

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 587

Introduced by Crawford, 45.

Read first time January 18, 2017

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act;
2 to amend section 60-4,124, Revised Statutes Cumulative Supplement,
3 2016; to change provisions relating to school permits; and to repeal
4 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 Supplement,
2 2016, is 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 either resides outside a city of~~
6 ~~the metropolitan, primary, or first class or attends a school which is~~
7 ~~outside a city of the metropolitan, primary, or first class and if such~~
8 person has held an LPE-learner's permit for two months. A school permit
9 shall not be issued until such person has demonstrated that he or she is
10 capable of successfully operating a motor vehicle, moped, or motorcycle
11 and has in his or her possession an issuance certificate authorizing the
12 county treasurer to issue a school permit. In order to obtain an issuance
13 certificate, the applicant shall present (a) proof of successful
14 completion of a department-approved driver safety course which includes
15 behind-the-wheel driving specifically emphasizing (i) the effects of the
16 consumption of alcohol on a person operating a motor vehicle, (ii)
17 occupant protection systems, (iii) risk assessment, and (iv) railroad
18 crossing safety and (b)(i) proof of successful completion of a written
19 examination and driving test administered by a driver safety course
20 instructor or (ii) a certificate in a form prescribed by the department,
21 signed by a parent, guardian, or licensed driver at least twenty-one
22 years of age, verifying that the applicant has completed fifty hours of
23 lawful motor vehicle operation, under conditions that reflect department-
24 approved driver safety course curriculum, with a parent, guardian, or
25 adult at least twenty-one years of age, who has a current Nebraska
26 operator's license or who is licensed in another state. The department
27 may waive the written examination if the applicant has been issued an
28 LPE-learner's permit or LPD-learner's permit and if such permit is valid
29 or has expired no more than one year prior to application. The written
30 examination shall not be waived if the permit being applied for contains
31 a class or endorsement which is different from the class or endorsement

1 of the LPE-learner's permit.

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

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

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

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

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

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

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

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

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

31 Sec. 2. Original section 60-4,124, Revised Statutes Cumulative

1 Supplement, 2016, is repealed.