

LEGISLATIVE BILL 590

Approved by the Governor January 24, 1974

Introduced by Carpenter, 48, Chmn., Executive Board

AN ACT to amend section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to correct internal references in harmony with previous legislation; to repeal the original section; and to declare an emergency.

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

Section. 1. That section 39-7,128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,128. 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 ~~of the Department~~ of Motor Vehicles. The following point system shall be adopted:

(1) Conviction of a felony in the commission of which a motor vehicle was used -- 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 39-727, 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) Third offense reckless driving or willful reckless driving, or any combination of the two, in violation of any city or village ordinance or sections 39-7,107 to 39-7,107.05, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense -- 12 points;

(4) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another -- 12 points;

(5) Failure to stop and render aid as required under the laws of this state or any city or village ordinance in the event of a motor vehicle accident resulting in property damage if such accident is reported by the owner or operator within twelve hours from the time of the accident -- 4 points, otherwise -- 8 points, and for purposes of this subdivision a telephone call or

other notification to the appropriate peace officers shall be deemed to be a report;

(6) Driving a motor vehicle while under the influence of alcoholic liquor or any drug in violation of any city or village ordinance or of section 39-727 -- 6 points;

(7) Willful reckless driving in violation of any city or village ordinance or of section 39-7,107.02 or 39-7,107.04 -- 6 points;

(8) Careless driving in violation of any city or village ordinance or of section 39-669 -- 4 points;

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

(10) Reckless driving in violation of any city or village ordinance or of section 39-7,107 -- 5 points;

(11) Speeding in violation of any city or village ordinance or of section ~~39-723--or--39-7,408~~ 39-662, 39-663, or 39-666: (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 over the speed limit -- 3 points; and

(12) 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 39-794 and 39-795, not including parking violations, muffler violations, or overloading of trucks -- 2 points.

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.

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.

Sec. 2. That original section 39-7,12c, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.