

## LEGISLATIVE BILL 491

Approved by the Governor May 2, 1973

Introduced by Public Works Committee, Kremer, 34, Chmn.; Hasebrock, 18; Wiltse, 1; Moylan, 6; Stromer, 36; Goodrich, 20; Warner, 25; R. Lewis, 38

AN ACT to amend sections 39-723.05 and 39-1351, Reissue Revised Statutes of Nebraska, 1943, and sections 39-719, 39-720, 39-723.06, and 39-723.07, Revised Statutes Supplement, 1972, relating to highways; to change maximum height, width, and load provisions; to change the time to apply for prequalification; 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 39-719, Revised Statutes Supplement, 1972, be amended to read as follows:

39-719. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours; ~~where when~~ such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours in the normal course of farm operations, ~~(3) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall width does not exceed fifteen feet,~~ (3) (4) farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry during daylight hours within the county in which the dealer maintains his place of business, or in any adjoining county or counties, and return, ~~(4) (5) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance-light requirements of section 39-735 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot~~

vehicle or flagman at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, ~~(5)~~ (6) unbaled livestock forage vehicles loaded or unloaded that comply with subsection (4) of section 39-719.01; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, or ~~(6)~~ (7) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways, designated by the Director-State Engineer for such operation. The Director-State Engineer, with respect to highways under his jurisdiction, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivision ~~(6)~~ (7) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.

Sec. 2. That section 39-720, Revised Statutes Supplement, 1972, be amended to read as follows:

39-720. (1) No vehicle unladen or with load shall exceed a height of thirteen feet, six inches, except (a) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall height does not exceed fifteen feet, six inches, or (b) unbaled livestock forage

vehicles with or without load that comply with the provisions of subsection (4) of section 39-719.01; and

(2) No person, firm, corporation, the State of Nebraska, or any political subdivision thereof, shall be required to raise, alter, construct, or reconstruct any underpass, bridge, wire, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of twelve feet, six inches. The owners, lessees, and operators, jointly and severally, of vehicles exceeding twelve feet, six inches, in height shall assume the risk of loss to the vehicle or its load, and shall be liable for any damages that result to overhead obstructions from operation of a vehicle exceeding twelve feet, six inches, in height.

Sec. 3. That section 39-723.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-723.05. (1) Any person operating any commercial-freight-carrying motor vehicle, bus, truck, truck-tractor, or trailer, in violation of any of the provisions of sections section 39-723, 39-723.04, or 39-7,108, or any owner of any such vehicle above described in this section who shall permit operation thereof in violation of any of the provisions of section 39-723 or 39-7,108, subdivision (1) of section 39-723.03, or section 39-723.04, shall be deemed guilty of a misdemeanor and, upon conviction thereof for the first or second offense, shall be fined not less than ten dollars and not more than one hundred dollars.

(2) Upon the third conviction of violation of the provisions of section 39-723, 39-723.04, or 39-7,108 by the owner or operator of such a vehicle as is referred to in subsection (1) of this section, in addition to the fine above provided by subsection (1) of this section, the license of such vehicle shall be revoked, either by the trial court or by the Director of Motor Vehicles. In that event, the number plates and certificates of registration of vehicles shall be returned to the county treasurer who issued the same. The tribunal or Department of Motor Vehicles depriving said licensee of his license shall have authority, upon good cause shown, to order that a license be again issued to said licensee.

Sec. 4. That section 39-723.06, Revised Statutes Supplement, 1972, be amended to read as follows:

39-723.06. Any person operating any motor vehicle, freight-carrying vehicle, bus, truck, truck-tractor, or trailer, where the weight of the

vehicle and load is in violation of the provisions of section 39-722, and the tolerance permitted by subdivision (1) or (2) of section 39-723.03, and when the vehicle and load does not qualify for the exceptions permitted by section 39-723.07, shall be guilty of a misdemeanor, or misdemeanors, and shall, upon conviction thereof, be fined (1) not less than fifty dollars nor more than one hundred dollars for carrying a load of ten per cent or less over the maximum, (2) not less than one hundred dollars nor more than two hundred dollars for carrying a load of more than ten per cent but not more than twenty per cent over the maximum, (3) not less than two hundred dollars nor more than three hundred dollars for carrying a load of more than twenty per cent but not more than thirty per cent over the maximum, (4) not less than three hundred dollars nor more than four hundred dollars for carrying a load of more than thirty per cent but not more than forty per cent over the maximum, (5) not less than four hundred dollars nor more than five hundred dollars for carrying a load of more than forty per cent but not more than fifty per cent over the maximum, and (6) five hundred dollars for carrying a load of more than fifty per cent over the maximum; Provided, that no person shall be guilty of multiple offenses when the violations ~~(1)~~ (a) involve the excess weight of an axle or a group of axles and the excess weight of the gross load of a single vehicle or ~~(2)~~ (b) occur on the National System of Interstate and Defense Highways.

Sec. 5. That section 39-723.07, Revised Statutes Supplement, 1972, be amended to read as follows:

39-723.07. When any motor vehicle, motor truck, truck-tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum weight permitted by section 39-722 or the maximum tolerance permitted in subdivisions subdivision (1) and or (2) of section 39-723.03, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state; Provided, that if any truck, truck-tractor, semitrailer or trailer exceeds the maximum load, or load with tolerance as provided in section 39-723.03, on only one axle, or on only one group of axles where the distance between the first and last axle of such group of axles is ten feet or less, and said excess axle load is no more than ten per cent in excess of the maximum load for such axles or group of axles permitted by section 39-722, while the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load with tolerance as provided in section 39-723.03, and the load on such vehicle is such that it can be shifted so that all axles or groups of axles are within the maximum

permissible limit, or maximum permissible limit with tolerance, for such axle or group of axles, such shift may be made without penalty; such shift shall be made at the first state or commercial scale reached by such vehicle on or within five miles in any direction from its intended route after its departure from its point of origin; the vehicle may travel from its point of origin to such scale without penalty, and a scale ticket from said scale, showing the vehicle to be properly loaded and within the gross and axle weights, with tolerance where applicable, permitted by sections 39-722 and 39-723.03, shall be reasonable evidence of compliance with the mandate of said statutes; and provided further, that any truck, truck-tractor, semitrailer, or trailer, carrying only a load of livestock, may exceed the maximum load, or load with tolerance on only one axle, or on only one group of axles ~~where~~ when the distance between the first and last axle of said group of axles is six feet or less, if the excess load on said axle or on said group of axles is caused by a shifting of the weight of the livestock by said livestock, and if the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load with tolerance. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. Nothing herein contained shall be construed to permit to be operated, on the National System of Interstate and Defense Highways, any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system, as contained in section 39-722, with the tolerance permitted in section 39-723.03.

Sec. 6. That section 39-1351, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1351. Any person desiring to submit to the department a bid for the performance of any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances, which the department proposes to let, shall apply to the department for prequalification not later than one-week ten days before the letting of the contract. The department shall determine the extent of any applicant's qualifications by a full and appropriate evaluation of his experience, equipment, financial resources, and performance record. In determining the qualification of persons to bid on any particular contract, the department shall consider the equipment and resources available for the particular contract contemplated; Provided, that the above requirements shall not apply to contracts for repair and maintenance ~~where~~ when the estimate of the engineer for such repair and

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maintenance is less than twenty-five hundred dollars, or of an emergency nature.

Sec. 7. That original sections 39-723.05 and 39-1351, Reissue Revised Statutes of Nebraska, 1943, and sections 39-719, 39-720, 39-723.06, and 39-723.07, Revised Statutes Supplement, 1972, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.