

**ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010**  
**COMMITTEE STATEMENT**  
**LB945**

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**Hearing Date:** Tuesday February 09, 2010  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Harms  
**One Liner:** Prohibit use of handheld wireless communication devices while driving

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	6	Senators Campbell, Gay, Hadley, Lautenbaugh, Louden, Stuthman
<b>Nay:</b>	1	Senator Fischer
<b>Absent:</b>	1	Senator Janssen
<b>Present Not Voting:</b>		

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**Proponents:**

Senator John Harms  
Jillian Humphries  
Robert Reynolds  
Kristen Gottschalk  
Laurie Klosterboer  
William Mulherin

**Representing:**

Introducer  
Omaha Benson High School  
self  
Nebraska Rural Electric Association  
Nebraska Safety Council  
National Safety Council, Greater Omaha Chapter

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**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 945 would prohibit text messaging from a wireless device while driving.

The bill would prohibit the use of a handheld wireless communication device to read, manually type, or send a written communication while operating a motor vehicle which is in motion.

A handheld wireless communication device means any device that is capable of receiving, displaying, or transmitting written communication, including a mobile/cellular phone, a text messaging device, a personal digital assistant, a pager, or a laptop computer. A device that is permanently attached to the vehicle or a hands-free wireless device is exempted from the definition.

A written communication includes a text message, instant message, e-mail, and Internet websites.

The bill provides exceptions for law enforcement and emergency personnel, or a person driving in an emergency situation.

The bill would make a violation a traffic infraction that would include a \$200 fine for a first offense, \$300 fine for a second offense, and a \$500 fine for any subsequent offense. Each offense would also include a deduction of 3 points from a violator's driving point system record.

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**Explanation of amendments:**

The committee amendment, AM 2098, provides clarifying language that LB 945 only pertains to a written communication activity.

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Deb Fischer, Chairperson