

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 93

Introduced by Howard, 9.

Read first time January 8, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 section 60-601, Revised Statutes Cumulative Supplement,
3 2008; to prohibit smoking in a motor vehicle as
4 prescribed; to harmonize provisions; and to repeal the
5 original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-601, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-601 Sections 60-601 to 60-6,377 and section 2 of this
4 act shall be known and may be cited as the Nebraska Rules of the
5 Road.

6 Sec. 2. (1) It shall be unlawful for an individual to
7 operate or be an occupant in a motor vehicle while smoking if an
8 individual under sixteen years of age is an occupant in the motor
9 vehicle. Violation of this section shall result in a fine of at
10 least fifty dollars but not to exceed one hundred fifty dollars.

11 (2) An individual fined under subsection (1) of this
12 section may voluntarily participate, at his or her own expense, in
13 a smoking cessation program approved by the Department of Health
14 and Human Services, and such fine shall be refunded upon successful
15 completion of the program.

16 (3) Any peace officer who has been duly authorized to
17 make arrests for violations of traffic laws of this state or of
18 ordinances of any city or village may stop a motor vehicle if the
19 officer has a clear and unobstructed view of any individual smoking
20 as prohibited in subsection (1) of this section. The officer may
21 issue a citation pursuant to subsection (1) of this section for a
22 primary offense.

23 (4) A citation issued under this section shall not become
24 part of the individual's driving record. Violation of this section
25 shall not constitute prima facie evidence of negligence. Violation

1 of this section shall not limit the liability of an insurer nor
2 shall it diminish any recovery of damages arising out of the
3 ownership, maintenance, or operation of a motor vehicle.

4 (5) For purposes of this section, smoke or smoking has
5 the same meaning as in section 71-5727.

6 Sec. 3. Original section 60-601, Revised Statutes
7 Cumulative Supplement, 2008, is repealed.