

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 915

Introduced by Riepe, 12.

Read first time January 09, 2018

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 sections 60-6,179.01 and 60-6,179.02, Revised Statutes Cumulative
- 3 Supplement, 2016; to change provisions relating to using a handheld
- 4 wireless communication device while driving a motor vehicle and
- 5 texting or using a handheld mobile telephone while driving a
- 6 commercial motor vehicle; to define and redefine terms; and to
- 7 repeal the original sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,179.01, Revised Statutes Cumulative
2 Supplement, 2016, 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, while driving a motor vehicle:

7 (a) Use ~~use~~ a handheld wireless communication device to read a
8 written communication, manually type a written communication, or send a
9 written communication; ~~while operating a motor vehicle which is in~~
10 ~~motion.~~

11 (b) Hold a handheld wireless communication device in order to talk
12 into the device or listen to a voice or digital communication; or

13 (c) Hold a handheld wireless communication device to view, record,
14 or transmit images or text, play games, or otherwise access any data for
15 any purpose.

16 (3) The prohibition in subsection (2) of this section does not apply
17 to:

18 (a) A person performing his or her official duties as a law
19 enforcement officer, a firefighter, an ambulance driver, or an emergency
20 medical technician; or

21 (b) The use of a handheld wireless communication device for the sole
22 purpose of communicating with any of the following regarding ~~A person~~
23 ~~operating a motor vehicle in~~ an emergency situation: An emergency
24 response operator; a physician; an emergency medical service; a fire
25 department; or a law enforcement agency.

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

30 (5) Any person who violates this section shall be guilty of a
31 traffic infraction. Any person who is found guilty of a traffic

1 infraction under this section shall be assessed points on his or her
2 motor vehicle operator's license pursuant to section 60-4,182 and shall
3 be fined:

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

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

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

7 (6) For purposes of this section:

8 (a) Commercial motor vehicle has the same meaning as in section
9 75-362;

10 (b) Driving means operating a motor vehicle, including while
11 temporarily stationary because of traffic, a traffic control device, or
12 other momentary delays. Driving does not include operating a motor
13 vehicle when the operator moves the vehicle to the side of, or off, a
14 highway and halts in a location where the vehicle can safely remain
15 stationary or pursuant to a lawful order of a peace officer;

16 (c)(i) ~~(b)(i)~~ Handheld wireless communication device means any
17 device that provides for written communication between two or more
18 parties and is capable of receiving, displaying, or transmitting written
19 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 (d) ~~(e)~~ Written communication includes, but is not limited to, a
28 text message, an instant message, electronic mail, and Internet web
29 sites.

30 Sec. 2. Section 60-6,179.02, Revised Statutes Cumulative Supplement,
31 2016, is amended to read:

1 60-6,179.02 (1)(a) Except as otherwise provided in subdivision (1)
2 (b) of this section, no operator of a commercial motor vehicle or a motor
3 vehicle designed or used to transport between nine and fifteen
4 passengers, including the driver, not for direct compensation, if the
5 vehicle does not otherwise meet the definition of a commercial motor
6 vehicle, shall engage in texting while driving such vehicle.

7 (b) Texting while driving is permissible by an operator of a
8 commercial motor vehicle or a motor vehicle designed or used to transport
9 between nine and fifteen passengers, including the driver, not for direct
10 compensation, if the vehicle does not otherwise meet the definition of a
11 commercial motor vehicle, when necessary to communicate with law
12 enforcement officials or other emergency services.

13 (2)(a) Except as otherwise provided in subdivision (2)(b) of this
14 section, no operator of a commercial motor vehicle or a motor vehicle
15 designed or used to transport between nine and fifteen passengers,
16 including the driver, not for direct compensation, if the vehicle does
17 not otherwise meet the definition of a commercial motor vehicle, shall
18 use a handheld mobile telephone while driving and no motor carrier shall
19 allow or require its operators to use a handheld mobile telephone while
20 driving such vehicle.

21 (b) Using a handheld mobile telephone is permissible by an operator
22 of a commercial motor vehicle or a motor vehicle designed or used to
23 transport between nine and fifteen passengers, including the driver, not
24 for direct compensation, if the vehicle does not otherwise meet the
25 definition of a commercial motor vehicle, when necessary to communicate
26 with law enforcement officials or other emergency services.

27 (3)(a) Except as otherwise provided in subdivision (3)(b) of this
28 section, no operator of a school bus shall engage in texting during
29 school bus operations.

30 (b) Texting while driving is permissible by an operator of a school
31 bus during school bus operations when necessary to communicate with law

1 enforcement officials or other emergency services.

2 (4)(a) Except as otherwise provided in subdivision (4)(b) of this
3 section, no operator of a school bus shall use a handheld mobile
4 telephone during school bus operations.

5 (b) Using a handheld mobile telephone is permissible by an operator
6 of a school bus during school bus operations when necessary to
7 communicate with law enforcement officials or other emergency services.

8 (5) Any person who violates this section shall be guilty of a
9 traffic infraction. Any person who is found guilty of a traffic
10 infraction under this section shall be subject to disqualification as
11 provided in section 60-4,168, shall be assessed points on his or her
12 motor vehicle operator's license pursuant to section 60-4,182, and shall
13 be fined:

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

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

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

17 (6) For purposes of this section:

18 (a) Commercial motor vehicle has the same meaning as in section
19 75-362;

20 (b) Driving means operating a commercial motor vehicle, including
21 while temporarily stationary because of traffic, a traffic control
22 device, or other momentary delays. Driving does not include operating a
23 commercial motor vehicle when the operator moves the vehicle to the side
24 of, or off, a highway and halts in a location where the vehicle can
25 safely remain stationary;

26 (c) Electronic device includes, but is not limited to, a cellular
27 telephone; a personal digital assistant; a pager; a computer; or any
28 other device used to input, write, send, receive, or read text;

29 (d) Mobile telephone means a mobile communication device that falls
30 under or uses any commercial mobile radio service as defined in
31 regulations of the Federal Communications Commission, 47 C.F.R. 20.3.

1 Mobile telephone does not include two-way or citizens band radio
2 services;

3 (e) School bus operations means the use of a school bus to transport
4 school children or school personnel;

5 (f)(i) Texting means manually entering alphanumeric text into, or
6 reading text from, an electronic device. This action includes, but is not
7 limited to, short message service, emailing, instant messaging, a command
8 or request to access an Internet web page, pressing more than a single
9 button to initiate or terminate a voice communication using a mobile
10 telephone, or engaging in any other form of electronic text retrieval or
11 entry for present or future communication. This action also includes, but
12 is not limited to, using at least one hand to hold an electronic device
13 to view, record, or transmit images or text, play games, or otherwise
14 access data for any purpose, except as provided in subdivision (6)(f)(ii)
15 of this section.

16 (ii) Texting does not include:

17 (A) Inputting, selecting, or reading information on a global
18 positioning system or navigation system;

19 (B) Pressing a single button to initiate or terminate a voice
20 communication using a mobile telephone; or

21 (C) Using a device capable of performing multiple functions,
22 including, but not limited to, fleet management systems, dispatching
23 devices, smartphones, citizens band radios, and music players, for a
24 purpose other than texting; and

25 (g) Use a handheld mobile telephone means:

26 (i) Using at least one hand to hold a mobile telephone to conduct a
27 voice communication, talk into the device, or listen to a voice or
28 digital communication;

29 (ii) Dialing or answering a mobile telephone by pressing more than a
30 single button; or

31 (iii) Reaching for a mobile telephone in a manner that requires a

1 driver to maneuver so that he or she is no longer in a seated driving
2 position and restrained by a seat belt that is installed in accordance
3 with 49 C.F.R. 393.93 and adjusted in accordance with the vehicle
4 manufacturer's instructions.

5 Sec. 3. Original sections 60-6,179.01 and 60-6,179.02, Revised
6 Statutes Cumulative Supplement, 2016, are repealed.