

April 25, 2007

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 415 & LB 415A without my signature and with my objections.

LB 415 would expand the restrictions already placed on young drivers to include, among other new requirements, a prohibition on the use of interactive wireless communication devices and a limit on the number of unrelated underage passengers that may travel with certain young drivers who possess a provisional operator's permit. The bill limits enforcement of the new restrictions by classifying them as secondary offenses.

I respect the intent of Senator Harms and others to protect both young drivers and the traveling public in general. While I share the safety concerns of the bill's proponents, I am fundamentally opposed to the approach used to address the issues presented in LB 415. I believe the bill substitutes the wisdom, judgment, and responsibility of parents with that of state government. Parents are best situated to judge the maturity and responsibility of their children and are best able to establish rules regarding their children's driving.

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Furthermore, I believe it is unfair to place driving restrictions, such as the interactive wireless communication device prohibition, solely on young drivers when it is clear that the danger the restriction addresses, in this case distracted drivers, exists for all drivers. Distracted drivers of all ages present a challenge to highway safety, but it is a problem that should be addressed by personal responsibility, not by legislation.

I am also concerned that the six month passenger restriction on provisional operators may lead, unintentionally, to additional hardships on Nebraska families. The restriction is overly broad and does not take into account the realities of life in Nebraska. While the passenger restriction has an exception for immediate family members, it does not provide an exemption for cousins, neighbors, or others who may rely on the provisional operator to transport their children to school, work, community activities, or church. Finally, the LB 415 restrictions appear to be problematic for consistent enforcement. Secondary offenses can only be enforced when the offense occurs concurrent with a primary offense. Enforcement of secondary offenses for intermittent activities, such as cell phone use, when limited to a specific class of individuals, in this case teen drivers, is exceedingly difficult.

For these reasons, I urge you to sustain my vetoes of LB 415 and LB 415A.

Sincerely,

(Signed) Dave Heineman

Governor