

LEGISLATIVE BILL 85

Approved by the Governor February 27, 1981

Introduced by Fowler, 27; Beyer, 3

AN ACT relating to public transportation; to amend sections 19-3908, 75-303, and 79-487, Reissue Revised Statutes of Nebraska, 1943; to authorize certain contracts; to exempt certain motor carriers from regulation by the Public Service Commission; and to repeal the original sections.

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

Section 1. That section 19-3908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3908. Any municipality or county may lease, purchase, construct, own, maintain, and operate, or contract for the operation of public transportation, including special transportation for the elderly or handicapped, and apply for and accept advances, loans, grants, contributions, and any other form of assistance from the federal government, the state, or from any public or private sources for the purpose of providing a public transportation system.

Any special transportation system for the elderly or handicapped shall include transportation of necessary personal escorts of such elderly or handicapped riders.

Any municipality or county in providing public transportation for the elderly under this section may contract with a school district for the use of a school bus at times other than during the normal school day or on days when school is not in session if all costs incurred by such municipality or county are paid for with money generated from passenger fees or federal or state funds. The contract shall provide that such municipality or county shall be liable for costs of maintenance, operation, insurance, and other reasonable expenses incurred in the use of such bus. No school district shall be liable for any damages to any person riding in a school bus pursuant to this section, unless such damage is proximately caused by the gross negligence of the school district. No school district shall be required to modify or alter any school bus because of a contract entered into pursuant to this section. Any municipality or county when using a school bus upon a highway pursuant to this section shall cover or conceal all school bus

markings on such bus as required by section 39-660.

Sec. 2. That section 75-303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-303. The provisions of sections 75-301 to 75-322.01 shall apply to the transportation of passengers or property by motor carriers for hire engaged in intrastate commerce except:

(1) A motor carrier for hire engaged in the transportation of school children and teachers to and from school;

(2) A motor carrier for hire operated in connection with a part of a streetcar system;

(3) A motor carrier for hire engaged in the transportation of newspapers under a contract with the publisher or a distributor thereof if no other property or person is being transported for hire on the same load with such newspapers;

(4) The operation of any motor carrier owned in any city or village of this state engaged in the transportation of property within such city or village or within a radius of five miles beyond the corporate limits thereof;

(5) To ranch, dairy, or farm products, including livestock, being transported by motor vehicle from or to any ranch, dairy, farm, feedlot, or any market;

(6) To supplies or merchandise being transported by motor vehicle from or to any ranch, dairy, feedlot, or farm for use thereon when originating at or destined to a neighboring trading point or points;

(7) To ambulances or their owners or to hearses, or to automobiles used exclusively as an incident to conducting a funeral;

(8) To motor vehicles owned and operated by any industrial, processing, or manufacturing plant when used by such plant in the transportation of raw materials and supplies to its plant or plants, or in the delivery of its products, supplies, or raw materials to purchasers thereof, when not for hire;

(9) To star route carriers employed by the post-office department of the United States while operating a motor vehicle not exceeding one half ton

manufacturer's rated capacity on their regular routes;

(10) To wrecked or disabled motor vehicles being transported by winch or tow truck;

(11) To a motor carrier exempt by the provisions of subdivision (1) of this section who hauls for hire, (a) persons of a religious, fraternal, educational, or charitable organization, (b) pupils of a school to athletic events, and (c) players of American Legion baseball teams when the point of origin or termination is within five miles of the domicile of the carrier, and (d) the elderly, their spouses and dependents, as defined in section 19-3903, under a contract with a municipality or county authorized in section 19-3908;

(12) To motor vehicles, owned and operated by farmers or ranchers, when hauling gravel or other road building material by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county, and where the compensation for the use of such motor vehicles shall not exceed the reimbursement for the motor vehicle fuel used during such hauling;

(13) A motor carrier operated by a city and engaged in the transportation of passengers and such exempt operations shall be no broader than those authorized in intrastate commerce at the time the city or other political subdivision assumed ownership of the operation;

(14) Motor vehicles owned and operated by a nonprofit organization which has been exempted from the payment of federal income taxes, as provided by section 501 (c) (4), Internal Revenue Code of 1954, or by any governmental subdivision of this state, transporting solely those persons over age sixty, those persons who are spouses and dependents of persons over age sixty, and the handicapped; and

(15) A motor carrier engaged in the transportation of passengers operated by a transit authority created under and acting pursuant to the laws of the State of Nebraska; and

(16) A motor carrier operated by a municipality or county as authorized in section 19-3908, in the transportation of the elderly.

Sec. 3. That section 79-487, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-487. The school board or board of education of any public school district may, when authorized by a majority vote of the members of such board, purchase out of the general fund of the district a school bus or buses for the purpose of providing transportation facilities for school children to and from school and to and from all school related activities. The school board or board of education of any public school district providing such transportation facilities for children attending public schools shall also provide transportation without cost for children who attend nonprofit private schools which are approved for continued legal operation under rules and regulations established by the State Board of Education pursuant to subdivision (5) (c) of section 79-328. Such transportation shall be provided for only such children attending nonprofit private schools who reside in a district which provides transportation to public school students, and such transportation shall extend only from some point on the regular public school route nearest or most easily accessible to their homes to and from a point on the regular public school route nearest or most easily accessible to the school or schools attended by such children. The governing body of such nonprofit private school, on a form to be provided by the State Department of Education, shall certify to the public school district the names, addresses, and days of school attendance of children transported and such other information useful in operating the transportation facility as may be required by rules established by the State Board of Education. Transportation shall be provided for nonprofit private school children only at times when transportation is being provided for public school children.

The school board or board of education of any public school district may enter into a contract with a municipality or county pursuant to section 19-3908.

Sec. 4. That original sections 19-3908, 75-303, and 79-487, Reissue Revised Statutes of Nebraska, 1943, are repealed.