

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 836

Introduced by Howard, 9; Kruse, 13; Pedersen, 39; Preister, 5.

Read first time January 10, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-601, Revised Statutes Cumulative Supplement,
3 2006, and section 60-4,182, Revised Statutes Supplement,
4 2007; to prohibit smoking in a vehicle when minors are
5 present; to harmonize provisions; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,182, Revised Statutes Supplement,
2 2007, 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
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
20 of alcoholic liquor or any drug or when such person has a
21 concentration of eight-hundredths of one gram or more by weight of
22 alcohol per one hundred milliliters of his or her blood or per two
23 hundred ten liters of his or her breath in violation of any city or
24 village ordinance or 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; and

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

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

24 (12) Failure to yield to a pedestrian resulting in bodily
25 injury to a pedestrian - 4 points; and

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

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

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

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

22 Sec. 2. Section 60-601, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 60-601 Sections 60-601 to 60-6,377 and section 3 of this
25 act shall be known and may be cited as the Nebraska Rules of the

1 Road.

2 Sec. 3. (1) It is unlawful for any person in a vehicle to
3 smoke when a person under the age of sixteen years is also in the
4 vehicle, even if the windows of the vehicle are down.

5 (2) For purposes of this section, smoke means inhaling,
6 exhaling, burning, or carrying any lighted cigarette, cigar, pipe,
7 weed, plant, or other combustible substance in any manner or in any
8 form.

9 (3) A person who violates this section shall be fined at
10 least fifty dollars but not more than one hundred fifty dollars.

11 (4) Any person who proves that he or she has entered into
12 a smoking cessation program shall have his or her fine eliminated
13 for a first offense under this section.

14 (5) Probable cause for a violation of this section shall
15 be based solely upon a peace officer's clear and unobstructed view
16 of a person smoking as prohibited by this section. Violation of
17 this section shall be considered a primary offense, and any peace
18 officer may stop a vehicle solely because of violation of this
19 section.

20 (6) A violation of this section shall be considered a
21 nonmoving violation, and a citation issued by a peace officer for
22 such violation shall not be included on the operator's driving
23 record.

24 (7) A violation of this section shall not be considered
25 evidence of negligence, shall not limit the liability of an

1 insurer, and shall not diminish recovery of any damages arising out
2 of the ownership, maintenance, or operation of a vehicle.

3 Sec. 4. Original section 60-601, Revised Statutes
4 Cumulative Supplement, 2006, and section 60-4,182, Revised Statutes
5 Supplement, 2007, are repealed.