

## LEGISLATIVE BILL 500

Approved by the Governor May 11, 2011

Introduced by Cook, 13.

FOR AN ACT relating to motor vehicles; to amend sections 60-4,182 and 60-6,256, Reissue Revised Statutes of Nebraska; to change penalties relating to unlawful obstruction or interference of the view of an operator of a motor vehicle; and to repeal the original sections.

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

Section 1. Section 60-4,182, Reissue Revised Statutes of Nebraska, is amended to read:

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

- (1) Conviction of motor vehicle homicide - 12 points;
- (2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense - 12 points;
- (3) Failure to stop and render aid as required under section 60-697 in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another - 6 points;
- (4) Failure to stop and report as required under section 60-696 or any city or village ordinance in the event of a motor vehicle accident resulting in property damage - 6 points;
- (5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 - 6 points;
- (6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 - 6 points;
- (7) Careless driving in violation of any city or village ordinance or of section 60-6,212 - 4 points;
- (8) Negligent driving in violation of any city or village ordinance - 3 points;
- (9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 - 5 points;
- (10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:
  - (a) Not more than five miles per hour over the speed limit - 1 point;
  - (b) More than five miles per hour but not more than ten miles per hour over the speed limit - 2 points;
  - (c) More than ten miles per hour but not more than thirty-five miles per hour over the speed limit - 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour but not more than thirty-five miles per hour the speed limits provided for in subdivision (1)(e), (f), (g), or (h) of section 60-6,186; and
  - (d) More than thirty-five miles per hour over the speed limit - 4 points;
- (11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian - 2 points;
- (12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian - 4 points;
- (13) Using a handheld wireless communication device in violation of section 60-6,179.01 - 3 points; and
- (14) Unlawful obstruction or interference of the view of an operator in violation of section 60-6,256 - 1 point; and

~~(14)~~ (15) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

Subdivision ~~(14)~~ (15) of this section does not include violations involving an occupant protection system pursuant to section 60-6,270, parking violations, violations for operating a motor vehicle without a

valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks.

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

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

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

Sec. 2. Section 60-6,256, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,256 (1) It shall be unlawful for any person to operate a motor vehicle with any object placed or hung in or upon ~~such~~ the motor vehicle, except required or permitted equipment of the motor vehicle, in such a manner as to significantly and materially obstruct or interfere with the view of the operator through the windshield or to prevent the operator from having a clear and full view of the road and condition of traffic behind ~~such~~ the motor vehicle. Any sticker or identification authorized or required by the federal government or any agency thereof or the State of Nebraska or any political subdivision thereof may be placed upon the windshield of the motor vehicle without violating the provisions of this section. Any person violating the provisions of this section shall be guilty of a Class V misdemeanor.

(2) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a traffic violation or some other offense.

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

(a) Fifty dollars for the first offense;

(b) One hundred dollars for a second offense; and

(c) One hundred fifty dollars for a third and subsequent offense.

Sec. 3. Original sections 60-4,182 and 60-6,256, Reissue Revised Statutes of Nebraska, are repealed.