

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1009

Introduced by Murante, 49; Friesen, 34.

Read first time January 16, 2018

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to roads; to amend section 39-1803, Reissue
2 Revised Statutes of Nebraska, sections 60-4,182, 60-601, and 60-605,
3 Revised Statutes Cumulative Supplement, 2016, and sections 39-2103
4 and 60-6,186, Revised Statutes Supplement, 2017; to provide a super-
5 two rural highway classification; to define a term; to change
6 maximum highway speed limits as prescribed; to harmonize provisions;
7 and to repeal the original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1803, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 39-1803 (1) In any case in which the boundary line of an
4 incorporated city extends in and along a public road, which road has not
5 been paved or macadamized, then the county board of any county in which
6 such road lies is hereby authorized and empowered to maintain and keep in
7 repair and proper condition for travel the full width of such road,
8 including the portion which lies within the corporate limits as well as
9 the portion which lies outside of the corporate limits, and to pay the
10 cost and expense of such maintenance, repair, and upkeep, so long as the
11 road remains unpaved.

12 (2) A county may enter into an agreement under the Interlocal
13 Cooperation Act with a city or village located in such county to
14 appropriate and use county road funds for the improvement, maintenance,
15 or repair of a road or street that is:

16 (a) Located within the corporate limits of the city or village if
17 the street is classified as other arterial, collector, or local under
18 subdivisions (4) through (6) of section 39-2104 and such street acts as a
19 direct link or extension of an other arterial as described in subdivision
20 (6) ~~(5)~~ of section 39-2103;

21 (b) Located on the boundary between the corporate limits of the city
22 or village and the county; or

23 (c) A city or village road or street directly impacted by county
24 operations or through traffic.

25 Sec. 2. Section 39-2103, Revised Statutes Supplement, 2017, is
26 amended to read:

27 39-2103 Rural highways are hereby divided into ten ~~nine~~ functional
28 classifications as follows:

29 (1) Interstate, which shall consist of the federally designated
30 National System of Interstate and Defense Highways;

31 (2) Expressway, which shall consist of a group of highways following

1 major traffic desires in Nebraska which rank next in importance to the
2 National System of Interstate and Defense Highways. The expressway system
3 is one which ultimately should be developed to multilane divided highway
4 standards;

5 (3) Super-two, which shall consist of two-lane highways designed
6 primarily for through traffic with passing lanes spaced intermittently
7 and on alternating sides of the highway to provide predictable
8 opportunities to pass slower moving vehicles;

9 (4) (3) Major arterial, which shall consist of the balance of routes
10 which serve major statewide interests for highway transportation. This
11 system is characterized by high-speed, relatively long-distance travel
12 patterns;

13 (5) (4) Scenic-recreation, which shall consist of highways or roads
14 located within or which provide access to or through state parks,
15 recreation or wilderness areas, other areas of geographical, historical,
16 geological, recreational, biological, or archaeological significance, or
17 areas of scenic beauty;

18 (6) (5) Other arterial, which shall consist of a group of highways
19 of less importance as through-travel routes which would serve places of
20 smaller population and smaller recreation areas not served by the higher
21 systems;

22 (7) (6) Collector, which shall consist of a group of highways which
23 pick up traffic from many local or land-service roads and carry it to
24 community centers or to the arterial systems. They are the main school
25 bus routes, mail routes, and farm-to-market routes;

26 (8) (7) Local, which shall consist of all remaining rural roads,
27 except minimum maintenance roads and remote residential roads;

28 (9) (8) Minimum maintenance, which shall consist of (a) roads used
29 occasionally by a limited number of people as alternative access roads
30 for areas served primarily by local, collector, or arterial roads or (b)
31 roads which are the principal access roads to agricultural lands for farm

1 machinery and which are not primarily used by passenger or commercial
2 vehicles; and

3 (10) ~~(9)~~ Remote residential, which shall consist of roads or
4 segments of roads in remote areas of counties with (a) a population
5 density of no more than five people per square mile or (b) an area of at
6 least one thousand square miles, and which roads or segments of roads
7 serve as primary access to no more than seven residences. For purposes of
8 this subdivision, residence means a structure which serves as a primary
9 residence for more than six months of a calendar year. Population shall
10 be determined using data from the most recent federal decennial census.

11 The rural highways classified under subdivisions (1) through (4) ~~(3)~~
12 of this section should, combined, serve every incorporated municipality
13 having a minimum population of one hundred inhabitants as determined by
14 the most recent federal decennial census or the most recent revised
15 certified count by the United States Bureau of the Census or sufficient
16 commerce, a part of which will be served by stubs or spurs, and along
17 with rural highways classified under subdivision (5) ~~(4)~~ of this section,
18 should serve the major recreational areas of the state.

19 For purposes of this section, sufficient commerce means a minimum of
20 two hundred thousand dollars of gross receipts under the Nebraska Revenue
21 Act of 1967.

22 Sec. 3. Section 60-4,182, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 60-4,182 In order to prevent and eliminate successive traffic
25 violations, there is hereby provided a point system dealing with traffic
26 violations as disclosed by the files of the director. The following point
27 system shall be adopted:

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

29 (2) Third offense drunken driving in violation of any city or
30 village ordinance or of section 60-6,196, as disclosed by the records of
31 the director, regardless of whether the trial court found the same to be

1 a third offense - 12 points;

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

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

8 (5) Driving a motor vehicle while under the influence of alcoholic
9 liquor or any drug or when such person has a concentration of eight-
10 hundredths of one gram or more by weight of alcohol per one hundred
11 milliliters of his or her blood or per two hundred ten liters of his or
12 her breath in violation of any city or village ordinance or of section
13 60-6,196 - 6 points;

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

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

18 (8) Negligent driving in violation of any city or village ordinance
19 - 3 points;

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

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

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

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

28 (c) More than ten miles per hour but not more than thirty-five miles
29 per hour over the speed limit - 3 points, except that one point shall be
30 assessed upon conviction of exceeding by not more than ten miles per
31 hour, two points shall be assessed upon conviction of exceeding by more

1 than ten miles per hour but not more than fifteen miles per hour, and
2 three points shall be assessed upon conviction of exceeding by more than
3 fifteen miles per hour but not more than thirty-five miles per hour the
4 speed limits provided for in subdivision ~~(1)(f)~~ ~~(1)(e)~~, ~~(g)~~ ~~(f)~~, ~~(h)~~ ~~(g)~~,
5 or ~~(i)~~ ~~(h)~~ of section 60-6,186; and

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

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

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

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

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

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

19 (16) A violation of subsection (1) of section 60-6,175 - 3 points;
20 and

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

24 Subdivision (17) of this section does not include violations
25 involving an occupant protection system or a three-point safety belt
26 system pursuant to section 60-6,270, parking violations, violations for
27 operating a motor vehicle without a valid operator's license in the
28 operator's possession, muffler violations, overwidth, overheight, or
29 overlength violations, motorcycle or moped protective helmet violations,
30 or overloading of trucks.

31 All such points shall be assessed against the driving record of the

1 operator as of the date of the violation for which conviction was had.
2 Points may be reduced by the department under section 60-4,188.

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

6 The point system shall not apply to persons convicted of traffic
7 violations committed while operating a bicycle as defined in section
8 60-611 or an electric personal assistive mobility device as defined in
9 section 60-618.02.

10 Sec. 4. Section 60-601, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 60-601 Sections 60-601 to 60-6,383 and section 6 of this act shall
13 be known and may be cited as the Nebraska Rules of the Road.

14 Sec. 5. Section 60-605, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 60-605 For purposes of the Nebraska Rules of the Road, the
17 definitions found in sections 60-606 to 60-676 and section 6 of this act
18 shall be used.

19 Sec. 6. Super-two highway means a two-lane highway designed
20 primarily for through traffic with passing lanes spaced intermittently
21 and on alternating sides of the highway to provide predictable
22 opportunities to pass slower moving vehicles.

23 Sec. 7. Section 60-6,186, Revised Statutes Supplement, 2017, is
24 amended to read:

25 60-6,186 (1) Except when a special hazard exists that requires lower
26 speed for compliance with section 60-6,185, the limits set forth in this
27 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
28 the maximum lawful speeds unless reduced pursuant to subsection (2) of
29 this section, and no person shall drive a vehicle on a highway at a speed
30 in excess of such maximum limits:

31 (a) Twenty-five miles per hour in any residential district;

1 (b) Twenty miles per hour in any business district;

2 (c) Fifty miles per hour upon any highway that is gravel or not
3 dustless surfaced and not part of the state highway system;

4 (d) Fifty-five miles per hour upon any dustless-surfaced highway not
5 a part of the state highway system;

6 (e) Sixty-five miles per hour upon any four-lane divided highway not
7 a part of the state highway system;

8 (f) Sixty-five ~~(e) Sixty~~ miles per hour upon any part of the state
9 highway system other than an expressway, a super-two highway, or a
10 freeway, ~~except that the Department of Transportation may, where existing~~
11 ~~design and traffic conditions allow, according to an engineering study,~~
12 ~~authorize a speed limit five miles per hour greater~~;

13 (g) Seventy ~~(f) Sixty-five~~ miles per hour upon an expressway or a
14 super-two highway that is part of the state highway system;

15 (h) Seventy ~~(g) Sixty-five~~ miles per hour upon a freeway that is
16 part of the state highway system but not part of the National System of
17 Interstate and Defense Highways; and

18 (i) (h) Seventy-five miles per hour upon the National System of
19 Interstate and Defense Highways, ~~except that: the maximum speed limit~~
20 ~~shall be~~

21 (i) The maximum speed limit shall be sixty-five ~~sixty~~ miles per hour
22 for:

23 (A) (i) Any portion of the National System of Interstate and Defense
24 Highways located in Douglas County; and

25 (B) (ii) That portion of the National System of Interstate and
26 Defense Highways designated as Interstate 180 in Lancaster County and
27 Interstate 129 in Dakota County; and -

28 (ii) The maximum speed limit may be increased up to five miles per
29 hour over seventy-five miles per hour upon the National System of
30 Interstate and Defense Highways as authorized by the Department of
31 Transportation based on an engineering and traffic investigation.

1 (2) The maximum speed limits established in subsection (1) of this
2 section may be reduced by the Department of Transportation or by local
3 authorities pursuant to section 60-6,188 or 60-6,190.

4 (3) The Department of Transportation and local authorities may erect
5 and maintain suitable signs along highways under their respective
6 jurisdictions in such number and at such locations as they deem necessary
7 to give adequate notice of the speed limits established pursuant to
8 subsection (1) or (2) of this section upon such highways.

9 Sec. 8. Original section 39-1803, Reissue Revised Statutes of
10 Nebraska, sections 60-4,182, 60-601, and 60-605, Revised Statutes
11 Cumulative Supplement, 2016, and sections 39-2103 and 60-6,186, Revised
12 Statutes Supplement, 2017, are repealed.