

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1039**

Final Reading

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, the stop signal arm is extended, and the flashing red signal  
14 lights are turned on, and shall remain stopped until the flashing red  
15 signal lights are turned off, the stop signal arm is retracted, and  
16 the school bus resumes motion. ~~or until signaled by the bus driver to~~  
17 ~~proceed.~~ This section shall not apply to approaching traffic in the  
18 opposite direction on a divided highway or to approaching traffic  
19 when there is displayed a sign as provided in subsection ~~(7)-(8)~~ of  
20 this section directing traffic to proceed. Any person violating this  
21 subsection shall be guilty of a Class IV misdemeanor, shall be fined  
22 five hundred dollars, and shall be assessed points on his or her  
23 motor vehicle operator's license pursuant to section 60-4,182.

24 (2) Except as provided in subsection ~~(7)-(8)~~ of this  
25 section, the driver of any school bus, when stopping to receive or

1 discharge pupils, shall turn on flashing ~~stop-yellow~~ warning signal  
2 lights at a distance of not less than three hundred feet when inside  
3 the corporate limits of any city or village and not less than five  
4 hundred feet nor more than one thousand feet in any area outside the  
5 corporate limits of any city or village from the point where such  
6 pupils are to be received or discharged from the bus. At the point of  
7 receiving or discharging pupils, the bus driver shall bring the  
8 school bus to a stop, ~~and~~ extend a stop signal arm, and turn on the  
9 flashing red signal lights. After receiving or discharging pupils,  
10 the bus driver shall turn off the flashing ~~stop-warning-red~~ signal  
11 lights, retract the stop signal arm, and then proceed on the route.

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

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

20 ~~(3)(4)~~ All pupils shall be received and discharged from  
21 the right front entrance of every school bus. If such pupils must  
22 cross a roadway, the bus driver shall instruct such pupils to cross  
23 in front of the school bus and the bus driver shall keep such school  
24 bus halted with the flashing ~~stop-warning-red~~ signal lights turned on  
25 and the stop signal arm extended until such pupils have reached the

1 opposite side of such roadway.

2           ~~(4)~~(5) The driver of a vehicle upon a divided highway  
3 need not stop upon meeting or passing a school bus which is on a  
4 different roadway or when upon a freeway and such school bus is  
5 stopped in a loading zone which is a part of or adjacent to such  
6 highway and where pedestrians are not permitted to cross the roadway.

7           ~~(5)~~(6) Every school bus shall bear upon the front and  
8 rear thereof plainly visible signs containing the words school bus in  
9 letters not less than eight inches high.

10           ~~(6)~~(7) When a school bus is being operated upon a  
11 highway for purposes other than the actual transportation of children  
12 either to or from school or school-sponsored activities, all markings  
13 thereon indicating school bus shall be covered or concealed. The stop  
14 signal arm and system of ~~alternately flashing stop yellow~~ warning  
15 signal lights and flashing red signal lights shall not be operable  
16 through the usual controls.

17           ~~(7)~~(8) When a school bus is (a) parked in a designated  
18 school bus loading area which is out of the flow of traffic and which  
19 is adjacent to a school site or (b) parked on a roadway which  
20 possesses more than one lane of traffic flowing in the same direction  
21 and which is adjacent to a school site, the bus driver shall engage  
22 only the ~~flashing stop hazard~~ warning ~~signal flasher~~ lights when  
23 receiving or discharging pupils if a school bus loading area warning  
24 sign is displayed. Such signs shall not be directly attached to any  
25 school bus but shall be free standing and placed at the rear of a

1 parked school bus or line of parked school buses. No school district  
2 shall utilize a school bus loading area warning sign unless such sign  
3 complies with the requirements of section 60-6,176.

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