; Baker, 44; Connealy, 16;
Jensen, 20; Schimek, 27; Stuhr, 24; Thompson, 14

Read first time January 6, 2005

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 sections 60-4,182, 60-6,267, 60-6,268, 60-6,270,
3 60-6,271, and 60-6,272, Reissue Revised Statutes of
4 Nebraska; to require all occupants in motor vehicles to
5 wear occupant protection systems; to change points and
6 fines assessed for such violation; to harmonize
7 provisions; and to repeal the original sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,182, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-4,182. In order to prevent and eliminate successive
4 traffic violations, there is hereby provided a point system dealing
5 with traffic violations as disclosed by the files of the director.
6 The following point system shall be adopted:

7 (1) Conviction of motor vehicle homicide -- 12 points;

8 (2) Third offense drunken driving in violation of any
9 city or village ordinance or of section 60-6,196, as disclosed by
10 the records of the director, regardless of whether the trial court
11 found the same to be a third offense -- 12 points;

12 (3) Failure to stop and render aid as required under the
13 laws of this state in the event of involvement in a motor vehicle
14 accident resulting in the death or personal injury of another -- 6
15 points;

16 (4) Failure to stop and render aid as required under the
17 laws of this state or any city or village ordinance in the event of
18 a motor vehicle accident resulting in property damage if such
19 accident is reported by the owner or operator within twelve hours
20 from the time of the accident -- 4 points, otherwise -- 8 points,
21 and for purposes of this subdivision a telephone call or other
22 notification to the appropriate peace officers shall be deemed to
23 be a report;

24 (5) Driving a motor vehicle while under the influence of
25 alcoholic liquor or any drug or when such person has a
26 concentration of eight-hundredths of one gram or more by weight of
27 alcohol per one hundred milliliters of his or her blood or per two
28 hundred ten liters of his or her breath in violation of any city or

1 village ordinance or of section 60-6,196 -- 6 points;

2 (6) Willful reckless driving in violation of any city or
3 village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;

4 (7) Careless driving in violation of any city or village
5 ordinance or of section 60-6,212 -- 4 points;

6 (8) Negligent driving in violation of any city or village
7 ordinance -- 3 points;

8 (9) Reckless driving in violation of any city or village
9 ordinance or of section 60-6,213 -- 5 points;

10 (10) Speeding in violation of any city or village
11 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

12 (a) Not more than five miles per hour over the speed
13 limit -- 1 point;

14 (b) More than five miles per hour but not more than ten
15 miles per hour over the speed limit -- 2 points; and

16 (c) More than ten miles per hour over the speed limit --
17 3 points, except that one point shall be assessed upon conviction
18 of exceeding by not more than ten miles per hour, two points shall
19 be assessed upon conviction of exceeding by more than ten miles per
20 hour but not more than fifteen miles per hour, and three points
21 shall be assessed upon conviction of exceeding by more than fifteen
22 miles per hour the speed limits provided for in subdivision (1)(e),
23 (f), or (g) of section 60-6,186;

24 (11) A violation involving a child passenger restraint
25 system pursuant to section 60-6,267 or an occupant protection
26 system pursuant to section 60-6,270 -- 3 points;

27 (12) Failure to yield to a pedestrian not resulting in
28 bodily injury to a pedestrian -- 2 points;

1 ~~(12)~~ (13) Failure to yield to a pedestrian resulting in
2 bodily injury to a pedestrian -- 4 points; and

3 ~~(13)~~ (14) All other traffic violations ~~involving the~~
4 ~~operation of motor vehicles by the operator~~ for which reports to
5 the Department of Motor Vehicles are required under sections
6 60-497.01 and 60-497.02, not including ~~violations involving an~~
7 ~~occupant protection system pursuant to section 60-6,270,~~ parking
8 violations, violations for operating a motor vehicle without a
9 valid operator's license in the operator's possession, muffler
10 violations, overwidth, overheight, or overlength violations,
11 motorcycle or moped protective helmet violations, or overloading of
12 trucks -- 1 point.

13 All such points shall be assessed against the driving
14 record of the operator as of the date of the violation for which
15 conviction was had. Points may be reduced by the department under
16 section 60-4,188.

17 In all cases, the forfeiture of bail not vacated shall be
18 regarded as equivalent to the conviction of the offense with which
19 the operator was charged.

20 The point system shall not apply to persons convicted of
21 traffic violations committed while operating a bicycle or an
22 electric personal assistive mobility device as defined in section
23 60-618.02.

24 Sec. 2. Section 60-6,267, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-6,267. (1) Any person in Nebraska who drives any
27 motor vehicle which has or is required to have an occupant
28 protection system shall ensure that+

1 ~~(a) All~~ all children up to six years of age being
2 transported by such vehicle use a child passenger restraint system
3 of a type which meets Federal Motor Vehicle Safety Standard 213 as
4 developed by the National Highway Traffic Safety Administration, as
5 such standard existed on January 1, ~~2004~~ 2005, and which is
6 correctly installed in such vehicle. ~~+ and~~

7 ~~(b) All children six years of age and less than eighteen~~
8 ~~years of age being transported by such vehicle use an occupant~~
9 ~~protection system.~~ This subsection ~~shall apply~~ applies to every
10 motor vehicle which is equipped with an occupant protection system
11 or is required to be equipped with restraint systems pursuant to
12 Federal Motor Vehicle Safety Standard 208, as such standard existed
13 on January 1, ~~2004~~ 2005, except taxicabs, mopeds, motorcycles, and
14 any motor vehicle designated by the manufacturer as a 1963 year
15 model or earlier which is not equipped with an occupant protection
16 system.

17 (2) Whenever any licensed physician determines, through
18 accepted medical procedures, that use of a child passenger
19 restraint system by a particular child would be harmful by reason
20 of the child's weight, physical condition, or other medical reason,
21 the provisions of subsection (1) of this section ~~shall be~~ are
22 waived. The driver of any vehicle transporting such a child shall
23 carry on his or her person or in the vehicle a signed written
24 statement of the physician identifying the child and stating the
25 grounds for such waiver.

26 (3) The drivers of authorized emergency vehicles ~~shall~~
27 ~~not be~~ are not subject to the requirements of subsection (1) of
28 this section when operating such authorized emergency vehicles

1 pursuant to their employment.

2 (4) A driver of a motor vehicle ~~shall not be~~ is not
 3 subject to the requirements of subsection (1) of this section if
 4 the motor vehicle is being operated in a parade or exhibition and
 5 the parade or exhibition is being conducted in accordance with
 6 applicable state law and local ordinances and resolutions.

7 (5) The Department of Motor Vehicles shall develop and
 8 implement an ongoing statewide public information and education
 9 program regarding the use of child passenger restraint systems and
 10 occupant protection systems and the availability of distribution
 11 and discount programs for child passenger restraint systems.

12 ~~(6) All persons being transported by a motor vehicle~~
 13 ~~operated by a holder of a provisional operator's permit or a school~~
 14 ~~permit shall use such motor vehicle's occupant protection system.~~

15 Sec. 3. Section 60-6,268, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 60-6,268. ~~(1)~~ A person violating any provision of
 18 subsection (1) of section 60-6,267 ~~shall be~~ is guilty of an
 19 infraction as defined in section 29-431 and shall be fined
 20 ~~twenty-five~~ one hundred dollars for each violation. The failure to
 21 provide a child passenger restraint system for more than one child
 22 in the same vehicle at the same time, as required in such
 23 subsection, shall not be treated as a separate offense.

24 ~~(2) Enforcement of subdivision (1)(b) and subsection (6)~~
 25 ~~of section 60-6,267 shall be accomplished only as a secondary~~
 26 ~~action when an operator of a motor vehicle has been cited or~~
 27 ~~charged with a violation or some other offense unless the violation~~
 28 ~~involves a person under the age of eighteen years riding in or on~~

1 any portion of the vehicle not designed or intended for the use of
2 passengers when the vehicle is in motion.

3 Sec. 4. Section 60-6,270, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 60-6,270. (1) Except as provided in subsection (2) of
6 this section, no driver shall operate a motor vehicle upon a
7 highway or street in this state unless the driver and each
8 ~~front seat~~ occupant in the vehicle are wearing occupant protection
9 systems and all occupant protection systems worn are properly
10 adjusted and fastened.

11 (2) The following persons shall not be required to wear
12 an occupant protection system:

13 (a) A person who possesses written verification from a
14 physician that the person is unable to wear an occupant protection
15 system for medical reasons;

16 (b) A rural letter carrier of the United States Postal
17 Service while performing his or her duties as a rural letter
18 carrier between the first and last delivery points; and

19 (c) A member of an emergency medical service while
20 involved in patient care.

21 (3) For purposes of this section, motor vehicle shall
22 mean a vehicle required by section 60-6,266 to be equipped with an
23 occupant protection system.

24 Sec. 5. Section 60-6,271, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-6,271. Enforcement of section 60-6,270 by state or
27 local law enforcement agencies shall be accomplished only as a
28 secondary action when a driver of a motor vehicle has been cited or

1 charged with a violation or some other offense unless the violation
2 involves a person under the age of eighteen years riding in or on
3 any portion of the vehicle not designed or intended for the use of
4 passengers when the vehicle is in motion.

5 Sec. 6. Section 60-6,272, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-6,272. Any person who violates section 60-6,270 ~~shall~~
8 be is guilty of a traffic infraction and shall be fined ~~twenty-five~~
9 one hundred dollars. ~~but no court costs shall be assessed~~
10 ~~against him or her nor shall any points be assessed against the~~
11 ~~driving record of such person.~~ Regardless of the number of persons
12 in such vehicle not wearing an occupant protection system pursuant
13 to such section, only one violation shall be assessed against the
14 driver of such motor vehicle for each time the motor vehicle is
15 stopped and a violation of such section is found.

16 Sec. 7. Original sections 60-4,182, 60-6,267, 60-6,268,
17 60-6,270, 60-6,271, and 60-6,272, Reissue Revised Statutes of
18 Nebraska, are repealed.