

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 945**

Introduced by Harms, 48; Howard, 9.

Read first time January 14, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-4,182,  
2 Revised Statutes Cumulative Supplement, 2008, and section  
3 60-601, Revised Statutes Supplement, 2009; to prohibit  
4 using a handheld wireless communication device as  
5 prescribed while operating a motor vehicle; to provide  
6 exceptions; to provide penalties; to define terms;  
7 to harmonize provisions; and to repeal the original  
8 sections.

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

1           Section 1. Section 60-4,182, Revised Statutes Cumulative  
2 Supplement, 2008, 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;

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  
17 not more than ten miles per hour, two points shall be assessed  
18 upon conviction of exceeding by more than ten miles per hour but  
19 not more than fifteen miles per hour, and three points shall be  
20 assessed upon conviction of exceeding by more than fifteen miles  
21 per hour but not more than thirty-five miles per hour the speed  
22 limits provided for in subdivision (1)(e), (f), (g), or (h) of  
23 section 60-6,186; and

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

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

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

5 (13) Using a handheld wireless communication device in  
6 violation of section 3 of this act - 3 points; and

7 ~~(13)~~ (14) All other traffic violations involving the  
8 operation of motor vehicles by the operator for which reports  
9 to the Department of Motor Vehicles are required under sections  
10 60-497.01 and 60-497.02 - 1 point.

11 Subdivision (14) of this section does not include 7  
12 ~~not including~~ violations involving an occupant protection system  
13 pursuant to section 60-6,270, parking violations, violations for  
14 operating a motor vehicle without a valid operator's license in the  
15 operator's possession, muffler violations, overwidth, overheight,  
16 or overlength violations, motorcycle or moped protective helmet  
17 violations, or overloading of trucks. - 1 point.

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

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

25 The point system shall not apply to persons convicted

1 of traffic violations committed while operating a bicycle or an  
2 electric personal assistive mobility device as defined in section  
3 60-618.02.

4 Sec. 2. Section 60-601, Revised Statutes Supplement,  
5 2009, is amended to read:

6 60-601 Sections 60-601 to 60-6,378 and section 3 of this  
7 act shall be known and may be cited as the Nebraska Rules of the  
8 Road.

9 Sec. 3. (1) Except as otherwise provided in subsection  
10 (2) of this section, no person shall use a handheld wireless  
11 communication device to read, manually type, or send a written  
12 communication while operating a motor vehicle which is in motion.

13 (2) The prohibition in subsection (1) of this section  
14 does not apply to:

15 (a) A person performing his or her official duties as a  
16 law enforcement officer, a firefighter, an ambulance driver, or an  
17 emergency medical technician; or

18 (b) A person operating a motor vehicle in an emergency  
19 situation.

20 (3) Any person who violates this section shall be guilty  
21 of a traffic infraction. Any person who is found guilty of a  
22 traffic infraction under this section shall be assessed points on  
23 his or her motor vehicle operator's license pursuant to section  
24 60-4,182 and shall be fined:

25 (a) Two hundred dollars for the first offense;

1           (b) Three hundred dollars for a second offense; and  
2           (c) Five hundred dollars for a third and subsequent  
3 offense.

4           (4) For purposes of this section:

5           (a)(i) Handheld wireless communication device means any  
6 device that provides for written communication between two or more  
7 parties and is capable of receiving, displaying, or transmitting  
8 written communication.

9           (ii) Handheld wireless communication device includes,  
10 but is not limited to, a mobile or cellular telephone, a text  
11 messaging device, a personal digital assistant, a pager, or a  
12 laptop computer.

13           (iii) Handheld wireless communication device does not  
14 include an electronic device that is part of the motor vehicle or  
15 permanently attached to the motor vehicle or a handsfree wireless  
16 communication device; and

17           (b) Written communication includes, but is not limited  
18 to, a text message, an instant message, electronic mail, and  
19 Internet web sites.

20           Sec. 4. Original section 60-4,182, Revised Statutes  
21 Cumulative Supplement, 2008, and section 60-601, Revised Statutes  
22 Supplement, 2009, are repealed.