

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

May 13, 1999

LB 585

area that has been temporarily closed by traffic control devices, personnel of the Department of Roads, state emergency response team members, peace officers, firefighters, emergency care providers, emergency medical personnel, or other emergency management workers, unless directed to do so by them, you shall be guilty of a Class III misdemeanor. I am offering this as an amendment to LB 585 at this time, and I would respectfully request your green button.

PRESIDENT MAURSTAD: Thank you, Senator Hudkins. Discussion on the Hudkins amendment to LB 585? Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I have a question for Senator Hudkins.

PRESIDENT MAURSTAD: Senator Hudkins.

SENATOR HUDKINS: Yes.

SENATOR CHAMBERS: Senator Hudkins, when you use the term, and this for legislative history...when you use the term, "traffic control devices", do you mean that term to have the same meaning that it has in the rules of the road?

SENATOR HUDKINS: Senator Chambers, I...at this point I am not totally aware of what the current definition is. My understanding is a traffic control device would be stop signs, yield aheads, stop lights, any markings that would be put out by any of these personnel.

SENATOR CHAMBERS: But here's what I'm getting at. This is a criminal statute you're creating here. There cannot be anything in it that is vague. A person has to know what is prohibited and what is allowed. It would have to be clear what one of these essential elements is. And an essential element of this crime is that you violate a traffic control device. It cannot be left to conjecture as to what the term, "traffic control device", means.

SENATOR HUDKINS: Senator Chambers, I've just been informed that the traffic control devices are already defined in statute under Rules of the Road.