

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB239

Hearing Date: Tuesday January 26, 2021
Committee On: Transportation and Telecommunications
Introducer: Hilkemann
One Liner: Change provisions relating to the use of handheld wireless communication devices under the Nebraska Rules of the Road

Roll Call Vote - Final Committee Action:

Indefinitely postponed

Vote Results:

Aye:	5	Senators Albrecht, Bostelman, Friesen, Hughes, Moser
Nay:	3	Senators Cavanaugh, M., DeBoer, Geist
Absent:		
Present Not Voting:		

Oral Testimony:

Proponents:

Senator Robert Hilkemann
Eric Koeppel
Jerry Stilmock
Robert M Bell

Representing:

Introducer
President NE National Safety Council
NE State Vol Firefighters Assn, NE Fire Chiefs Assn
NE Insurance Federation

Opponents:

Representing:

Neutral:

Representing:

Submitted Written Testimony:

Proponents:

Michelle Weber
Amy Reynoldson
Coleen Nielsen

Representing:

NE Emergency Medical Services Assn
NE Medical Assn
NE Insurance Information Services & State Farm Insurance Companies

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 239 would add offenses to the Nebraska Rules of the Road relating to using handheld wireless devices while operating a motor vehicle. Current law allows drivers to engage in handheld mobile phone calls while operating a motor vehicle, but prohibits the operator from reading a written communication, manually typing a written communication, or sending a written

communication while operating a motor vehicle which is in motion.

LB239 would prohibit an operator from engaging in a handheld mobile telephone call while operating a motor vehicle, and from accessing content stored on a handheld wireless communication device such as video content, audio content, images, games, or other applications. The bill also specifies that these rules would apply while a vehicle is in motion or is a part of traffic. The bill would add exceptions for:

- solely voice-activated or hands-free calls or electronic messages;
- viewing or operating GPS or navigation systems so long as the operator does not type while the vehicle is in motion or as a part of traffic, and the operator does not have to hold the device;
- listening to audio-based content that does not require the operator to scroll, type, or hold the wireless communication device;
- obtaining emergency assistance to report a traffic accident, medical emergency, serious traffic hazard, to prevent a criminal act, or in any other emergency situation.

Violation of this section would be treated as a secondary action when the driver is charged or cited for a violation of another traffic law or other offense. Generally, violators can be fined and will lose three points for violations relating to the impermissible use of a handheld wireless device.

Section-by-Section Summary

Section 1 would add language to section 60-6,179.01 to:

- add engaging in a mobile phone telephone call and accessing content stored on a handheld wireless communication device while operating a motor vehicle to the list of offenses;
- specify that it is an offense to take part in these activities not only while the vehicle is in motion, but while it is a part of traffic;
- make exceptions for certain GPS/navigation system devices and certain hands-free uses of a handheld wireless device;
- make exceptions for reporting traffic accidents, medical emergencies, serious traffic hazards, to prevent or stop a criminal act, or in any other emergency situation.

Section 2 would repeal the original section.

Curt Friesen, Chairperson