

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 189

Introduced by Harms, 48.

Read first time January 14, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to occupant protection systems; to amend sections
2 60-6,265, 60-6,270, and 60-6,272, Reissue Revised
3 Statutes of Nebraska, and sections 60-4,182, 60-6,267,
4 and 60-6,268, Revised Statutes Cumulative Supplement,
5 2012; to provide for a loss of points under the point
6 system; to update references to federal regulations; to
7 change violation provisions and authorize enforcement of
8 a violation as a primary offense; to increase a fine and
9 eliminate an exemption for court costs; to repeal the
10 original sections; and to outright repeal section
11 60-6,271, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 60-4,182, Revised Statutes Cumulative
2 Supplement, 2012, 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 wear an occupant protection system in

1 violation of section 60-6,270 - 1 point;

2 ~~(11)~~(12) Failure to yield to a pedestrian not resulting
3 in bodily injury to a pedestrian - 2 points;

4 ~~(12)~~(13) Failure to yield to a pedestrian resulting in
5 bodily injury to a pedestrian - 4 points;

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

9 ~~(14)~~(15) Unlawful obstruction or interference of the
10 view of an operator in violation of section 60-6,256 - 1 point;

11 ~~(15)~~(16) A violation of subsection (1) of section
12 60-6,175 - 3 points; and

13 ~~(16)~~(17) All other traffic violations involving the
14 operation of motor vehicles by the operator for which reports to the
15 Department of Motor Vehicles are required under sections 60-497.01
16 and 60-497.02 - 1 point.

17 Subdivision ~~(16)~~(17) 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 a
20 motor vehicle without a valid operator's license in the operator's
21 possession, muffler violations, overwidth, overheight, or overlength
22 violations, motorcycle or moped protective helmet violations, or
23 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

1 conviction was had. Points may be reduced by the department under
2 section 60-4,188.

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

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

9 Sec. 2. Section 60-6,265, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 60-6,265 For purposes of sections 60-6,266 to 60-6,273,
12 occupant protection system means a system utilizing a lap belt, a
13 shoulder belt, or any combination of belts installed in a motor
14 vehicle which (1) restrains drivers and passengers and (2) conforms
15 to Federal Motor Vehicle Safety Standards, 49 C.F.R. 571.207,
16 571.208, 571.209, and 571.210, as such standards existed on January
17 1, ~~2009~~, 2013, or to the federal motor vehicle safety standards for
18 passenger restraint systems applicable for the motor vehicle's model
19 year.

20 Sec. 3. Section 60-6,267, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 60-6,267 (1) Any person in Nebraska who drives any motor
23 vehicle which has or is required to have an occupant protection
24 system shall ensure that all children up to six years of age being
25 transported by such vehicle use a child passenger restraint system of

1 a type which meets Federal Motor Vehicle Safety Standard 213 as
2 developed by the National Highway Traffic Safety Administration, as
3 such standard existed on January 1, ~~2009~~, 2013, and which is
4 correctly installed in such vehicle.

5 (2) Any person in Nebraska who drives any motor vehicle
6 which has or is required to have an occupant protection system shall
7 ensure that all children six years of age and less than eighteen
8 years of age being transported by such vehicle use an occupant
9 protection system.

10 (3) Subsections (1) and (2) of this section apply to
11 every motor vehicle which is equipped with an occupant protection
12 system or is required to be equipped with restraint systems pursuant
13 to Federal Motor Vehicle Safety Standard 208, as such standard
14 existed on January 1, ~~2009~~, 2013, except taxicabs, mopeds,
15 motorcycles, and any motor vehicle designated by the manufacturer as
16 a 1963 year model or earlier which is not equipped with an occupant
17 protection system.

18 (4) Whenever any licensed physician determines, through
19 accepted medical procedures, that use of a child passenger restraint
20 system by a particular child would be harmful by reason of the
21 child's weight, physical condition, or other medical reason, the
22 provisions of subsection (1) or (2) of this section shall be waived.
23 The driver of any vehicle transporting such a child shall carry on
24 his or her person or in the vehicle a signed written statement of the
25 physician identifying the child and stating the grounds for such

1 waiver.

2 (5) The drivers of authorized emergency vehicles shall
3 not be subject to the requirements of subsection (1) or (2) of this
4 section when operating such authorized emergency vehicles pursuant to
5 their employment.

6 (6) A driver of a motor vehicle shall not be subject to
7 the requirements of subsection (1) or (2) of this section if the
8 motor vehicle is being operated in a parade or exhibition and the
9 parade or exhibition is being conducted in accordance with applicable
10 state law and local ordinances and resolutions.

11 (7) The Department of Roads shall develop and implement
12 an ongoing statewide public information and education program
13 regarding the use of child passenger restraint systems and occupant
14 protection systems and the availability of distribution and discount
15 programs for child passenger restraint systems.

16 (8) All persons being transported by a motor vehicle
17 operated by a holder of a provisional operator's permit or a school
18 permit shall use such motor vehicle's occupant protection system.

19 Sec. 4. Section 60-6,268, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 60-6,268 ~~(1)~~—A person violating any provision of
22 subsection (1) or (2) of section 60-6,267 shall be guilty of an
23 infraction as defined in section 29-431 and shall be fined ~~twenty-~~
24 five one hundred dollars for each violation. The failure to provide a
25 child restraint system for more than one child in the same vehicle at

1 the same time, as required in such subsection, shall not be treated
2 as a separate offense.

3 ~~(2) Enforcement of subsection (2) or (8) of section~~
4 ~~60-6,267 shall be accomplished only as a secondary action when an~~
5 ~~operator of a motor vehicle has been cited or charged with a~~
6 ~~violation or some other offense unless the violation involves a~~
7 ~~person under the age of eighteen years riding in or on any portion of~~
8 ~~the vehicle not designed or intended for the use of passengers when~~
9 ~~the vehicle is in motion.~~

10 Sec. 5. Section 60-6,270, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 60-6,270 (1) Except as provided in subsection (2) of this
13 section, no driver shall operate a motor vehicle upon a highway or
14 street in this state unless the driver and each ~~front seat~~ occupant
15 in the vehicle are wearing occupant protection systems and all
16 occupant protection systems worn are properly adjusted and fastened.

17 (2) The following persons shall not be required to wear
18 an occupant protection system:

19 (a) A person who possesses written verification from a
20 physician that the person is unable to wear an occupant protection
21 system for medical reasons;

22 (b) A rural letter carrier of the United States Postal
23 Service while performing his or her duties as a rural letter carrier
24 between the first and last delivery points; and

25 (c) A member of an emergency medical service while

1 involved in patient care.

2 (3) For purposes of this section, motor vehicle shall
3 mean a vehicle required by section 60-6,266 to be equipped with an
4 occupant protection system.

5 Sec. 6. Section 60-6,272, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-6,272 Any person who violates section 60-6,270 shall
8 be guilty of a traffic infraction and shall be fined ~~twenty five~~ one
9 hundred dollars., ~~but no court costs shall be assessed against him~~
10 ~~or her nor shall any points be assessed against the driving record of~~
11 ~~such person.~~ Regardless of the number of persons in such vehicle not
12 wearing an occupant protection system pursuant to such section, only
13 one violation shall be assessed against the driver of such motor
14 vehicle for each time the motor vehicle is stopped and a violation of
15 such section is found.

16 Sec. 7. Original sections 60-6,265, 60-6,270, and
17 60-6,272, Reissue Revised Statutes of Nebraska, and sections
18 60-4,182, 60-6,267, and 60-6,268, Revised Statutes Cumulative
19 Supplement, 2012, are repealed.

20 Sec. 8. The following section is outright repealed:
21 Section 60-6,271, Reissue Revised Statutes of Nebraska.