

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 594

Introduced by Prokop, 27.

Read first time January 22, 2025

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicles; to amend section
2 60-6,179.01, Reissue Revised Statutes of Nebraska; to change and
3 eliminate provisions relating to the use of handheld wireless
4 communication devices while operating a motor vehicle; and to repeal
5 the original section.
6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 60-6,179.01, Reissue Revised Statutes of
2 Nebraska, 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 physically hold or support with any part of his or her
7 body, or otherwise use, a handheld wireless communication device while
8 operating a motor vehicle that is in motion. ~~to read a written~~
9 ~~communication, manually type a written communication, or send a written~~
10 ~~communication while operating a motor vehicle which is in motion.~~

11 (3)(a) ~~(3)~~ The prohibition in subsection (2) of this section does
12 not apply to:

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

16 (ii) Any employee or contractor of a utility service provider who is
17 responding to a utility emergency; or

18 (iii) ~~(b)~~ A person operating a motor vehicle in an emergency
19 situation, but only if such person is communicating or attempting to
20 communicate with emergency services.

21 (b) The prohibition in subdivisions (2)(a), (b), and (c) of this
22 section does not apply to any person who is operating a motor vehicle
23 that is in motion if such person is using the handheld wireless
24 communication device:

25 (i) Without touching such handheld wireless communication device; or

26 (ii) To initiate a function of such handheld wireless communication
27 device with a single touch.

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

1 ~~(4)~~ ~~(5)~~ Any person who violates this section shall be guilty of a
2 traffic infraction. Any person who is found guilty of a traffic
3 infraction under this section shall be assessed points on his or her
4 motor vehicle operator's license pursuant to section 60-4,182 and shall
5 be fined:

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

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

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

9 ~~(5)~~ ~~(6)~~ For purposes of this section:

10 (a) Commercial motor vehicle has the same meaning as in section
11 75-362;

12 (b)(i) Handheld wireless communication device means any device that
13 provides for written communication between two or more parties and is
14 capable of receiving, displaying, or transmitting written communication.

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

18 (iii) Handheld wireless communication device does not include an
19 electronic device that is part of the motor vehicle or permanently
20 attached to the motor vehicle or a handsfree wireless communication
21 device; and

22 (c) Written communication includes, but is not limited to, a text
23 message, an instant message, electronic mail, and Internet websites.

24 **Sec. 2.** Original section 60-6,179.01, Reissue Revised Statutes of
25 Nebraska, is repealed.