

LEGISLATIVE BILL 1039

Approved by the Governor April 5, 2012

Introduced by Brasch, 16.

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

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

Section 1. Section 60-4,182, Revised Statutes Supplement, 2011, is amended to read:

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

- (1) Conviction of motor vehicle homicide - 12 points;
 - (2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense - 12 points;
 - (3) Failure to stop and render aid as required under section 60-697 in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another - 6 points;
 - (4) Failure to stop and report as required under section 60-696 or any city or village ordinance in the event of a motor vehicle accident resulting in property damage - 6 points;
 - (5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 - 6 points;
 - (6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 - 6 points;
 - (7) Careless driving in violation of any city or village ordinance or of section 60-6,212 - 4 points;
 - (8) Negligent driving in violation of any city or village ordinance - 3 points;
 - (9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 - 5 points;
 - (10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:
 - (a) Not more than five miles per hour over the speed limit - 1 point;
 - (b) More than five miles per hour but not more than ten miles per hour over the speed limit - 2 points;
 - (c) More than ten miles per hour but not more than thirty-five miles per hour over the speed limit - 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour but not more than thirty-five miles per hour the speed limits provided for in subdivision (1)(e), (f), (g), or (h) of section 60-6,186; and
 - (d) More than thirty-five miles per hour over the speed limit - 4 points;
 - (11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian - 2 points;
 - (12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian - 4 points;
 - (13) Using a handheld wireless communication device in violation of section 60-6,179.01 - 3 points;
 - (14) Unlawful obstruction or interference of the view of an operator in violation of section 60-6,256 - 1 point; ~~and~~
 - (15) A violation of subsection (1) of section 60-6,175 - 3 points;
- and
- ~~(15)~~ (16) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

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

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

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

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

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

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

(2) Except as provided in subsection ~~(7)~~ (8) of this section, the driver of any school bus, when stopping to receive or discharge pupils, shall turn on flashing ~~stop~~ yellow warning signal lights at a distance of not less than three hundred feet when inside the corporate limits of any city or village and not less than five hundred feet nor more than one thousand feet in any area outside the corporate limits of any city or village from the point where such pupils are to be received or discharged from the bus. At the point of receiving or discharging pupils, the bus driver shall bring the school bus to a stop, and extend a stop signal arm, and turn on the flashing red signal lights. After receiving or discharging pupils, the bus driver shall turn off the flashing ~~stop~~ warning red signal lights, retract the stop signal arm, and then proceed on the route.

(3) (a) Except as provided in subdivision (b) of this subsection, no school bus shall stop to load or unload pupils unless there is at least four hundred feet of clear vision in each direction of travel.

(b) If four hundred feet of clear vision in each direction of travel is not possible as determined by the school district, a school bus may stop to load or unload pupils if there is proper signage installed indicating that a school bus stop is ahead.

~~(3)~~ (4) All pupils shall be received and discharged from the right front entrance of every school bus. If such pupils must cross a roadway, the bus driver shall instruct such pupils to cross in front of the school bus and the bus driver shall keep such school bus halted with the flashing ~~stop~~ warning red signal lights turned on and the stop signal arm extended until such pupils have reached the opposite side of such roadway.

~~(4)~~ (5) The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is on a different roadway or when upon a freeway and such school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

~~(5)~~ (6) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words school bus in letters not less than eight inches high.

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

~~(7)~~ (8) When a school bus is (a) parked in a designated school bus

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

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