

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 239

Introduced by Hilkemann, 4.

Read first time January 11, 2021

Committee: Transportation and Telecommunications

- 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, 2020;
- 3 to change provisions relating to the use of handheld wireless
- 4 communication devices; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,179.01, Revised Statutes Cumulative
2 Supplement, 2020, 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 engage in
7 a mobile telephone call, read a written communication, manually type a
8 written communication, or send a written communication, or access content
9 stored on the handheld wireless communication device such as video
10 content, audio content, images, games, or other software applications
11 while operating a motor vehicle which is in motion or a part of traffic.

12 (3) The prohibition in subsection (2) of this section does not apply
13 to a person using a handheld wireless communication device:

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

17 (b) Solely in a voice-activated or hands-free mode to initiate or
18 participate in a mobile telephone call or to initiate, compose, send, or
19 listen to an electronic message;

20 (c) To view or operate a global positioning system or navigation
21 system in a manner that does not require the operator to type while the
22 motor vehicle is in motion or a part of traffic, so long as the operator
23 does not hold the device with one or both hands;

24 (d) To listen to audio-based content in a manner that does not
25 require the operator to scroll or type while the motor vehicle is in
26 motion or part of traffic, so long as the operator does not hold the
27 handheld wireless communication device with one or both hands;

28 (e) To obtain emergency assistance to (i) report a traffic accident,
29 medical emergency, or serious traffic hazard or (ii) prevent or stop a
30 criminal act; or

31 (f) In any other ~~(b) A person operating a motor vehicle in an~~

1 emergency situation.

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

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

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

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

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

14 (6) For purposes of this section:

15 (a) Commercial motor vehicle has the same meaning as in section
16 75-362;

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

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

23 (iii) Handheld wireless communication device does not include an
24 electronic device that is part of the motor vehicle or permanently
25 attached to the motor vehicle or a handsfree wireless communication
26 device; and

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

29 Sec. 2. Original section 60-6,179.01, Revised Statutes Cumulative
30 Supplement, 2020, is repealed.