

TWENTY-FIFTH DAY - FEBRUARY 9, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 9, 2012

PRAYER

The prayer was offered by Senator Hansen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senator Conrad who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

REPORT

The following report was received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)

Clean Water State Revolving Fund Revenue Bonds Series 2011

ANNOUNCEMENT

The Chair announced today is Senator Smith's birthday.

GENERAL FILE

LEGISLATIVE BILL 1118. Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 928. Placed on General File.

(Signed) Chris Langemeier, Chairperson
Urban Affairs

LEGISLATIVE BILL 932. Indefinitely postponed.

(Signed) Amanda McGill, Chairperson

GENERAL FILE**LEGISLATIVE BILL 446.** Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 801. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

COMMITTEE REPORTS

Transportation and Telecommunications

LEGISLATIVE BILL 803. Placed on General File with amendment.
AM1811

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 60-601, Revised Statutes Supplement,
4 2011, is amended to read:
5 60-601 Sections 60-601 to 60-6,380 and section 2 of this
6 act shall be known and may be cited as the Nebraska Rules of the
7 Road.
8 Sec. 2. (1) The driver of any vehicle involved in an
9 accident as described in section 60-696 or 60-697 to which a peace
10 officer is called shall provide the peace officer with the driver's
11 name, address, and telephone number and the driver's operator's
12 license and proof of financial responsibility as defined in section
13 60-501.
14 (2)(a) If (i) a driver fails to comply with subsection
15 (1) of this section or (ii) the driver is unable to comply
16 with the operator's license and proof of financial responsibility
17 portions of subsection (1) of this section and the peace officer is
18 unable to confirm the issuance of a valid operator's license for
19 the driver and proof of financial responsibility for the vehicle

20 involved in the accident, such driver shall have his or her vehicle
 21 immediately impounded until the operator's license and proof of
 22 financial responsibility are provided to a peace officer.

23 (b) Any vehicle impounded under this subsection shall be
 1 released:

2 (i) To the holder of a bona fide lien on the vehicle
 3 executed prior to such impoundment when possession of the vehicle
 4 is requested as provided by law by such lienholder for purposes of
 5 foreclosing and satisfying his or her lien on the vehicle;

6 (ii) To the titled owner of the vehicle when the titled
 7 owner is a lessor. Upon learning the address or telephone number
 8 of the rental or leasing company which owns the vehicle, the
 9 impounding law enforcement agency shall immediately contact the
 10 company and inform it that the vehicle is available for the company
 11 to take possession; or

12 (iii) To the registered owner, a registered co-owner,
 13 or a spouse of the owner upon good cause shown by an affidavit
 14 or otherwise to the court before which the complaint is pending
 15 against the driver that the impounded vehicle is essential to the
 16 livelihood of the owner, co-owner, or spouse or the dependents of
 17 such owner, co-owner, or spouse.

18 (c) Any person who, at the direction of a peace officer,
 19 tows and stores a vehicle pursuant to this section shall have
 20 a lien upon such vehicle while in his or her possession for
 21 reasonable towing and storage charges and shall have a right to
 22 retain such vehicle until such charges are paid.

23 (d) If the registered owner of a vehicle was not the
 24 driver of the vehicle whose actions caused the vehicle to be
 25 impounded, the registered owner of the vehicle may recover civilly
 26 from the driver of the vehicle all expenses incurred by reason
 27 of the impoundment. In the case of a criminal action, the court
 1 may order such driver of the vehicle to pay restitution to the
 2 registered owner in an amount equal to any expenses incurred with
 3 respect to impoundment.

4 Sec. 3. Original section 60-601, Revised Statutes
 5 Supplement, 2011, is repealed.

LEGISLATIVE BILL 1039. Placed on General File with amendment.
 AM1796

1 1. Strike the original sections and insert the following
 2 new sections:

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

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

8 The following point system shall be adopted:

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

- 10 (2) Third offense drunken driving in violation of any
11 city or village ordinance or of section 60-6,196, as disclosed by
12 the records of the director, regardless of whether the trial court
13 found the same to be a third offense - 12 points;
- 14 (3) Failure to stop and render aid as required under
15 section 60-697 in the event of involvement in a motor vehicle
16 accident resulting in the death or personal injury of another - 6
17 points;
- 18 (4) Failure to stop and report as required under section
19 60-696 or any city or village ordinance in the event of a motor
20 vehicle accident resulting in property damage - 6 points;
- 21 (5) Driving a motor vehicle while under the influence
22 of alcoholic liquor or any drug or when such person has a
23 concentration of eight-hundredths of one gram or more by weight of
1 alcohol per one hundred milliliters of his or her blood or per two
2 hundred ten liters of his or her breath in violation of any city or
3 village ordinance or of section 60-6,196 - 6 points;
- 4 (6) Willful reckless driving in violation of any city or
5 village ordinance or of section 60-6,214 or 60-6,217 - 6 points;
- 6 (7) Careless driving in violation of any city or village
7 ordinance or of section 60-6,212 - 4 points;
- 8 (8) Negligent driving in violation of any city or village
9 ordinance - 3 points;
- 10 (9) Reckless driving in violation of any city or village
11 ordinance or of section 60-6,213 - 5 points;
- 12 (10) Speeding in violation of any city or village
13 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:
- 14 (a) Not more than five miles per hour over the speed
15 limit - 1 point;
- 16 (b) More than five miles per hour but not more than ten
17 miles per hour over the speed limit - 2 points;
- 18 (c) More than ten miles per hour but not more than
19 thirty-five miles per hour over the speed limit - 3 points, except
20 that one point shall be assessed upon conviction of exceeding by
21 not more than ten miles per hour, two points shall be assessed
22 upon conviction of exceeding by more than ten miles per hour but
23 not more than fifteen miles per hour, and three points shall be
24 assessed upon conviction of exceeding by more than fifteen miles
25 per hour but not more than thirty-five miles per hour the speed
26 limits provided for in subdivision (1)(e), (f), (g), or (h) of
27 section 60-6,186; and
- 1 (d) More than thirty-five miles per hour over the speed
2 limit - 4 points;
- 3 (11) Failure to yield to a pedestrian not resulting in
4 bodily injury to a pedestrian - 2 points;
- 5 (12) Failure to yield to a pedestrian resulting in bodily
6 injury to a pedestrian - 4 points;
- 7 (13) Using a handheld wireless communication device in
8 violation of section 60-6,179.01 - 3 points;

9 (14) Unlawful obstruction or interference of the view of
 10 an operator in violation of section 60-6,256 - 1 point; ~~and~~
 11 (15) A violation of subsection (1) of section 60-6,175 -
 12 3 points; and
 13 ~~(15)~~(16) All other traffic violations involving the
 14 operation of motor vehicles by the operator for which reports
 15 to the Department of Motor Vehicles are required under sections
 16 60-497.01 and 60-497.02 - 1 point.

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

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

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

4 The point system shall not apply to persons convicted
 5 of traffic violations committed while operating a bicycle or an
 6 electric personal assistive mobility device as defined in section
 7 60-618.02.

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

10 60-6,175 (1) Upon meeting or overtaking, from the front
 11 or rear, any school bus on which the ~~stop-yellow~~ warning signal
 12 lights are flashing, the driver of a motor vehicle shall reduce
 13 the speed of such vehicle to not more than twenty-five miles per
 14 hour, shall bring such vehicle to a complete stop when the school
 15 bus is stopped, the stop signal arm is extended, and the flashing
 16 red signal lights are turned on, and shall remain stopped until
 17 the flashing red signal lights are turned off, the stop signal
 18 arm is retracted, and the school bus resumes motion, ~~or until~~
 19 ~~signaled by the bus driver to proceed.~~ This section shall not
 20 apply to approaching traffic in the opposite direction on a divided
 21 highway or to approaching traffic when there is displayed a sign
 22 as provided in subsection ~~(7)~~(8) of this section directing traffic
 23 to proceed. Any person violating this subsection shall be guilty of
 24 a Class IV misdemeanor, shall be fined five hundred dollars, and
 25 shall be assessed points on his or her motor vehicle operator's
 26 license pursuant to section 60-4,182.

27 (2) Except as provided in subsection ~~(7)~~(8) of this
 1 section, the driver of any school bus, when stopping to receive or
 2 discharge pupils, shall turn on flashing ~~stop-yellow~~ warning signal
 3 lights at a distance of not less than three hundred feet when

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

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

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

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

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

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

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

19 ~~(7)-(8)~~ When a school bus is (a) parked in a designated
 20 school bus loading area which is out of the flow of traffic and
 21 which is adjacent to a school site or (b) parked on a roadway
 22 which possesses more than one lane of traffic flowing in the same
 23 direction and which is adjacent to a school site, the bus driver
 24 shall engage only the ~~flashing stop-hazard~~ warning signal ~~flasher~~
 25 lights when receiving or discharging pupils if a school bus loading

26 area warning sign is displayed. Such signs shall not be directly
 27 attached to any school bus but shall be free standing and placed
 1 at the rear of a parked school bus or line of parked school buses.
 2 No school district shall utilize a school bus loading area warning
 3 sign unless such sign complies with the requirements of section
 4 60-6,176.
 5 Sec. 3. Original section 60-6,175, Reissue Revised
 6 Statutes of Nebraska, and section 60-4,182, Revised Statutes
 7 Supplement, 2011, are repealed.

(Signed) Deb Fischer, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 365. Reported to the Legislature for further consideration.

(Signed) John Wightman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 841. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 790. Title read. Considered.

SENATOR GLOOR PRESIDING

Advanced to Enrollment and Review Initial with 27 ayes, 11 nays, 7 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB1118. No objections. So ordered.

Senator Council asked unanimous consent to add her name as cointroducer to LB599. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 members of Hall County Leadership Unlimited.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:52 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Monday, February 13, 2012.

Patrick J. O'Donnell
Clerk of the Legislature