



Hundredth Legislature - Second Session - 2008  
**Introducer's Statement of Intent**  
**LB 836**

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**Chairperson:** Joel Johnson  
**Committee:** Health and Human Services  
**Date of Hearing:** February 6, 2008

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

The purpose of LB 836 is to protect the health and safety of minor children who are passengers in vehicles driven in Nebraska.

LB 836 would make it unlawful for the operator or any passenger in a motor vehicle to smoke cigarettes, pipes, or cigars in a motor vehicle, passenger van, or pick-up truck, when a child who is under the age of sixteen (15 or younger) is also present in the vehicle.

Violation of the section would be considered a primary offense, and a law enforcement officer would be able stop a motor vehicle solely because of violation of this section.

Violators of the provisions of this section could be fined up to one hundred and fifty dollars, but no less than fifty dollars at the discretion of the judge. Any person who violates the provisions of this section and proves to the court that he or she has entered into a smoking cessation program may have his or her fine eliminated for a first offense violation of this section.

Violation of this section would be considered a nonmoving violation and a citation issued by a law enforcement officer for such violation would not be included on the driver's operating record. Violation of this section can not be used as justification to limit the liability of an insurer, and shall not diminish recovery of any damages arising out of ownership, maintenance, or operation of a motor vehicle.

Violation of this section would not be considered evidence of child abuse or negligence.

**Principal Introducer:** \_\_\_\_\_  
**Senator Gwen Howard**