

E AND R AMENDMENTS TO LB 415

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 60-462, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 60-462 Sections 60-462 to 60-4,188 and section 3 of this
6 act shall be known and may be cited as the Motor Vehicle Operator's
7 License Act.

8 Sec. 2. Section 60-463, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-463 For purposes of the Motor Vehicle Operator's
11 License Act, the definitions found in sections 60-463.01 to 60-478
12 and section 3 of this act shall be used.

13 Sec. 3. Interactive wireless communication device means
14 any wireless electronic communication device that provides for
15 voice or data communication between two or more parties, including,
16 but not limited to, a mobile or cellular telephone, a text
17 messaging device, a personal digital assistant that sends or
18 receives messages, an audio-video player that sends or receives
19 messages, or a laptop computer.

20 Sec. 4. Section 60-4,120.01, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 60-4,120.01 ~~(1)~~ (1) (a) Any person who is at least sixteen
23 years of age but less than eighteen years of age may be issued a

1 provisional operator's permit by the Department of Motor Vehicles.
2 The provisional operator's permit shall expire on the applicant's
3 eighteenth birthday.

4 (b) No provisional operator's permit shall be issued to
5 any person unless such person:

6 (i) Has possessed a valid Nebraska LPD-learner's permit
7 for at least a six-month period beginning on the date of issuance
8 of such person's LPD-learner's permit; and

9 (ii) Has not accumulated three or more points pursuant to
10 section 60-4,182 during the six-month period immediately preceding
11 the date of the application for the provisional operator's permit.

12 (c) The requirements for the provisional operator's
13 permit prescribed in subdivisions (2)(a) and (b) of this section
14 may be completed prior to the applicant's sixteenth birthday. A
15 person may apply for a provisional operator's permit and take the
16 driving test and the written examination, if required, at any time
17 within sixty days prior to his or her sixteenth birthday upon proof
18 of age in the manner provided in section 60-484.

19 (2) In order to obtain a provisional operator's permit,
20 the applicant shall present to the examiner (a)(i) proof of
21 successful completion of a department-approved driver safety course
22 which includes behind-the-wheel driving specifically emphasizing
23 (A) the effects of the consumption of alcohol on a person
24 operating a motor vehicle, (B) occupant protection systems, (C)
25 risk assessment, and (D) railroad crossing safety and (ii) proof
26 of successful completion of a written examination and driving
27 test administered by a driver safety course instructor or (b)

1 a certificate in a form prescribed by the department, signed
2 by a parent, guardian, or licensed driver at least twenty-one
3 years of age, verifying that the applicant has completed fifty
4 hours of lawful motor vehicle operation including at least ten
5 hours of motor vehicle operation between sunset and sunrise,
6 under conditions that reflect department-approved driver safety
7 course curriculum, with a parent, guardian, or adult at least
8 twenty-one years of age, who has a current Nebraska operator's
9 license or who is licensed in another state. If the applicant
10 presents such a certificate, the applicant shall be required to
11 successfully complete a driving test administered by an examiner
12 of the department. The written examination shall be waived if the
13 applicant surrenders a Nebraska LPD-learner's permit or has been
14 issued a Nebraska LPE-learner's permit after January 1, 2006, and
15 such permit is valid or has expired no more than one year prior
16 to surrender. However, the department shall not waive the written
17 examination if the provisional operator's permit being applied for
18 contains a class or endorsement which is different from the class
19 or endorsement of the LPD-learner's or LPE-learner's permit. Upon
20 presentation to the examiner by the applicant of a form prescribed
21 by the department showing successful completion of the driver
22 safety course, the examiner shall waive the written examination and
23 driving test. Upon presentation to the examiner of the certificate,
24 the examiner shall waive the written examination but not the
25 driving test. The examiner shall waive the written examination and
26 the driving test if the applicant has been issued a school permit
27 and such permit is valid or has expired no more than one year prior

1 to application. The written examination shall not be waived if the
2 provisional operator's permit being applied for contains a class or
3 endorsement which is different from the class or endorsement of the
4 school permit.

5 ~~(3)~~ (3) (a) The holder of a provisional operator's permit
6 shall only operate a motor vehicle on the highways of this state
7 during the period beginning at 6 a.m. and ending at 12 midnight
8 except when he or she is en route to or from his or her residence
9 to his or her place of employment or a school activity. The holder
10 of a provisional operator's permit may operate a motor vehicle on
11 the highways of this state at any hour of the day or night if
12 accompanied by a parent, guardian, or adult at least twenty-one
13 years of age, who has a current Nebraska operator's license or who
14 is licensed in another state.

15 (b) The holder of a provisional operator's permit shall
16 only operate a motor vehicle on the highways of this state during
17 the first six months of holding the permit with no more than one
18 passenger who is not an immediate family member and who is under
19 nineteen years of age.

20 (c) The holder of a provisional operator's permit shall
21 not use any type of interactive wireless communication device while
22 operating a motor vehicle on the highways of this state.

23 (4) The county treasurer shall collect the fee prescribed
24 in section 60-4,115 for the issuance of each provisional operator's
25 permit.

26 Sec. 5. Section 60-4,123, Revised Statutes Cumulative
27 Supplement, 2006, is amended to read:

1 60-4,123 (1) Any person who is at least fifteen years
2 of age may apply for an LPD-learner's permit from the Department
3 of Motor Vehicles. In order to obtain an LPD-learner's permit,
4 the applicant shall successfully complete a written examination. A
5 person may take the written examination beginning sixty days prior
6 to his or her fifteenth birthday but shall not be issued a permit
7 until he or she is fifteen years of age. The written examination
8 shall be waived for any person who has been issued an LPE-learner's
9 permit after January 1, 2006.

10 (2) Upon successful completion of the written examination
11 and the payment of a fee, the applicant shall be issued an
12 LPD-learner's permit from the county treasurer. The permit shall be
13 valid for twelve months.

14 ~~(3)~~ (3)(a) The holder of an LPD-learner's permit shall
15 only operate a motor vehicle on the highways of this state if he
16 or she is accompanied at all times by a licensed operator who is
17 at least twenty-one years of age and who has been licensed by this
18 state or another state and if he or she is actually occupying the
19 seat beside the licensed operator or, in the case of a motorcycle
20 or moped, if he or she is within visual contact of and under the
21 supervision of, in the case of a motorcycle, a licensed motorcycle
22 operator or, in the case of a moped, a licensed motor vehicle
23 operator.

24 (b) The holder of an LPD-learner's permit shall not
25 use any type of interactive wireless communication device while
26 operating a motor vehicle on the highways of this state.

27 (4) The county treasurer shall collect the fee prescribed

1 in section 60-4,115 for the issuance of each LPD-learner's permit.

2 Sec. 6. Section 60-4,124, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 60-4,124 (1) A person who is younger than sixteen years
5 and three months of age but is older than fourteen years and two
6 months of age may be issued, by the county treasurer, a school
7 permit if such person lives a distance of one and one-half miles or
8 more from the school he or she attends and either resides outside
9 a city of the metropolitan, primary, or first class or attends
10 a school which is outside a city of the metropolitan, primary,
11 or first class and if such person has held an LPE-learner's
12 permit for two months. A school permit shall not be issued
13 until such person has appeared before an examiner to demonstrate
14 that he or she is capable of successfully operating a motor
15 vehicle, moped, or motorcycle and has in his or her possession an
16 examiner's certificate authorizing the county treasurer to issue a
17 school permit. In order to obtain an examiner's certificate, the
18 applicant shall present to the examiner (a) proof of successful
19 completion of a department-approved driver safety course which
20 includes behind-the-wheel driving specifically emphasizing (i) the
21 effects of the consumption of alcohol on a person operating a motor
22 vehicle, (ii) occupant protection systems, (iii) risk assessment,
23 and (iv) railroad crossing safety and (b)(i) proof of successful
24 completion of a written examination and driving test administered
25 by a driver safety course instructor or (ii) a certificate in a
26 form prescribed by the department, signed by a parent, guardian, or
27 licensed driver at least twenty-one years of age, verifying that

1 the applicant has completed fifty hours of lawful motor vehicle
2 operation, under conditions that reflect department-approved driver
3 safety course curriculum, with a parent, guardian, or adult at
4 least twenty-one years of age, who has a then current Nebraska
5 operator's license or who is licensed in another state. The
6 Department of Motor Vehicles shall waive the written examination
7 if the applicant surrenders an LPE-learner's permit issued after
8 January 1, 2006, and if such permit is valid or has expired no more
9 than one year prior to application. The written examination shall
10 not be waived if the permit being applied for contains a class or
11 endorsement which is different from the class or endorsement of the
12 LPE-learner's permit.

13 (2) A person holding a school permit may operate a motor
14 vehicle, moped, or motorcycle:

15 (a) To and from where he or she attends school and
16 between schools of enrollment over the most direct and accessible
17 route by the nearest highway from his or her place of residence
18 to transport such person or any family member who resides with
19 such person to attend duly scheduled courses of instruction and
20 extracurricular or school-related activities at the school he or
21 she attends; or

22 (b) Under the personal supervision of a licensed
23 operator. Such licensed operator shall be at least twenty-one years
24 of age and licensed by this state or another state and shall
25 actually occupy the seat beside the permitholder or, in the case of
26 a motorcycle or moped, if the permitholder is within visual contact
27 of and under the supervision of, in the case of a motorcycle, a

1 licensed motorcycle operator or, in the case of a moped, a licensed
2 motor vehicle operator.

3 (3) The holder of a school permit shall not use any
4 type of interactive wireless communication device while operating a
5 motor vehicle on the highways of this state.

6 ~~(3)~~ (4) A person who is younger than sixteen years of age
7 but is over fourteen years of age may be issued an LPE-learner's
8 permit from the county treasurer, which permit shall be valid for a
9 period of three months. An LPE-learner's permit shall not be issued
10 until such person successfully completes a written examination
11 prescribed by the department and demonstrates that he or she has
12 sufficient powers of eyesight to safely operate a motor vehicle,
13 moped, or motorcycle.

14 ~~(4)~~ (5)(a) While holding the LPE-learner's permit, the
15 person may operate a motor vehicle on the highways of this state
16 if he or she has seated next to him or her a person who is a
17 licensed operator or, in the case of a motorcycle or moped, if he
18 or she is within visual contact of and is under the supervision of
19 a person who, in the case of a motorcycle, is a licensed motorcycle
20 operator or, in the case of a moped, is a licensed motor vehicle
21 operator. Such licensed motor vehicle or motorcycle operator shall
22 be at least twenty-one years of age and licensed by this state or
23 another state.

24 (b) The holder of an LPE-learner's permit shall not
25 use any type of interactive wireless communication device while
26 operating a motor vehicle on the highways of this state.

27 ~~(5)~~ (6) The county treasurer shall collect the fee

1 prescribed in section 60-4,115 from each successful applicant for a
2 school or LPE-learner's permit. All school permits shall be subject
3 to impoundment or revocation under the terms of section 60-496. Any
4 person who violates the terms of a school permit shall be guilty
5 of an infraction and shall not be eligible for another operator's
6 license or school, farm, LPD-learner's, or LPE-learner's permit
7 until he or she has attained the age of sixteen years.

8 Sec. 7. This act becomes operative on January 1, 2008.

9 Sec. 8. Original section 60-463, Reissue Revised Statutes
10 of Nebraska, and sections 60-462, 60-4,120.01, 60-4,123, and
11 60-4,124, Revised Statutes Cumulative Supplement, 2006, are
12 repealed.

13 2. On page 1, lines 1 and 2, strike "sections 60-463 and
14 60-4,118.05" and insert "section 60-463".