

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 102

Introduced by Schilz, 47.

Read first time January 06, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend
2 sections 60-6,298 and 60-6,301, Reissue Revised Statutes
3 of Nebraska; to change provisions relating to vehicle
4 loads; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,298, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,298 (1)(a) The Department of Roads or the Nebraska
4 State Patrol, with respect to highways under its jurisdiction
5 including the National System of Interstate and Defense Highways, and
6 local authorities, with respect to highways under their jurisdiction,
7 may in their discretion upon application and good cause being shown
8 therefor issue a special, continuing, or continuous permit in writing
9 authorizing the applicant or his or her designee:

10 (i) To operate or move a vehicle, a combination of
11 vehicles, or objects of a size or weight of vehicle or load exceeding
12 the maximum specified by law when such permit is necessary:

13 (A) To further the national defense or the general
14 welfare;

15 (B) To permit movement of cost-saving equipment to be
16 used in highway or other public construction or in agricultural land
17 treatment; or

18 (C) Because of an emergency, an unusual circumstance, or
19 a very special situation;

20 (ii) To operate vehicles, for a distance up to one
21 hundred twenty miles, loaded up to fifteen percent greater than the
22 maximum weight specified by law, up to ten percent greater than the
23 maximum length specified by law, except that for a truck-tractor
24 semitrailer trailer combination utilized to transport sugar beets
25 which may be up to twenty-five percent greater than the maximum

1 length specified by law, or both, when carrying grain or other
2 seasonally harvested products from the field where such grain or
3 products are harvested to storage, market, or stockpile in the field
4 or from stockpile or farm storage to market or factory when failure
5 to move such grain or products in abundant quantities would cause an
6 economic loss to the person or persons whose grain or products are
7 being transported or when failure to move such grain or products in
8 as large quantities as possible would not be in the best interests of
9 the national defense or general welfare. The distance limitation may
10 be waived for vehicles when carrying dry beans from the field where
11 harvested to storage or market when dry beans are not normally
12 stored, purchased, or used within the permittee's local area and must
13 be transported more than one hundred twenty miles to an available
14 marketing or storage destination. No permit shall authorize a weight
15 greater than twenty thousand pounds on any single axle;

16 (iii) To transport an implement of husbandry which does
17 not exceed twelve and one-half feet in width during daylight hours,
18 except that the permit shall not allow transport on holidays;

19 (iv) To operate one or more recreational vehicles, as
20 defined in section 71-4603, exceeding the maximum width specified by
21 law if movement of the recreational vehicles is prior to retail sale
22 and the recreational vehicles comply with subdivision (2)(k) of
23 section 60-6,288; or

24 (v) To operate an emergency vehicle for purposes of sale,
25 demonstration, exhibit, or delivery, if the applicant or his or her

1 designee is a manufacturer or sales agent of the emergency vehicle.
2 No permit shall be issued for an emergency vehicle which weighs over
3 sixty thousand pounds on the tandem axle.

4 (b) No permit shall be issued under subdivision (a)(i) of
5 this subsection for a vehicle carrying a load unless such vehicle is
6 loaded with an object which exceeds the size or weight limitations,
7 which cannot be dismantled or reduced in size or weight without great
8 difficulty, and which of necessity must be moved over the highways to
9 reach its intended destination. No permit shall be required for the
10 temporary movement on highways other than dustless-surfaced state
11 highways and for necessary access to points on such highways during
12 daylight hours of cost-saving equipment to be used in highway or
13 other public construction or in agricultural land treatment when such
14 temporary movement is necessary and for a reasonable distance.

15 (2) The application for any such permit shall
16 specifically describe the vehicle, the load to be operated or moved,
17 whenever possible the particular highways for which permit to operate
18 is requested, and whether such permit is requested for a single trip
19 or for continuous or continuing operation.

20 (3) The department or local authority is authorized to
21 issue or withhold such permit at its discretion or, if such permit is
22 issued, to limit the number of days during which the permit is valid,
23 to limit the number of trips, to establish seasonal or other time
24 limitations within which the vehicles described may be operated on
25 the highways indicated, or to issue a continuous or continuing permit

1 for use on all highways, including the National System of Interstate
2 and Defense Highways. The permits are subject to reasonable
3 conditions as to periodic renewal of such permit and as to operation
4 or movement of such vehicles. The department or local authority may
5 otherwise limit or prescribe conditions of operation of such vehicle
6 or vehicles, when necessary to assure against undue damage to the
7 road foundations, surfaces, or structures or undue danger to the
8 public safety. The department or local authority may require such
9 undertaking or other security as may be deemed necessary to
10 compensate for any injury to any roadway or road structure.

11 (4) Every such permit shall be carried in the vehicle to
12 which it refers and shall be open to inspection by any peace officer,
13 carrier enforcement officer, or authorized agent of any authority
14 granting such permit. Each such permit shall state the maximum weight
15 permissible on a single axle or combination of axles and the total
16 gross weight allowed. No person shall violate any of the terms or
17 conditions of such special permit. In case of any violation, the
18 permit shall be deemed automatically revoked and the penalty of the
19 original limitations shall be applied unless:

20 (a) The violation consists solely of exceeding the size
21 or weight specified by the permit, in which case only the penalty of
22 the original size or weight limitation exceeded shall be applied; or

23 (b) The total gross load is within the maximum authorized
24 by the permit, no axle is more than ten percent in excess of the
25 maximum load for such axle or group of axles authorized by the

1 permit, and such load can be shifted to meet the weight limitations
2 of wheel and axle loads authorized by such permit. Such shift may be
3 made without penalty if it is made at the state or commercial scale
4 designated in the permit. The vehicle may travel from its point of
5 origin to such designated scale without penalty, and a scale ticket
6 from such scale, showing the vehicle to be properly loaded and within
7 the gross and axle weights authorized by the permit, shall be
8 reasonable evidence of compliance with the terms of the permit.

9 (5) The department or local authority issuing a permit as
10 provided in this section may adopt and promulgate rules and
11 regulations with respect to the issuance of permits provided for in
12 this section.

13 (6) The department shall make available applications for
14 permits authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)
15 (iii) of this section in the office of each county treasurer. The
16 department may make available applications for all other permits
17 authorized by this section to the office of the county treasurer and
18 may make available applications for all permits authorized by this
19 section to any other location chosen by the department.

20 (7) The department or local authority issuing a permit
21 may require a permit fee of not to exceed twenty-five dollars, except
22 that:

23 (a) The fee for a continuous or continuing permit may not
24 exceed twenty-five dollars for a ninety-day period, fifty dollars for
25 a one-hundred-eighty-day period, or one hundred dollars for a one-

1 year period; and

2 (b) The fee for permits issued pursuant to subdivision
3 (1)(a)(ii) of this section shall be twenty-five dollars for a thirty-
4 day permit and fifty dollars for a sixty-day permit. Permits issued
5 pursuant to such subdivision shall be valid for thirty days or sixty
6 days and shall be renewable for a total number of days not to exceed
7 one hundred and twenty days per year.

8 A vehicle or combination of vehicles for which an
9 application for a permit is requested pursuant to this section shall
10 be registered under section 60-3,147 or 60-3,198 for the maximum
11 gross vehicle weight that is permitted pursuant to section 60-6,294
12 before a permit shall be issued.

13 Sec. 2. Section 60-6,301, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 60-6,301 When any motor vehicle, semitrailer, or trailer
16 is operated upon the highways of this state carrying a load in excess
17 of the maximum weight permitted by section 60-6,294, the load shall
18 be reduced or shifted to within such maximum tolerance before being
19 permitted to operate on any public highway of this state, except
20 that:

21 (1) If any motor vehicle, semitrailer, or trailer exceeds
22 the maximum load on only one axle, only one tandem axle, or only one
23 group of axles when (a) the distance between the first and last axle
24 of such group of axles is twelve feet or less, (b) the excess axle
25 load is no more than five percent in excess of the maximum load for

1 such axle, tandem axle, or group of axles permitted by such section,
2 while the vehicle or combination of vehicles is within the maximum
3 gross load, and (c) the load on such vehicle is such that it can be
4 shifted or the configuration of the vehicle can be changed so that
5 all axles, tandem axle, or groups of axles are within the maximum
6 permissible limit for such axle, tandem axle, or group of axles, such
7 shift or change of configuration may be made without penalty;

8 (2) Any motor vehicle, semitrailer, or trailer carrying
9 only a load of livestock may exceed the maximum load as permitted by
10 such section on only one axle, only one tandem axle, or only one
11 group of axles when the distance between the first and last axle of
12 the group of axles is six feet or less if the excess load on the
13 axle, tandem axle, or group of axles is caused by a shifting of the
14 weight of the livestock by the livestock and if the vehicle or
15 combination of vehicles is within the maximum gross load as permitted
16 by such section;

17 (3) With a permit issued by the Department of Roads or
18 the Nebraska State Patrol, a truck with an enclosed body and a
19 compacting mechanism, designed and used exclusively for the
20 collection and transportation of garbage or refuse, may exceed the
21 maximum load as permitted by such section by no more than twenty
22 percent on only one axle, only one tandem axle, or only one group of
23 axles when the vehicle is laden with garbage or refuse if the vehicle
24 is within the maximum gross load as permitted by such section. There
25 shall be a permit fee of ten dollars per month or one hundred dollars

1 per year. The permit may be issued for one or more months up to one
2 year, and the term of applicability shall be stated on the permit;

3 (4) Any motor vehicle, semitrailer, or trailer carrying
4 any kind of a load, including livestock, which exceeds the legal
5 maximum gross load by five percent or less may proceed on its
6 itinerary and unload the cargo carried thereon to the maximum legal
7 gross weight at the first unloading facility on the itinerary where
8 the cargo can be properly protected. All material so unloaded shall
9 be cared for by the owner or operator of such vehicle at the risk of
10 such owner or operator; and

11 (5) Any motor vehicle, semitrailer, or trailer carrying
12 grain or other seasonally harvested products may operate from the
13 field where such grain or products are harvested to storage, market,
14 or stockpile in the field or from stockpile or farm storage to market
15 or factory up to seventy miles with a load that exceeds the maximum
16 load permitted by section 60-6,294 by fifteen percent on any tandem
17 axle, group of axles, and gross weight. Any truck with no more than a
18 single rear axle carrying grain or other seasonally harvested
19 products may operate from the field where such grain or products are
20 harvested to storage, market, or stockpile in the field or from
21 stockpile or farm storage to market or factory up to seventy miles
22 with a load that exceeds the maximum load permitted by section
23 60-6,294 by fifteen percent on any single axle and gross weight. The
24 owner or a representative of the owner of the agricultural product
25 shall furnish the driver of the loaded vehicle a signed statement of

1 origin and destination.

2 Nothing in this section shall be construed to permit to
3 be operated on the National System of Interstate and Defense Highways
4 any vehicle or combination of vehicles which exceeds any of the
5 weight limitations applicable to such system as contained in section
6 60-6,294.

7 If the maximum legal gross weight or axle weight of any
8 vehicle is exceeded by five percent or less and the arresting peace
9 officer or carrier enforcement officer has reason to believe that
10 such excessive weight is caused by snow, ice, or rain, the officer
11 may issue a warning citation to the operator.

12 Sec. 3. Original sections 60-6,298 and 60-6,301, Reissue
13 Revised Statutes of Nebraska, are repealed.