

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB500**

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**Hearing Date:** Monday February 28, 2011  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Cook  
**One Liner:** Change penalties relating to unlawful obstruction or interference of the view of an operator of a motor vehicle

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	6	Senators Campbell, Dubas, Fischer, Hadley, Janssen, Price
<b>Nay:</b>	1	Senator Louden
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Lautenbaugh

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**Proponents:**  
Senator Tanya Cook  
Alan Peterson

**Representing:**  
Introducer  
ACLU Nebraska

**Opponents:**  
David Baker

**Representing:**  
Omaha Police Department

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 500 reduces the penalty for obstruction of an operator's view to a traffic infraction and makes enforcement a secondary action.

The bill amends Sec. 60-6,256 so that a person operating a vehicle with an object placed or hung in the vehicle that obstructs or interferes with the operator's view is guilty of a traffic infraction. Under current law, the violation is a Class V misdemeanor (no prison, \$100 fine maximum).

A person found guilty under this section would be deducted one point under the point system on his or her driving record, and would be fined \$50 for a first offense, \$100 for a second offense, and \$150 for any subsequent offense.

The bill also provides that enforcement of this section shall be accomplished as a secondary action when the driver has been cited or charged with some other violation.

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**Explanation of amendments:**

The committee amendment, AM 717, inserts the words "significantly and materially" into Sec. 60-6,256 to clarify the intent of the statute.

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The amendment ensures that only an object that is placed or hung in the motor vehicle and is significantly or materially obstructing or interfering with the view of the operator is in violation of the statute. This will exclude simple objects hung in a vehicle such as air fresheners and parking and handicapped permits from a violation.

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Deb Fischer, Chairperson