

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 517

Introduced by Riepe, 12.

Read first time January 21, 2015

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 sections 60-4,182 and 60-601, Revised Statutes Cumulative
3 Supplement, 2014; to prohibit use of an interactive wireless
4 communication device while operating a motor vehicle as prescribed;
5 to harmonize provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,182, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

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

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

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

12 (3) Failure to stop and render aid as required under section 60-697
13 in the event of involvement in a motor vehicle accident resulting in the
14 death or personal injury of another - 6 points;

15 (4) Failure to stop and report as required under section 60-696 or
16 any city or village ordinance in the event of a motor vehicle accident
17 resulting in property damage - 6 points;

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

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

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

28 (8) Negligent driving in violation of any city or village ordinance
29 - 3 points;

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

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

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

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

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

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

18 (11) Failure to yield to a pedestrian not resulting in bodily injury
19 to a pedestrian - 2 points;

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

22 (13) Using a handheld wireless communication device in violation of
23 section 60-6,179.01 or texting while driving in violation of subsection
24 (1) or (3) of section 60-6,179.02 - 3 points;

25 (14) Using a handheld mobile telephone in violation of subsection
26 (2) or (4) of section 60-6,179.02 - 3 points;

27 (15) Using an interactive wireless communication device in violation
28 of section 3 of this act - 3 points;

29 (16 15) Unlawful obstruction or interference of the view of an
30 operator in violation of section 60-6,256 - 1 point;

31 (17 16) A violation of subsection (1) of section 60-6,175 - 3

1 points; and

2 (18 17) All other traffic violations involving the operation of
3 motor vehicles by the operator for which reports to the Department of
4 Motor Vehicles are required under sections 60-497.01 and 60-497.02 - 1
5 point.

6 Subdivision (18 17) of this section does not include violations
7 involving an occupant protection system pursuant to section 60-6,270,
8 parking 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, motorcycle
11 or moped protective helmet violations, or overloading of trucks.

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

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

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

21 Sec. 2. Section 60-601, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 60-601 Sections 60-601 to 60-6,382 and section 3 of this act shall
24 be known and may be cited as the Nebraska Rules of the Road.

25 Sec. 3. (1) For purposes of this section interactive wireless
26 communication device has the definition found in section 60-470.02.

27 (2) Except as otherwise provided in sections 60-6,179.01 and
28 60-6,179.02, no person shall operate a motor vehicle on any highway (a)
29 while holding an interactive wireless communication device to or in the
30 immediate proximity of his or her ear in order to talk into the device or
31 listen to a voice or digital communication or (b) while holding an

1 interactive wireless communication device to view, record, or transmit
2 images or text, play games, or otherwise access any data for any purpose.

3 (3) This section does not apply to:

4 (a) The use of an interactive wireless communication device for the
5 sole purpose of communicating with any of the following regarding an
6 emergency situation: An emergency response operator; a physician; an
7 emergency medical service; a fire department; or a law enforcement
8 agency;

9 (b) Any of the following persons while in the performance of their
10 official duties: Law enforcement personnel; a member of a fire
11 department; or the operator of an emergency vehicle; or

12 (c) A person while the motor vehicle is stopped at the side of or
13 off a highway in a location where such vehicle is not otherwise
14 prohibited from stopping by law or by any lawful order of law enforcement
15 personnel.

16 Sec. 4. Original sections 60-4,182 and 60-601, Revised Statutes
17 Cumulative Supplement, 2014, are repealed.