

March 17, 1980

LB 822

me the information that my speed is being recorded by radio or other electronic device.

SENATOR SIECK: Well, I don't consider it as such, so, I mean, I....

SENATOR DeCAMP: I know....I know what you consider. What I am saying is the way it reads, well, anyway I think it is broad enough to include that and I am raising that as a question since this is a criminal statute and you always want to be careful. So, you might just bring it up to somebody. Besides that, I pose it because I have got enough tickets the way it is.

SPEAKER MARVEL: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, a matter was brought to my attention, Senator Sieck, of federal preemption. Because of FCC regulations this is a receiver and not a transmitter, it is not interfering in any way with what the officer is doing when he transmits his radio microwaves and since this amendment as drafted says, any device which can detect that motor vehicle speed is being monitored or recorded by radio microwave or other electronic device, another electronic device would be the stopwatch that they have now which gives a digital readout and operates on battery. Vascar, which is a computerized calculating device that works with a known distance traveled in a certain amount of time and you compute the rate of speed based on that. If you use binoculars to determine that you are being monitored, if you use binoculars to take in more of the highway, that would make you guilty of a misdemeanor. If you wear eyeglasses in order to see well, that helps you know that you are being monitored. What this, in effect, says, that any means you use to determine that there is radar out there puts you in danger of being convicted of a Class IV misdemeanor, and here is another thing. Nothing is being done to interfere with the officer monitoring traffic. What you are trying to do is say, for example, that if an individual had a car radio, and this has happened, which begins to static when it is in the presence of radio microwaves, that AM or FM which functions in that fashion is in violation of the law because it is reacting in that fashion because it is in the presence of radio microwaves. So I think this is a poorly considered amendment and one such as this has been enjoined in another state. I will try to find the state for you. Had I known the amendment was coming up I would have brought it and I think it may have been in a federal court, but the whole issue here is one of traffic safety. They have

8469