

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 415**  
FINAL READING

Introduced by Harms, 48

Read first time January 16, 2007

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section  
2 60-463, Reissue Revised Statutes of Nebraska, and  
3 sections 60-462, 60-4,120.01, 60-4,123, and 60-4,124,  
4 Revised Statutes Cumulative Supplement, 2006; to change  
5 provisions relating to operator's licenses, provisional  
6 operator's permits, school permits, and learner's  
7 permits; to harmonize provisions; to provide an operative  
8 date; and to repeal the original sections.

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

1           Section 1. Section 60-462, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           60-462 Sections 60-462 to 60-4,188 and section 3 of this  
4 act shall be known and may be cited as the Motor Vehicle Operator's  
5 License Act.

6           Sec. 2. Section 60-463, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           60-463 For purposes of the Motor Vehicle Operator's  
9 License Act, the definitions found in sections 60-463.01 to 60-478  
10 and section 3 of this act shall be used.

11           Sec. 3. Interactive wireless communication device means  
12 any wireless electronic communication device that provides for  
13 voice or data communication between two or more parties, including,  
14 but not limited to, a mobile or cellular telephone, a text  
15 messaging device, a personal digital assistant that sends or  
16 receives messages, an audio-video player that sends or receives  
17 messages, or a laptop computer.

18           Sec. 4. Section 60-4,120.01, Revised Statutes Cumulative  
19 Supplement, 2006, is amended to read:

20           60-4,120.01 ~~(1)~~ (1)(a) Any person who is at least sixteen  
21 years of age but less than eighteen years of age may be issued a  
22 provisional operator's permit by the Department of Motor Vehicles.  
23 The provisional operator's permit shall expire on the applicant's  
24 eighteenth birthday.

25           (b) No provisional operator's permit shall be issued to

1 any person unless such person:

2 (i) Has possessed a valid Nebraska LPD-learner's permit  
3 for at least a six-month period beginning on the date of issuance  
4 of such person's LPD-learner's permit; and

5 (ii) Has not accumulated three or more points pursuant to  
6 section 60-4,182 during the six-month period immediately preceding  
7 the date of the application for the provisional operator's permit.

8 (c) The requirements for the provisional operator's  
9 permit prescribed in subdivisions (2)(a) and (b) of this section  
10 may be completed prior to the applicant's sixteenth birthday. A  
11 person may apply for a provisional operator's permit and take the  
12 driving test and the written examination, if required, at any time  
13 within sixty days prior to his or her sixteenth birthday upon proof  
14 of age in the manner provided in section 60-484.

15 (2) In order to obtain a provisional operator's permit,  
16 the applicant shall present to the examiner (a)(i) proof of  
17 successful completion of a department-approved driver safety course  
18 which includes behind-the-wheel driving specifically emphasizing  
19 (A) the effects of the consumption of alcohol on a person  
20 operating a motor vehicle, (B) occupant protection systems, (C)  
21 risk assessment, and (D) railroad crossing safety and (ii) proof  
22 of successful completion of a written examination and driving  
23 test administered by a driver safety course instructor or (b)  
24 a certificate in a form prescribed by the department, signed  
25 by a parent, guardian, or licensed driver at least twenty-one

1 years of age, verifying that the applicant has completed fifty  
2 hours of lawful motor vehicle operation including at least ten  
3 hours of motor vehicle operation between sunset and sunrise,  
4 under conditions that reflect department-approved driver safety  
5 course curriculum, with a parent, guardian, or adult at least  
6 twenty-one years of age, who has a current Nebraska operator's  
7 license or who is licensed in another state. If the applicant  
8 presents such a certificate, the applicant shall be required to  
9 successfully complete a driving test administered by an examiner  
10 of the department. The written examination shall be waived if the  
11 applicant surrenders a Nebraska LPD-learner's permit or has been  
12 issued a Nebraska LPE-learner's permit after January 1, 2006, and  
13 such permit is valid or has expired no more than one year prior  
14 to surrender. However, the department shall not waive the written  
15 examination if the provisional operator's permit being applied for  
16 contains a class or endorsement which is different from the class  
17 or endorsement of the LPD-learner's or LPE-learner's permit. Upon  
18 presentation to the examiner by the applicant of a form prescribed  
19 by the department showing successful completion of the driver  
20 safety course, the examiner shall waive the written examination and  
21 driving test. Upon presentation to the examiner of the certificate,  
22 the examiner shall waive the written examination but not the  
23 driving test. The examiner shall waive the written examination and  
24 the driving test if the applicant has been issued a school permit  
25 and such permit is valid or has expired no more than one year prior

1 to application. The written examination shall not be waived if the  
2 provisional operator's permit being applied for contains a class or  
3 endorsement which is different from the class or endorsement of the  
4 school permit.

5 ~~(3)~~ (3)(a) The holder of a provisional operator's permit  
6 shall only operate a motor vehicle on the highways of this state  
7 during the period beginning at 6 a.m. and ending at 12 midnight  
8 except when he or she is en route to or from his or her residence  
9 to his or her place of employment or a school activity. The holder  
10 of a provisional operator's permit may operate a motor vehicle on  
11 the highways of this state at any hour of the day or night if  
12 accompanied by a parent, guardian, or adult at least twenty-one  
13 years of age, who has a current Nebraska operator's license or who  
14 is licensed in another state.

15 (b) The holder of a provisional operator's permit shall  
16 only operate a motor vehicle on the highways of this state during  
17 the first six months of holding the permit with no more than one  
18 passenger who is not an immediate family member and who is under  
19 nineteen years of age.

20 (c) The holder of a provisional operator's permit shall  
21 not use any type of interactive wireless communication device while  
22 operating a motor vehicle on the highways of this state.

23 (d) Enforcement of subdivisions (a), (b), and (c) of this  
24 subsection shall be accomplished only as a secondary action when  
25 the holder of the provisional operator's permit has been cited or

1 charged with a violation of some other law.

2 (4) The county treasurer shall collect the fee prescribed  
3 in section 60-4,115 for the issuance of each provisional operator's  
4 permit.

5 Sec. 5. Section 60-4,123, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7 60-4,123 (1) Any person who is at least fifteen years  
8 of age may apply for an LPD-learner's permit from the Department  
9 of Motor Vehicles. In order to obtain an LPD-learner's permit,  
10 the applicant shall successfully complete a written examination. A  
11 person may take the written examination beginning sixty days prior  
12 to his or her fifteenth birthday but shall not be issued a permit  
13 until he or she is fifteen years of age. The written examination  
14 shall be waived for any person who has been issued an LPE-learner's  
15 permit after January 1, 2006.

16 (2) Upon successful completion of the written examination  
17 and the payment of a fee, the applicant shall be issued an  
18 LPD-learner's permit from the county treasurer. The permit shall be  
19 valid for twelve months.

20 ~~(3)~~ (3) (a) The holder of an LPD-learner's permit shall  
21 only operate a motor vehicle on the highways of this state if he  
22 or she is accompanied at all times by a licensed operator who is  
23 at least twenty-one years of age and who has been licensed by this  
24 state or another state and if he or she is actually occupying the  
25 seat beside the licensed operator or, in the case of a motorcycle

1 or moped, if he or she is within visual contact of and under the  
2 supervision of, in the case of a motorcycle, a licensed motorcycle  
3 operator or, in the case of a moped, a licensed motor vehicle  
4 operator.

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

11 (4) The county treasurer shall collect the fee prescribed  
12 in section 60-4,115 for the issuance of each LPD-learner's permit.

13 Sec. 6. Section 60-4,124, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15 60-4,124 (1) A person who is younger than sixteen years  
16 and three months of age but is older than fourteen years and two  
17 months of age may be issued, by the county treasurer, a school  
18 permit if such person lives a distance of one and one-half miles or  
19 more from the school he or she attends and either resides outside  
20 a city of the metropolitan, primary, or first class or attends  
21 a school which is outside a city of the metropolitan, primary,  
22 or first class and if such person has held an LPE-learner's  
23 permit for two months. A school permit shall not be issued  
24 until such person has appeared before an examiner to demonstrate  
25 that he or she is capable of successfully operating a motor

1 vehicle, moped, or motorcycle and has in his or her possession an  
2 examiner's certificate authorizing the county treasurer to issue a  
3 school permit. In order to obtain an examiner's certificate, the  
4 applicant shall present to the examiner (a) proof of successful  
5 completion of a department-approved driver safety course which  
6 includes behind-the-wheel driving specifically emphasizing (i) the  
7 effects of the consumption of alcohol on a person operating a motor  
8 vehicle, (ii) occupant protection systems, (iii) risk assessment,  
9 and (iv) railroad crossing safety and (b) (i) proof of successful  
10 completion of a written examination and driving test administered  
11 by a driver safety course instructor or (ii) a certificate in a  
12 form prescribed by the department, signed by a parent, guardian, or  
13 licensed driver at least twenty-one years of age, verifying that  
14 the applicant has completed fifty hours of lawful motor vehicle  
15 operation, under conditions that reflect department-approved driver  
16 safety course curriculum, with a parent, guardian, or adult at  
17 least twenty-one years of age, who has a then current Nebraska  
18 operator's license or who is licensed in another state. The  
19 Department of Motor Vehicles shall waive the written examination  
20 if the applicant surrenders an LPE-learner's permit issued after  
21 January 1, 2006, and if such permit is valid or has expired no more  
22 than one year prior to application. The written examination shall  
23 not be waived if the permit being applied for contains a class or  
24 endorsement which is different from the class or endorsement of the  
25 LPE-learner's permit.

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

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

10 (b) Under the personal supervision of a licensed  
11 operator. Such licensed operator shall be at least twenty-one years  
12 of age and licensed by this state or another state and shall  
13 actually occupy the seat beside the permitholder or, in the case of  
14 a motorcycle or moped, if the permitholder is within visual contact  
15 of and under the supervision of, in the case of a motorcycle, a  
16 licensed motorcycle operator or, in the case of a moped, a licensed  
17 motor vehicle operator.

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

24 ~~(3)~~ (4) A person who is younger than sixteen years of age  
25 but is over fourteen years of age may be issued an LPE-learner's

1 permit from the county treasurer, which permit shall be valid for a  
2 period of three months. An LPE-learner's permit shall not be issued  
3 until such person successfully completes a written examination  
4 prescribed by the department and demonstrates that he or she has  
5 sufficient powers of eyesight to safely operate a motor vehicle,  
6 moped, or motorcycle.

7 ~~(4)~~ (5) (a) While holding the LPE-learner's permit, the  
8 person may operate a motor vehicle on the highways of this state  
9 if he or she has seated next to him or her a person who is a  
10 licensed operator or, in the case of a motorcycle or moped, if he  
11 or she is within visual contact of and is under the supervision of  
12 a person who, in the case of a motorcycle, is a licensed motorcycle  
13 operator or, in the case of a moped, is a licensed motor vehicle  
14 operator. Such licensed motor vehicle or motorcycle operator shall  
15 be at least twenty-one years of age and licensed by this state or  
16 another state.

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

23 ~~(5)~~ (6) The county treasurer shall collect the fee  
24 prescribed in section 60-4,115 from each successful applicant for a  
25 school or LPE-learner's permit. All school permits shall be subject

1 to impoundment or revocation under the terms of section 60-496. Any  
2 person who violates the terms of a school permit shall be guilty  
3 of an infraction and shall not be eligible for another operator's  
4 license or school, farm, LPD-learner's, or LPE-learner's permit  
5 until he or she has attained the age of sixteen years.

6           Sec. 7. This act becomes operative on January 1, 2008.

7           Sec. 8. Original section 60-463, Reissue Revised Statutes  
8 of Nebraska, and sections 60-462, 60-4,120.01, 60-4,123, and  
9 60-4,124, Revised Statutes Cumulative Supplement, 2006, are  
10 repealed.