

## LEGISLATIVE BILL 621

Approved by the Governor February 13, 2008

Introduced by Pirsch, 4; Ashford, 20; Fulton, 29.

FOR AN ACT relating to motor vehicles; to amend section 60-682.01, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 2007; to change provisions relating to points and fines for speeding; and to repeal the original sections.

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

Section 1. Section 60-4,182, Revised Statutes Supplement, 2007, 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; ~~and~~
    - (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; ~~and~~
  - (13) 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, not including 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 - 1 point.
- 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 60-682.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-682.01 (1) Any person who operates a vehicle in violation of any maximum speed limit established for any highway or freeway is guilty of a traffic infraction and upon conviction shall be fined:

(a) Ten dollars for traveling one to five miles per hour over the authorized speed limit;

(b) Twenty-five dollars for ~~six~~ to traveling over five miles per hour but not over ten miles per hour over the authorized speed limit;

(c) Seventy-five dollars for traveling ~~eleven~~ to over ten miles per hour but not over fifteen miles per hour over the authorized speed limit;

(d) One hundred twenty-five dollars for traveling ~~sixteen~~ to over fifteen miles per hour but not over twenty miles per hour over the authorized speed limit; ~~and~~

(e) Two hundred dollars for traveling ~~twenty-one~~ over twenty miles per hour but not over thirty-five miles per hour ~~or more~~ over the authorized speed limit; ~~and-~~

(f) Three hundred dollars for traveling over thirty-five miles per hour over the authorized speed limit.

(2) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to section 60-6,188. For purposes of this subsection, maintenance, repair, or construction zone means (a) the portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction or (b) the portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to section 60-6,188. The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

(3) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a school crossing zone as defined in section 60-658.01.

Sec. 3. Original section 60-682.01, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 2007, are repealed.