

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 746

Introduced by Hadley, 37.

Read first time January 04, 2012

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Operator's License Act; to
2 amend section 60-4,124, Reissue Revised Statutes of
3 Nebraska; 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, Reissue Revised Statutes of
2 Nebraska, is amended to read:

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

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

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

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

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

24 (b) Under the personal supervision of a licensed
25 operator. Such licensed operator shall be at least twenty-one years

1 of age and licensed by this state or another state and shall actually
2 occupy the seat beside the permitholder or, in the case of a
3 motorcycle or moped, if the permitholder is within visual contact of
4 and under the supervision of, in the case of a motorcycle, a licensed
5 motorcycle operator or, in the case of a moped, a licensed motor
6 vehicle operator.

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

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

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

1 the case of a moped, is a licensed motor vehicle operator. Such
2 licensed motor vehicle or motorcycle operator shall be at least
3 twenty-one years of age and licensed by this state or another state.

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

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

18 Sec. 2. Original section 60-4,124, Reissue Revised
19 Statutes of Nebraska, is repealed.