

*Jim Weiss*

DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

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June 19, 1985

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NO.  
STATE OF NEBRASKA  
OFFICIAL  
JUN 26 1985  
DEPT. OF JUSTICE

SUBJECT: Penalties for Violations of Motor Vehicle Laws

REQUESTED BY: Vernon Tweedie  
Deputy County Attorney  
Red Willow County

OPINION BY: Robert M. Spire  
Attorney General

Jill Gradwohl  
Assistant Attorney General

QUESTION: What is the penalty for offenses in Chapter 39, article 6, defined by sections following §39-6,122 which do not have specific penalties declared?

CONCLUSION: One who is found guilty of a traffic infraction in violation of Chapter 39, article 6, for which a penalty has not been specifically provided shall be fined in accordance with Neb.Rev.Stat. §39-6,112 (Reissue 1984).

You have inquired what the penalty is for offenses in Chapter 39, article 6, defined by sections following §39-6,122 which offenses do not specifically provide a penalty for violation thereof. Neb.Rev.Stat. §39-6,112 (Reissue 1984) provides as follows:

Any person who is found guilty of a traffic infraction in violation of Chapter 39, article 6, or of Chapter 39, article 7, for which a penalty has not been specifically provided shall be fined: (1) not more than one hundred dollars for the first offense, (2) not more than two hundred dollars for a second offense

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within a one-year period, and (3) not more than three hundred dollars for a third and subsequent offense within a one-year period.

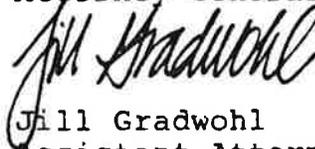
Violations of offenses in Chapter 39, article 6, defined by sections following §39-6,122 would fall within the definition of a traffic infraction. Neb.Rev.Stat. §39-602(107) (Reissue 1984) defines "traffic infraction" as follows:

Traffic infraction shall mean the violation of any provision of §§39-601 to 39-6,122 or of any law, ordinance, order, rule, or regulation relating traffic which is not otherwise declared to be a misdemeanor or a felony and which shall be a civil offense.

Section 39-6,112 applies to violations of any provision contained in Chapter 39, article 6. Further, the definition of a "traffic infraction" is not limited to those violations defined in §§39-601 to 39-6,122. Therefore, the penalty provisions contained in Neb.Rev.Stat. §39-6,112 apply when any provision contained in Chapter 39, article 6, for which no specific penalty is provided, is violated.

Sincerely,

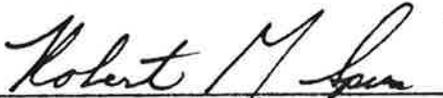
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