

## LEGISLATIVE BILL 32

Approved by the Governor February 8, 1982

Introduced by Vickers, 38; Von Minden, 17

AN ACT relating to motor vehicles; to prohibit the possession or operation of certain devices in motor vehicles; to define terms; and to provide a penalty and confiscation.

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

Section 1. It shall be unlawful for any person to operate or possess any radar transmission device while operating a motor vehicle on any road, street, highway, or interstate highway in this state.

Sec. 2. For purposes of this act, unless the context otherwise requires:

(1) Radar transmission device shall mean any mechanism designed to interfere with the reception of radio microwaves in the electromagnetic spectrum, which microwaves, commonly referred to as radar, are employed by law enforcement officials to measure the speed of motor vehicles;

(2) Possession shall mean to have a device defined in subdivision (1) of this section in a motor vehicle if such device is not (a) disconnected from all power sources and (b) in the rear trunk, which shall include the spare tire compartment, or any other compartment which is not accessible to the driver or any other person in the vehicle while such vehicle is in operation. If no such compartment exists in a vehicle, then such device must be disconnected from all power sources and be placed in a position not readily accessible to the driver or any other person in the vehicle; and

(3) Transceiver shall mean an apparatus contained in a single housing, functioning alternately as a radio transmitter and receiver.

Sec. 3. Section 1 of this act shall not apply to (1) any transmitter, transceiver, or receiver of radio waves which has been lawfully licensed by the Federal Communications Commission or (2) any device being used by law enforcement officials in their official duties.

Sec. 4. Any person violating the provisions of sections 1 to 3 of this act shall be guilty of a Class IIIA misdemeanor.

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Sec. 5. Any device prohibited by sections 1 to 4 of this act, found as the result of an arrest made under the provisions of sections 1 to 4 of this act, shall be seized and when no longer needed as evidence, such device shall, if the owner was convicted of an offense under this act, be considered as contraband and disposed of pursuant to section 29-820.