

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1039

Introduced by Brasch, 16.

Read first time January 17, 2012

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-6,175,
2 Reissue Revised Statutes of Nebraska, and section
3 60-4,182, Revised Statutes Supplement, 2011; to change
4 provisions relating to school bus safety requirements; to
5 harmonize provisions; and to repeal the original
6 sections.

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

1 Section 1. Section 60-4,182, Revised Statutes Supplement,
2 2011, 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 the
10 records of the director, regardless of whether the trial court found
11 the same to be a third offense - 12 points;

12 (3) Failure to stop and render aid as required under
13 section 60-697 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 report as required under section
17 60-696 or any city or village ordinance in the event of a motor
18 vehicle accident resulting in property damage - 6 points;

19 (5) Driving a motor vehicle while under the influence of
20 alcoholic liquor or any drug or when such person has a concentration
21 of eight-hundredths of one gram or more by weight of alcohol per one
22 hundred milliliters of his or her blood or per two hundred ten liters
23 of his or her breath in violation of any city or village ordinance or
24 of section 60-6,196 - 6 points;

25 (6) Willful reckless driving in violation of any city or

1 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;

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

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

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

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

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

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

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

23 (d) More than thirty-five miles per hour over the speed
24 limit - 4 points;

25 (11) Failure to yield to a pedestrian not resulting in

1 bodily injury to a pedestrian - 2 points;

2 (12) Failure to yield to a pedestrian resulting in bodily
3 injury to a pedestrian - 4 points;

4 (13) Using a handheld wireless communication device in
5 violation of section 60-6,179.01 - 3 points;

6 (14) Unlawful obstruction or interference of the view of
7 an operator in violation of section 60-6,256 - 1 point; ~~and~~

8 (15) A violation of subsection (1) of section 60-6,175 -
9 3 points; and

10 ~~(15)~~(16) All other traffic violations involving the
11 operation of motor vehicles by the operator for which reports to the
12 Department of Motor Vehicles are required under sections 60-497.01
13 and 60-497.02 - 1 point.

14 Subdivision ~~(15)~~(16) of this section does not include
15 violations involving an occupant protection system pursuant to
16 section 60-6,270, parking violations, violations for operating a
17 motor vehicle without a valid operator's license in the operator's
18 possession, muffler violations, overwidth, overheight, or overlength
19 violations, motorcycle or moped protective helmet violations, or
20 overloading of trucks.

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

25 In all cases, the forfeiture of bail not vacated shall be

1 regarded as equivalent to the conviction of the offense with which
2 the operator was charged.

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

6 Sec. 2. Section 60-6,175, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 60-6,175 (1) Upon meeting or overtaking, from the front
9 or rear, any school bus on which the ~~stop-yellow~~ warning signal
10 lights are flashing, the driver of a motor vehicle shall reduce the
11 speed of such vehicle to not more than twenty-five miles per hour,
12 shall bring such vehicle to a complete stop when the school bus is
13 stopped and the stop signal arm is extended, and shall remain stopped
14 until the stop signal arm is retracted and the school bus resumes
15 motion. ~~or until signaled by the bus driver to proceed.~~ This section
16 shall not apply to approaching traffic in the opposite direction on a
17 divided highway or to approaching traffic when there is displayed a
18 sign as provided in subsection (7) of this section directing traffic
19 to proceed. Any person violating this subsection shall be guilty of a
20 Class IV misdemeanor, shall be fined five hundred dollars, and shall
21 be assessed points on his or her motor vehicle operator's license
22 pursuant to section 60-4,182.

23 (2) Except as provided in subsection (7) of this section,
24 the driver of any school bus, when stopping to receive or discharge
25 pupils, shall turn on flashing ~~stop-yellow~~ warning signal lights at a

1 distance of not less than three hundred feet when inside the
2 corporate limits of any city or village and not less than five
3 hundred feet nor more than one thousand feet in any area outside the
4 corporate limits of any city or village from the point where such
5 pupils are to be received or discharged from the bus. At the point of
6 receiving or discharging pupils, the bus driver shall bring the
7 school bus to a stop and extend a stop signal arm. After receiving or
8 discharging pupils, the bus driver shall turn off the flashing ~~stop~~
9 yellow warning signal lights, retract the stop signal arm, and then
10 proceed on the route. No school bus shall stop to load or unload
11 pupils unless there is at least four hundred feet of clear vision or
12 proper signage indicating a school bus stop is ahead in each
13 direction of travel.

14 (3) All pupils shall be received and discharged from the
15 right front entrance of every school bus. If such pupils must cross a
16 roadway, the bus driver shall instruct such pupils to cross in front
17 of the school bus and the bus driver shall keep such school bus
18 halted with the flashing ~~stop~~yellow warning signal lights turned on
19 and the stop signal arm extended until such pupils have reached the
20 opposite side of such roadway.

21 (4) The driver of a vehicle upon a divided highway need
22 not stop upon meeting or passing a school bus which is on a different
23 roadway or when upon a freeway and such school bus is stopped in a
24 loading zone which is a part of or adjacent to such highway and where
25 pedestrians are not permitted to cross the roadway.

1 (5) Every school bus shall bear upon the front and rear
2 thereof plainly visible signs containing the words school bus in
3 letters not less than eight inches high.

4 (6) When a school bus is being operated upon a highway
5 for purposes other than the actual transportation of children either
6 to or from school or school-sponsored activities, all markings
7 thereon indicating school bus shall be covered or concealed. The stop
8 signal arm and system of alternately flashing ~~stop-yellow~~ warning
9 signal lights shall not be operable through the usual controls.

10 (7) When a school bus is (a) parked in a designated
11 school bus loading area which is out of the flow of traffic and which
12 is adjacent to a school site or (b) parked on a roadway which
13 possesses more than one lane of traffic flowing in the same direction
14 and which is adjacent to a school site, the bus driver shall engage
15 only the flashing ~~stop-yellow~~ warning signal lights when receiving or
16 discharging pupils if a school bus loading area warning sign is
17 displayed. Such signs shall not be directly attached to any school
18 bus but shall be free standing and placed at the rear of a parked
19 school bus or line of parked school buses. No school district shall
20 utilize a school bus loading area warning sign unless such sign
21 complies with the requirements of section 60-6,176.

22 Sec. 3. Original section 60-6,175, Reissue Revised
23 Statutes of Nebraska, and section 60-4,182, Revised Statutes
24 Supplement, 2011, are repealed.