

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 471**

Introduced by Kolowski, 31.

Read first time January 17, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 section 60-6,179.01, Revised Statutes Cumulative Supplement, 2016;
- 3 to provide for the enforcement of the prohibition against using a
- 4 handheld wireless communication device as a primary action; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,179.01, Revised Statutes Cumulative  
2 Supplement, 2016, is amended to read:

3 60-6,179.01 (1) This section does not apply to an operator of a  
4 commercial motor vehicle if section 60-6,179.02 applies.

5 (2) Except as otherwise provided in subsection (3) of this section,  
6 no person shall use a handheld wireless communication device to read a  
7 written communication, manually type a written communication, or send a  
8 written communication while operating a motor vehicle which is in motion.

9 (3) The prohibition in subsection (2) of this section does not apply  
10 to:

11 (a) A person performing his or her official duties as a law  
12 enforcement officer, a firefighter, an ambulance driver, or an emergency  
13 medical technician; or

14 (b) A person operating a motor vehicle in an emergency situation.

15 ~~(4) Enforcement of this section by state or local law enforcement~~  
16 ~~agencies shall be accomplished only as a secondary action when a driver~~  
17 ~~of a motor vehicle has been cited or charged with a traffic violation or~~  
18 ~~some other offense.~~

19 (4) ~~(5)~~ Any person who violates this section shall be guilty of a  
20 traffic infraction. Any person who is found guilty of a traffic  
21 infraction under this section shall be assessed points on his or her  
22 motor vehicle operator's license pursuant to section 60-4,182 and shall  
23 be fined:

24 (a) Two hundred dollars for the first offense;

25 (b) Three hundred dollars for a second offense; and

26 (c) Five hundred dollars for a third and subsequent offense.

27 (5) ~~(6)~~ For purposes of this section:

28 (a) Commercial motor vehicle has the same meaning as in section  
29 75-362;

30 (b)(i) Handheld wireless communication device means any device that  
31 provides for written communication between two or more parties and is

1 capable of receiving, displaying, or transmitting written communication.

2 (ii) Handheld wireless communication device includes, but is not  
3 limited to, a mobile or cellular telephone, a text messaging device, a  
4 personal digital assistant, a pager, or a laptop computer.

5 (iii) Handheld wireless communication device does not include an  
6 electronic device that is part of the motor vehicle or permanently  
7 attached to the motor vehicle or a handsfree wireless communication  
8 device; and

9 (c) Written communication includes, but is not limited to, a text  
10 message, an instant message, electronic mail, and Internet web sites.

11 Sec. 2. Original section 60-6,179.01, Revised Statutes Cumulative  
12 Supplement, 2016, is repealed.