

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 814

Introduced by Friesen, 34.

Read first time January 08, 2016

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend
2 section 60-4,124, Revised Statutes Supplement, 2015; to change a
3 requirement for issuance of a school permit; and to repeal the
4 original section.

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

1 Section 1. Section 60-4,124, Revised Statutes Supplement, 2015, is
2 amended to read:

3 60-4,124 (1) A person who is younger than sixteen years and three
4 months of age but is older than fourteen years and two months of age may
5 be issued a school permit if such person ~~lives a distance of one and one-~~
6 ~~half miles or more from the school he or she attends and~~ either resides
7 outside a city of the metropolitan, primary, or first class or attends a
8 school which is outside a city of the metropolitan, primary, or first
9 class and if such person has held an LPE-learner's permit for two months.
10 A school permit shall not be issued until such person has demonstrated
11 that he or she is capable of successfully operating a motor vehicle,
12 moped, or motorcycle and has in his or her possession an issuance
13 certificate authorizing the county treasurer to issue a school permit. In
14 order to obtain an issuance certificate, the applicant shall present (a)
15 proof of successful completion of a department-approved driver safety
16 course which includes behind-the-wheel driving specifically emphasizing
17 (i) the effects of the consumption of alcohol on a person operating a
18 motor vehicle, (ii) occupant protection systems, (iii) risk assessment,
19 and (iv) railroad crossing safety and (b)(i) proof of successful
20 completion of a written examination and driving test administered by a
21 driver safety course instructor or (ii) a certificate in a form
22 prescribed by the department, signed by a parent, guardian, or licensed
23 driver at least twenty-one years of age, verifying that the applicant has
24 completed fifty hours of lawful motor vehicle operation, under conditions
25 that reflect department-approved driver safety course curriculum, with a
26 parent, guardian, or adult at least twenty-one years of age, who has a
27 current Nebraska operator's license or who is licensed in another state.
28 The department may waive the written examination if the applicant has
29 been issued an LPE-learner's permit or LPD-learner's permit and if such
30 permit is valid or has expired no more than one year prior to
31 application. The written examination shall not be waived if the permit

1 being applied for contains a class or endorsement which is different from
2 the class or endorsement of the LPE-learner's permit.

3 (2) A person holding a school permit may operate a motor vehicle,
4 moped, or motorcycle or an autocycle:

5 (a) To and from where he or she attends school and between schools
6 of enrollment over the most direct and accessible route by the nearest
7 highway from his or her place of residence to transport such person or
8 any family member who resides with such person to attend duly scheduled
9 courses of instruction and extracurricular or school-related activities
10 at the school he or she attends; or

11 (b) Under the personal supervision of a licensed operator. Such
12 licensed operator shall be at least twenty-one years of age and licensed
13 by this state or another state and shall (i) for all motor vehicles other
14 than autocycles, motorcycles, or mopeds, actually occupy the seat beside
15 the permitholder, (ii) in the case of an autocycle, actually occupy the
16 seat beside or behind the permitholder, or (iii) in the case of a
17 motorcycle or moped, if the permitholder is within visual contact of and
18 under the supervision of, in the case of a motorcycle, a licensed
19 motorcycle operator or, in the case of a moped, a licensed motor vehicle
20 operator.

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

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

1 moped, or motorcycle or an autocycle.

2 (5)(a) While holding the LPE-learner's permit, the person may
3 operate a motor vehicle on the highways of this state if (i) for all
4 motor vehicles other than autocycles, motorcycles, or mopeds, he or she
5 has seated next to him or her a person who is a licensed operator, (ii)
6 in the case of an autocycle, he or she has seated next to or behind him
7 or her a person who is a licensed operator, or (iii) in the case of a
8 motorcycle or moped, he or she is within visual contact of and is under
9 the supervision of a person who, in the case of a motorcycle, is a
10 licensed motorcycle operator or, in the case of a moped, is a licensed
11 motor vehicle operator. Such licensed motor vehicle or motorcycle
12 operator shall be at least twenty-one years of age and licensed by this
13 state or another state.

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

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

28 (7) Any person who holds a permit issued under this section and has
29 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)
30 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or
31 60-6,197.06 shall not be eligible for an ignition interlock permit.

1 Sec. 2. Original section 60-4,124, Revised Statutes Supplement,
2 2015, is repealed.