

LEGISLATIVE BILL 725

Approved by the Governor April 23, 1971

Introduced by Richard Maresh, 32nd District; C. W. Holmquist, 16th District; Jerome Warner, 25th District; John W. DeCamp, 40th District; Willard H. Waldo, 31st District

AN ACT to amend sections 60-407 and 60-413, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for permits for minors of prescribed age to operate motorized farm equipment on the highways and roads as prescribed; to provide an exception; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 60-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-407. (1) No license or permit to operate a motor vehicle shall be granted to any applicant until such applicant satisfies the examiner that he possesses, with or without the aid of glasses, sufficient powers of eyesight to enable him to operate a motor vehicle on the highways of this state with a reasonable degree of safety. If, from the examination given any applicant, it appears that the applicant's powers of eyesight are such that he cannot operate a motor vehicle on the highways of this state with a reasonable degree of safety, the examiner shall require the applicant to present a doctor's or optometrist's certificate to the effect that the applicant has sufficient powers of eyesight for such purpose before issuing a license to such applicant. If it is indicated by such examination by the examiner or by the doctor's or optometrist's certificate that the applicant must wear glasses to meet the minimum visual standards set by the department, then the applicant shall have the use of any license issued to him restricted to wearing glasses while operating a motor vehicle. If the application to operate a motor vehicle required by this act discloses that the applicant for such license suffers from any other physical defect or defects of a character which may affect the safety of operation by such applicant of a motor vehicle, the examiner shall require such applicant to show cause why such license should be granted, and shall require such applicant, through such personal

examination and demonstration as may be prescribed by the director, to show the necessary ability to safely operate a motor vehicle on the public highways. If the examiner is satisfied, after such demonstration, that such applicant has the ability to safely operate such motor vehicle, an operator's license may be issued to the applicant subject, at the discretion of the director, to a limitation to operate only such motor vehicles at such time, for such purpose, and within such area as the license shall designate. The director may, at the request of a law enforcement officer, or when he has reason to believe that such person may be physically or mentally incompetent to operate a motor vehicle or whose driving record appears to the department to justify such examination, give notice to the holder of an operator's license to appear before an examiner for examination to operate a motor vehicle safely. A refusal to appear before an examiner for such examination shall be unlawful. If such license holder cannot qualify at such examination, his operator's license shall be immediately surrendered to such examiner and forwarded to the director who shall cancel his license and privilege to operate a motor vehicle; Provided, that a refusal to appear before an examiner for examination after notice to do so or to surrender an operator's license on demand, shall be unlawful and any person failing to surrender his operator's license as required by the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed five hundred dollars, or imprisoned in the county jail not to exceed thirty days, or be both so fined and imprisoned. No operator's license referred to in this subsection shall, under any circumstances, be issued to any person who has not attained the age of sixteen years.

(2) A person who has not attained the age set forth in subsection (1) of this section but is over the age of fourteen years, except within metropolitan, primary, and first-class cities, may be issued, by the county treasurer, a limited permit to drive a motor vehicle to and from the school building where he attends school, by the nearest highway or street from his place of residence, if such child lives a distance of one and one half miles or more from such school. Such limited permit shall be used for the sole purpose of transporting such person to attend school, except that the holder of such a permit may drive under the personal supervision of his parents or guardian; Provided, such a permit shall not be issued until such person has appeared before an examiner to demonstrate that he is capable of successfully operating a motor vehicle and has in his possession an examiner's certificate

authorizing the county treasurer to issue a school permit. Any such person desiring such limited permit may first obtain a learner's permit from the county treasurer, which permit shall be valid for a period of two months. While holding such a permit, the person may operate a motor vehicle on the highways of this state if he has seated next to him and supervising his operation of the vehicle a person who is a licensed operator and who is also either a parent or guardian of the child or a person over the age of twenty-one years who is authorized in writing by the child's parent or guardian to supervise the actions of the child in operating the vehicle. Prior to issuance of such learner's permit it shall be required that such person demonstrate that he has sufficient powers of eyesight to safely operate a motor vehicle.

(3) Each individual, under the age of twenty-one years, who is making an application for his first operator's license or a limited or learner's permit, must furnish proof of age, either by birth certificate or written information signed by one of his parents or his guardian, to show that such applicant has attained the age, respectively, as required by subsection (1) or (2) of this section. All licenses and limited permits issued, as provided by subsection (2) of this section, shall be subject to revocation under the terms of section 60-427, and any person who shall violate the terms of such license or limited permit shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 39-7,127.

(4) Any person who shall have attained the age of fifteen years or more may obtain a learner's permit from the county treasurer which shall be valid for a period of twelve months and he may operate a motor vehicle on the highways of this state if he is accompanied at all times by a licensed operator who is at least twenty-one years of age and who is actually occupying the seat beside the driver. Any person who shall have attained the age of fourteen years may operate a motor vehicle over the highways of the state if he is accompanied at all times by a licensed operator who shall be a high school driver training instructor certified by the Commissioner of Education.

(5) Any person who is thirteen years of age or older and resides upon a farm in this state or who is fourteen years of age or older and who is employed for compensation upon a farm in this state may obtain a special permit authorizing the operation of farm tractors and other motorized implements of farm

husbandry upon the public highways and roads of this state, if the applicant for such a restricted permit furnishes to a license examiner satisfactory proof of age and satisfactorily demonstrates to the examiner that he has knowledge of the operation of such equipment and of the rules of the road and laws respecting the operation of motor vehicles upon the highways and public roads of this state. Any person under sixteen years of age but not less than thirteen years of age may obtain a temporary permit to operate such equipment for a six-month period after presentation to the Department of Motor Vehicles of a request for such temporary permit signed by such person's parent or guardian and payment of one dollar. After the expiration of such six-month period it shall be unlawful for any person under sixteen years of age to operate such equipment upon the public highways and roads of this state unless he has been issued a special permit under the provisions of this subsection. The fee for such special permit shall be two dollars, and such special permit shall be subject to revocation for cause.

(5) (6) The county treasurer shall collect a fee of one dollar from each successful applicant for a school or learner's permit.

Sec. 2. That section 60-413, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-413. Every person licensed to operate motor vehicles under the provisions of this act shall, upon receipt of such license card, endorse his or her signature thereon in a space provided for such purpose, and no license shall be valid until the license card is so endorsed. The Except for a special permit issued under the provisions of subsection (5) of section 60-407, the license card shall at all times be carried by the licensee when operating a motor vehicle on the public highways of this state and shall be presented by the licensee for examination, or he shall present proof of ownership of the same, upon demand by any officer, employee or agent of the Nebraska State Patrol, police or peace officer recognized as such by the laws of this state. Such officer, employee or agent must in every case of making demand on the motor vehicle operator to show a motor vehicle operator's license, first display proper evidence of his lawful authority to act as an officer of the law. Outside incorporated villages and cities, no officer, except an officer, agent or employee of the Nebraska State Patrol, the superintendent of law enforcement and public safety, the county sheriff or

their authorized deputies or subordinates, shall exercise the authority to demand presentation of a motor vehicle operator's license. A special permit issued under the provisions of subsection (5) of section 60-407 need not be carried on the person but must be produced for examination within twenty-four hours after a lawful demand therefor has been made under the provisions of this section.

Sec. 3. That original sections 60-407 and 60-413, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.