

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB836

Hearing Date: February 06, 2008

Committee On: Health and Human Services

Introducer(s): (Howard)

Title: Prohibit smoking in a vehicle when minors are present

Roll Call Vote - Final Committee Action:

Indefinitely Postponed

Vote Results:

5 Yes	Senators Erdman, Gay, Hansen, Pankonin, Stuthman
1 No	Senators Howard
1 Absent	Senators Johnson
0 Present, not voting	

Proponents:

Representing:

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or change:

LB 836 relates to the Nebraska Rules of the Road. The bill prohibits any person in a motor vehicle from smoking when a person under sixteen years of age is in the vehicle, even if the vehicle's windows are down.

Smoking is defined as "inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner or in any form."

Violators are subject to a fine of at least fifty dollars (\$50) but not more than one hundred fifty dollars (\$150). Fines for a first offense will be eliminated for persons who prove that they have entered a smoking cessation program.

Probable cause for a violation is based solely on a peace officer's clear and unobstructed view of a person smoking as prohibited in the bill. Violations are a primary offense.

A violation is considered a nonmoving violation, and a citation will not be included on the operator's driving record. Violators, however, will be assessed one point against their operator's license (section 60-4,182).

A violation may not be considered evidence of negligence, may not limit the liability of an insurer, and may not diminish recovery of any damages arising out of the ownership, maintenance, or operation of a vehicle.

Explanation of amendments, if any:

Senator Joel Johnson, Chairperson