

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 118**

Introduced by Harms, 48.

Read first time January 11, 2013

Committee:

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-6,179.01,  
2 Revised Statutes Cumulative Supplement, 2012; to change  
3 enforcement provisions for using a handheld wireless  
4 communication device while operating a motor vehicle; and  
5 to repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-6,179.01, Revised Statutes  
2 Cumulative Supplement, 2012, is amended to read:

3           60-6,179.01 (1) This section does not apply to an  
4 operator of a commercial motor vehicle if section 60-6,179.02  
5 applies.

6           (2) Except as otherwise provided in subsection (3) of  
7 this section, no person shall use a handheld wireless communication  
8 device to read a written communication, manually type a written  
9 communication, or send a written communication while operating a  
10 motor vehicle which is in motion.

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

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

16           (b) A person operating a motor vehicle in an emergency  
17 situation.

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

22           (5)—(4) Any person who violates this section shall be  
23 guilty of a traffic infraction. Any person who is found guilty of a  
24 traffic infraction under this section shall be assessed points on his  
25 or her motor vehicle operator's license pursuant to section 60-4,182

1 and shall be fined:

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

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

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

6 ~~(6)~~(5) For purposes of this section:

7 (a)(i) Handheld wireless communication device means any  
8 device that provides for written communication between two or more  
9 parties and is capable of receiving, displaying, or transmitting  
10 written communication.

11 (ii) Handheld wireless communication device includes, but  
12 is not limited to, a mobile or cellular telephone, a text messaging  
13 device, a personal digital assistant, a pager, or a laptop computer.

14 (iii) Handheld wireless communication device does not  
15 include an electronic device that is part of the motor vehicle or  
16 permanently attached to the motor vehicle or a handsfree wireless  
17 communication device; and

18 (b) Written communication includes, but is not limited  
19 to, a text message, an instant message, electronic mail, and Internet  
20 web sites.

21 Sec. 2. Original section 60-6,179.01, Revised Statutes  
22 Cumulative Supplement, 2012, is repealed.