

LEGISLATIVE BILL 881

Approved by the Governor April 16, 1986

Introduced by DeCamp, 40

AN ACT relating to crimes and punishments; to amend section 28-1240, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to tank vehicles; to provide for a duty in altering anhydrous ammonia tanks or containers as prescribed; to prohibit certain uses of anhydrous ammonia tanks or containers; to provide a penalty; to provide an exemption as prescribed; and to repeal the original section.

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

Section 1. That section 28-1240, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1240. (1) Any person, partnership, firm, or corporation (a) who shall load, unload, transport, or cause to be transported over the public highways of this state anhydrous ammonia in a tank or container vehicle with a water gallon capacity of three thousand gallons or less, which will not withstand two hundred fifty pounds per square inch gauge pressure, or in a tank or container vehicle with a water gallon capacity of more than three thousand gallons which will not withstand two hundred sixty-five pounds per square inch gauge pressure and does not meet all the other requirements of the United States Department of Transportation Specifications MC 330 or MC 331, as amended and effective September 1, 1965, or (b) who shall operate any anhydrous ammonia railroad tank cars operated over the railroads of this state ~~who fail~~ which fail to comply with all of the applicable requirements of the United States Department of Transportation in effect on December 25, 1969, commits the offense of unlawful transportation of anhydrous ammonia.

(2) Compliance with this section must be shown by an identification plate permanently affixed to a conspicuous place on each tank vehicle or container. After the effective date of this act, whenever any tank or container is altered subsequent to its original manufacture, the identification plate of such tank or container shall be changed to indicate proof that the

tank or container is able to meet standards prescribed in subsection (1) of this section after the tank or container has been altered. Any tank or container which is so altered without making the appropriate changes on its identification plate shall be considered not in compliance with this section.

(3) Unlawful transportation of anhydrous ammonia is a Class II misdemeanor.

(4) Each day of a violation of this section shall constitute a separate offense, and any person, partnership, firm, or corporation operating, loading, or unloading a tank or container vehicle not in compliance with any of the provisions of this section shall be considered as a separate violator of this section.

(5) It shall be unlawful for any person to use or cause to be used any tank or container with a water gallon capacity of under three thousand gallons, which is or has been used to contain anhydrous ammonia, for containing propane or liquified natural gas. Such unlawful use of a tank or container shall be a Class III misdemeanor.

(6) Subsection (5) of this section shall not be applicable when the owner of the tank or container can show that the tank or container has been properly prepared for alternative use. Standards for such preparation shall be adopted and promulgated by the State Fire Marshal pursuant to this section.

Sec. 2. That original section 28-1240, Reissue Revised Statutes of Nebraska, 1943, is repealed.