

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 831

Introduced by Utter, 33.

Read first time January 08, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act;
2 to amend section 60-4,124, Revised Statutes Cumulative
3 Supplement, 2008; to change provisions relating to school
4 permits; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-4,124, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-4,124 ~~(1)~~ (1) (a) A person who is younger than sixteen
4 years and three months of age but is older than fourteen years
5 and two months of age may be issued a school permit if (i) such
6 person lives a distance of one and one-half miles or more from the
7 school he or she attends and either resides outside a city of the
8 metropolitan, primary, or first class or attends a school which is
9 outside a city of the metropolitan, primary, or first class and if
10 such person has held an LPE-learner's permit for two months or (ii)
11 such person lives a distance of one and one-half miles or more from
12 the school he or she attends and resides in a city of the first
13 class and if such person has held an LPE-learner's permit for two
14 months.

15 (b) A school permit shall not be issued until such
16 person has demonstrated that he or she is capable of successfully
17 operating a motor vehicle, moped, or motorcycle and has in
18 his or her possession an issuance certificate authorizing the
19 county treasurer to issue a school permit. In order to obtain an
20 issuance certificate, the applicant shall present ~~(a)~~ (i) proof of
21 successful completion of a department-approved driver safety course
22 which includes behind-the-wheel driving specifically emphasizing
23 ~~(i)~~ (A) the effects of the consumption of alcohol on a person
24 operating a motor vehicle, ~~(ii)~~ (B) occupant protection systems,
25 ~~(iii)~~ (C) risk assessment, and ~~(iv)~~ (D) railroad crossing safety

1 and ~~(b)(i)~~ (ii)(A) proof of successful completion of a written
2 examination and driving test administered by a driver safety course
3 instructor or ~~(ii)~~ (B) a certificate in a form prescribed by the
4 department, signed by a parent, guardian, or licensed driver at
5 least twenty-one years of age, verifying that the applicant has
6 completed fifty hours of lawful motor vehicle operation, under
7 conditions that reflect department-approved driver safety course
8 curriculum, with a parent, guardian, or adult at least twenty-one
9 years of age, who has a current Nebraska operator's license or who
10 is licensed in another state. The department may waive the written
11 examination if the applicant has been issued an LPE-learner's
12 permit or LPD-learner's permit and if such permit is valid or has
13 expired no more than one year prior to application. The written
14 examination shall not be waived if the permit being applied for
15 contains a class or endorsement which is different from the class
16 or endorsement of the LPE-learner's permit.

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

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

1 (b) Under the personal supervision of a licensed
2 operator. Such licensed operator shall be at least twenty-one years
3 of age and licensed by this state or another state and shall
4 actually occupy the seat beside the permitholder or, in the case of
5 a motorcycle or moped, if the permitholder is within visual contact
6 of and under the supervision of, in the case of a motorcycle, a
7 licensed motorcycle operator or, in the case of a moped, a licensed
8 motor vehicle operator.

9 (3) The holder of a school permit shall not use any
10 type of interactive wireless communication device while operating a
11 motor vehicle on the highways of this state. Enforcement of this
12 subsection shall be accomplished only as a secondary action when
13 the holder of the school permit has been cited or charged with a
14 violation of some other law.

15 (4) A person who is younger than sixteen years of age
16 but is over fourteen years of age may be issued an LPE-learner's
17 permit, which permit shall be valid for a period of three months.
18 An LPE-learner's permit shall not be issued until such person
19 successfully completes a written examination prescribed by the
20 department and demonstrates that he or she has sufficient powers of
21 eyesight to safely operate a motor vehicle, moped, or motorcycle.

22 (5) (a) While holding the LPE-learner's permit, the person
23 may operate a motor vehicle on the highways of this state if he
24 or she has seated next to him or her a person who is a licensed
25 operator or, in the case of a motorcycle or moped, if he or she is

1 within visual contact of and is under the supervision of a person
2 who, in the case of a motorcycle, is a licensed motorcycle operator
3 or, in the case of a moped, is a licensed motor vehicle operator.
4 Such licensed motor vehicle or motorcycle operator shall be at
5 least twenty-one years of age and licensed by this state or another
6 state.

7 (b) The holder of an LPE-learner's permit shall not
8 use any type of interactive wireless communication device while
9 operating a motor vehicle on the highways of this state.
10 Enforcement of this subdivision shall be accomplished only as a
11 secondary action when the holder of the LPE-learner's permit has
12 been cited or charged with a violation of some other law.

13 (6) The county treasurer shall collect the fee and
14 surcharge prescribed in section 60-4,115 from each successful
15 applicant for a school or LPE-learner's permit. All school permits
16 shall be subject to impoundment or revocation under the terms of
17 section 60-496. Any person who violates the terms of a school
18 permit shall be guilty of an infraction and shall not be eligible
19 for another school, farm, LPD-learner's, or LPE-learner's permit
20 until he or she has attained the age of sixteen years.

21 Sec. 2. Original section 60-4,124, Revised Statutes
22 Cumulative Supplement, 2008, is repealed.