

E AND R AMENDMENTS TO LB 1009

Introduced by Wishart, 27, Chairman Enrollment and Review

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

3 Section 1. Section 39-2103, Revised Statutes Supplement, 2017, is
4 amended to read:

5 39-2103 Rural highways are hereby divided into nine functional
6 classifications as follows:

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

9 (2) Expressway, which shall consist of a group of highways following
10 major traffic desires in Nebraska which rank next in importance to the
11 National System of Interstate and Defense Highways. The expressway system
12 is one which ultimately should be developed to multilane divided highway
13 standards;

14 (3) Major arterial, which shall consist of the balance of routes
15 which serve major statewide interests for highway transportation. This
16 includes super-two, which shall consist of two-lane highways designed
17 primarily for through traffic with passing lanes spaced intermittently
18 and on alternating sides of the highway to provide predictable
19 opportunities to pass slower moving vehicles. This system is
20 characterized by high-speed, relatively long-distance travel patterns;

21 (4) Scenic-recreation, which shall consist of highways or roads
22 located within or which provide access to or through state parks,
23 recreation or wilderness areas, other areas of geographical, historical,
24 geological, recreational, biological, or archaeological significance, or
25 areas of scenic beauty;

26 (5) Other arterial, which shall consist of a group of highways of
27 less importance as through-travel routes which would serve places of

1 smaller population and smaller recreation areas not served by the higher
2 systems;

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

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

9 (8) Minimum maintenance, which shall consist of (a) roads used
10 occasionally by a limited number of people as alternative access roads
11 for areas served primarily by local, collector, or arterial roads or (b)
12 roads which are the principal access roads to agricultural lands for farm
13 machinery and which are not primarily used by passenger or commercial
14 vehicles; and

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

23 The rural highways classified under subdivisions (1) through (3) of
24 this section should, combined, serve every incorporated municipality
25 having a minimum population of one hundred inhabitants as determined by
26 the most recent federal decennial census or the most recent revised
27 certified count by the United States Bureau of the Census or sufficient
28 commerce, a part of which will be served by stubs or spurs, and along
29 with rural highways classified under subdivision (4) of this section,
30 should serve the major recreational areas of the state.

31 For purposes of this section, sufficient commerce means a minimum of

1 two hundred thousand dollars of gross receipts under the Nebraska Revenue
2 Act of 1967.

3 Sec. 2. Section 60-4,182, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

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

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

10 (2) Third offense drunken driving in violation of any city or
11 village ordinance or of section 60-6,196, as disclosed by the records of
12 the director, regardless of whether the trial court found the same to be
13 a third offense - 12 points;

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

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

20 (5) Driving a motor vehicle while under the influence of alcoholic
21 liquor or any drug or when such person has a concentration of eight-
22 hundredths of one gram or more by weight of alcohol per one hundred
23 milliliters of his or her blood or per two hundred ten liters of his or
24 her breath in violation of any city or village ordinance or of section
25 60-6,196 - 6 points;

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

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

30 (8) Negligent driving in violation of any city or village ordinance
31 - 3 points;

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

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

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

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

9 (c) More than ten miles per hour but not more than thirty-five miles
10 per hour over the speed limit - 3 points, except that one point shall be
11 assessed upon conviction of exceeding by not more than ten miles per
12 hour, two points shall be assessed upon conviction of exceeding by more
13 than ten miles per hour but not more than fifteen miles per hour, and
14 three points shall be assessed upon conviction of exceeding by more than
15 fifteen miles per hour but not more than thirty-five miles per hour the
16 speed limits provided for in subdivision (1)(f) ~~(1)(e)~~, (g) ~~(f)~~, (h) ~~(g)~~,
17 or (i) ~~(h)~~ of section 60-6,186; and

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

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

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

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

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

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

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

1 and

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

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

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

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

18 The point system shall not apply to persons convicted of traffic
19 violations committed while operating a bicycle as defined in section
20 60-611 or an electric personal assistive mobility device as defined in
21 section 60-618.02.

22 Sec. 3. Section 60-601, Revised Statutes Cumulative Supplement,
23 2016, is amended to read:

24 60-601 Sections 60-601 to 60-6,383 and section 5 of this act shall
25 be known and may be cited as the Nebraska Rules of the Road.

26 Sec. 4. Section 60-605, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 60-605 For purposes of the Nebraska Rules of the Road, the
29 definitions found in sections 60-606 to 60-676 and section 5 of this act
30 shall be used.

31 Sec. 5. Super-two highway means a two-lane highway designed

1 primarily for through traffic with passing lanes spaced intermittently
2 and on alternating sides of the highway to provide predictable
3 opportunities to pass slower moving vehicles.

4 Sec. 6. Section 60-6,186, Revised Statutes Supplement, 2017, is
5 amended to read:

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

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

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

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

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

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

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

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

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

30 (i) (h) Seventy-five miles per hour upon the National System of
31 Interstate and Defense Highways, except that the maximum speed limit

1 shall be sixty-five ~~sixty~~ miles per hour for:

2 (i) Any portion of the National System of Interstate and Defense
3 Highways located in Douglas County; and

4 (ii) That portion of the National System of Interstate and Defense
5 Highways designated as Interstate 180 in Lancaster County and Interstate
6 129 in Dakota County.

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

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

15 Sec. 7. Original sections 60-4,182, 60-601, and 60-605, Revised
16 Statutes Cumulative Supplement, 2016, and sections 39-2103 and 60-6,186,
17 Revised Statutes Supplement, 2017, are repealed.

18 2. On page 1, strike beginning with "section" in line 1 through
19 "classification" in line 5 and insert "sections 60-4,182, 60-601, and
20 60-605, Revised Statutes Cumulative Supplement, 2016, and sections
21 39-2103 and 60-6,186, Revised Statutes Supplement, 2017; to change the
22 rural highway classification of major arterial to include super-two
23 highways".