

One Hundred Third Legislature - Second Session - 2014

Introducer's Statement of Intent

LB807

Chairperson: Senator Annette Dubas

Committee: Transportation and Telecommunications

Date of Hearing: January 28, 2014

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 807, the Nebraska Roadway Safety Act, is comprehensive safety legislation that accomplishes five updates to the Nebraska Law.

1 – Removes the secondary enforcement provision for texting while driving in 60-6,179.01, as established by LB 945 in 2010.

2 - Removes the secondary enforcement provision for failure to use an occupant protection system, including those children 6 and older, and adults. It is only and currently a primary law for children 0-5 to be using a child passenger restraint system.

This legislative revision applies to all seats as opposed to just the front, and it is the driver's responsibility, as is consistent with current law. For an expedient reference on the application of an occupant protection system, the definition of a motor vehicle is defined in 60-339.

3 - Removes these secondary enforcement provisions for drivers with a Provisional Permit in the Graduated Drivers License Program:

a. operation of a motor vehicle between 6am and midnight (unless accompanied by a parent, guardian or adult at least 21 years of age OR unless driving to or from a residence to a place of employment or school activity); and

b. operation of a motor vehicle with more than 1 passenger who is not a family member and under 19 years of age; and

c. operation of a motor vehicle while using any type of interactive wireless communication device.

4 - Removes the secondary enforcement provisions for those with an LPD learner's permit, a School Permit, or an LPE Permit that apply to the operation a motor vehicle while using any type of interactive wireless communication device.

5 – Inserts a new requirement in 79-609 that a school bus driver shall not use any type of wireless communication device when the vehicle is in motion. This does not apply to a dispatch communications device.

With the removal of these secondary enforcement provisions on safety, these provisions become enforceable under a primary, or standard law in Nebraska.

Principal Introducer: _____

Senator John Harms