

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 616

Introduced by Cavanaugh, J., 9.

Read first time January 22, 2025

Committee:

1 A BILL FOR AN ACT relating to traffic violations; to amend sections
2 29-3606, 60-4,182, and 60-3203, Reissue Revised Statutes of
3 Nebraska, and sections 60-392 and 60-601, Revised Statutes
4 Cumulative Supplement, 2024; to provide for enforcement of red light
5 violations using automatic license plate reader systems as
6 prescribed; to define terms; to provide for waiver of a fee for a
7 driver safety training program; to harmonize provisions; and to
8 repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 29-3606, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-3606 (1) A pretrial diversion plan for minor traffic violations
4 shall consist of a driver's safety training program.

5 (2) A driver's safety training program shall:

6 (a) Provide a curriculum of driver's safety training, as approved by
7 the department, which is designed to educate persons committing minor
8 traffic violations and to deter future violations; and

9 (b) Except as provided in section 5 of this act, require ~~Require~~
10 payment of a fee approved by the department which is reasonable and
11 appropriate to defray the cost of the presentation of the program. A
12 jurisdiction shall charge a uniform fee for participation in a driver's
13 safety training program regardless of the traffic violation for which the
14 applicant was cited. Fees received by a jurisdiction offering a driver's
15 safety training program may be utilized by such jurisdiction to pay for
16 the costs of administering and operating such program, to promote driver
17 safety, and to pay for the costs of administering and operating other
18 safety and educational programs within such jurisdiction.

19 (3) The program administrator of each driver's safety training
20 program shall keep a record of attendees and shall be responsible for
21 determining eligibility. A report of attendees at all driver's safety
22 training programs in the state shall be shared only with similar programs
23 throughout the state. All procedures for sharing records of attendees
24 among such programs shall conform with the rules and regulations adopted
25 and promulgated by the department to assure that no individual takes the
26 approved course more than once within any three-year period in Nebraska.
27 Such record of attendees and any related records shall not be considered
28 a public record as defined in section 84-712.01.

29 (4) The department shall approve the curriculum and fees of each
30 program and shall adopt and promulgate rules and regulations governing
31 such programs, including guidelines for fees, curriculum, and instructor

1 certification.

2 **Sec. 2.** Section 60-392, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 60-392 (1) Except as provided otherwise in this section,
5 registration may be renewed annually in a manner designated by the
6 department and upon payment of the same fee as provided for the original
7 registration and upon payment of any fee required under section 5 of this
8 act. On making an application for renewal, the registration certificate
9 for the preceding registration period or renewal notice or other evidence
10 designated by the department shall be presented with the application. A
11 person may renew an annual registration up to thirty days prior to the
12 date of expiration.

13 (2) The certificate of registration and license plates issued by the
14 department shall be valid during the registration period for which they
15 are issued, and when validation decals issued pursuant to section
16 60-3,101 have been affixed to the license plates, the plates shall also
17 be valid for the registration period designated by such validation
18 decals. If a person renews an annual registration up to thirty days prior
19 to the date of expiration, the registration shall be valid for such time
20 period as well.

21 (3) The registration period for motor vehicles and trailers required
22 to be registered as provided in section 60-362 shall expire on the first
23 day of the month one year from the month of issuance, and renewal shall
24 become due on such day and shall become delinquent on the first day of
25 the following month.

26 (4) Subsections (1) through (3) of this section do not apply to
27 dealer's license plates, repossession plates, and transporter plates as
28 provided in sections 60-373, 60-375, 60-378, and 60-379, which plates
29 shall be issued for a calendar year.

30 (5) The registration period for apportioned vehicles as provided in
31 section 60-3,198 shall be renewed monthly, quarterly, or annually at the

1 discretion of the director. Such registration period expires on the last
2 day of the registration period and renewal is delinquent on the first day
3 of the second full month following such expiration date. The department
4 may adopt and promulgate rules and regulations to establish a staggered
5 registration system for apportioned vehicles registered pursuant to
6 section 60-3,198, including the collection of eighteen or fewer months of
7 registration fees.

8 **Sec. 3.** Section 60-4,182, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 60-4,182 In order to prevent and eliminate successive traffic
11 violations, there is hereby provided a point system dealing with traffic
12 violations as disclosed by the files of the director. The following point
13 system shall be adopted:

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

15 (2) Third offense drunken driving in violation of any city or
16 village ordinance or of section 60-6,196, as disclosed by the conviction
17 record of the court's order - 12 points;

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

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

24 (5) Driving a motor vehicle while under the influence of alcoholic
25 liquor or any drug or when such person has a concentration of eight-
26 hundredths of one gram or more by weight of alcohol per one hundred
27 milliliters of his or her blood or per two hundred ten liters of his or
28 her breath in violation of any city or village ordinance or of section
29 60-6,196 - 6 points;

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

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

3 (8) Negligent driving in violation of any city or village ordinance
4 - 3 points;

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

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

9 (a) More than five miles per hour but not more than ten miles per
10 hour over the speed limit - 2 points;

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

20 (c) More than thirty-five miles per hour over the speed limit - 4
21 points;

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

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

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

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

31 (15) Unlawful obstruction or interference of the view of an operator

1 in violation of section 60-6,256 - 1 point;

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

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

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

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

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

21 The point system shall not apply to persons convicted of traffic
22 violations committed while operating a bicycle as defined in section
23 60-611 or an electric personal assistive mobility device as defined in
24 section 60-618.02.

25 **Sec. 4.** Section 60-601, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 60-601 Sections 60-601 to 60-6,383 and section 5 of this act shall
28 be known and may be cited as the Nebraska Rules of the Road.

29 **Sec. 5.** (1) For purposes of this section:

30 (a) Automatic license plate reader system has the same meaning as in
31 section 60-3202; and

1 (b) Red light violation means a violation of section 60-6,123
2 involving a steady circular red indication or a steady red arrow
3 indication.

4 (2) A local authority may enforce red light violations by use of any
5 automatic license plate reader system if the following requirements are
6 met:

7 (a) The violator is offered a choice to pay a fee or to participate
8 in a driver's safety training program offered pursuant to a pretrial
9 diversion plan for minor traffic violations as provided in sections
10 29-3605 to 29-3609;

11 (b) If the violator participates in such driver's safety training
12 program, the local authority shall waive the fee for such program;

13 (c) No points shall be assessed for the violation under section
14 60-4,182; and

15 (d) No warrant shall be issued for failure to pay the fee or
16 participate in the driver's safety training program.

17 (3) If a person does not complete the driver's safety training
18 program and does not pay the fee, the person shall pay the fee to the
19 county treasurer as a precondition of renewing any registration under
20 section 60-392. The county treasurer shall allocate the proceeds of the
21 fee to each county, local school system, school district, city, and
22 village in the tax district in which the motor vehicle has situs.

23 (4) Any evidence or information obtained or derived from an
24 automatic license plate reader system under this section shall not be
25 admissible in any proceeding not involving enforcement of this section.

26 **Sec. 6.** Section 60-3203, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-3203 (1) Except as otherwise provided in this section or in
29 section 60-3204, the use of an automatic license plate reader system by a
30 governmental entity is prohibited.

31 (2) An automatic license plate reader system may be used when such

1 use is:

2 (a) By a law enforcement agency of a governmental entity for the
3 purpose of:

4 (i) Identifying identifying:

5 (A) ~~(i)~~ Outstanding parking or traffic violations;

6 (B) ~~(ii)~~ An unregistered or uninsured vehicle;

7 (C) ~~(iii)~~ A vehicle in violation of the vehicle equipment
8 requirements set forth under the Nebraska Rules of the Road;

9 (D) ~~(iv)~~ A vehicle in violation of any other vehicle registration
10 requirement;

11 (E) ~~(v)~~ A vehicle registered to an individual for whom there is an
12 outstanding warrant;

13 (F) ~~(vi)~~ A vehicle associated with a missing person;

14 (G) ~~(vii)~~ A vehicle that has been reported as stolen; or

15 (H) ~~(viii)~~ A vehicle that is relevant and material to an ongoing
16 criminal investigation; or

17 (ii) Enforcing a red light violation pursuant to section 5 of this
18 act;

19 (b) By a parking enforcement entity for regulating the use of a
20 parking facility;

21 (c) For the purpose of controlling access to a secured area;

22 (d) For the purpose of electronic toll collection; or

23 (e) To assist weighing stations in performing their duties under
24 section 60-1301.

25 **Sec. 7.** Original sections 29-3606, 60-4,182, and 60-3203, Reissue
26 Revised Statutes of Nebraska, and sections 60-392 and 60-601, Revised
27 Statutes Cumulative Supplement, 2024, are repealed.