

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 269**

Introduced by Friesen, 34.

Read first time January 15, 2019

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 2018; 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 2018, 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, or property used by  
5 the school he or she attends for purposes of school events or functions,  
6 ~~and between schools of enrollment~~ over the most direct and accessible  
7 route by the nearest highway from his or her place of residence to  
8 transport such person or any family member who resides with such person  
9 to attend duly scheduled courses of instruction and extracurricular or  
10 school-related activities at the school he or she attends or on property  
11 used by the school he or she attends; or

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

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

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

1 has sufficient powers of eyesight to safely operate a motor vehicle,  
2 moped, or motorcycle or an autocycle.

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

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

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

29 (7) Any person who holds a permit issued under this section and has  
30 violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b)  
31 or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or

1 60-6,197.06 shall not be eligible for an ignition interlock permit.

2 Sec. 2. Original section 60-4,124, Revised Statutes Cumulative  
3 Supplement, 2018, is repealed.