

LEGISLATIVE BILL 383

Approved by the Governor March 29, 1982

Introduced by Warner, 25

AN ACT to amend sections 39-6,179, 39-6,180, and 60-305.09 and subsection (5) of section 77-202, Revised Statutes Supplement, 1980, relating to vehicles; to permit an exception to weight and length requirements for certain vehicle towing combinations; to change provisions governing apportionable fleets; to change a tax exemption; and to repeal the original sections and subsection, and also Chapter 77, article 10, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 39-6,179, Revised Statutes Supplement, 1980, be amended to read as follows:

39-6,179. (1) (a) No vehicle shall exceed a length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers including load, except that a bus shall be permitted to exceed the forty foot limitation by up to but not to exceed six inches when such excess length is caused by the projection of a front or rear safety bumper constructed, treated, or manufactured so that it absorbs energy upon impact;

(b) Combinations of vehicles shall not exceed a total length of sixty-five feet, inclusive of front and rear bumpers and including load, and two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each when the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six, thirty-seven, or thirty-eight feet, except as provided in section 3 of this act. Such combinations of vehicles shall be subject to the provisions of section 39-6,185;

(c) A truck shall be construed to be one vehicle for the purpose of determining length;

(d) A trailer shall be construed to be one vehicle for the purpose of determining length; and

(e) The length of refrigeration units mounted on the front of trailers which overhang the cab of the truck shall not be counted in determining length.

(2) The above provisions of subsection (1) of this section shall not apply to the temporary moving of farm machinery during daylight hours in the normal course of farm operations, to the movement of unbaled livestock forage vehicles, loaded or unloaded, nor to the movement of public utility or other construction and maintenance material and equipment at any time, or to farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry within the county in which the dealer maintains his or her place of business, or in any adjoining county or counties, and return, nor shall they apply to the overhang of any motor vehicle being hauled upon any lawful combination of vehicles, but such overhang shall not exceed the distance from the rear axle of the hauled motor vehicle to the closest bumper thereof nor shall they apply to any rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds.

Sec. 2. That section 39-6,180, Revised Statutes Supplement,1980, be amended to read as follows:

39-6,180. (1) The wheels of all vehicles, including trailers, except those operated at twenty miles per hour or less, shall be equipped with pneumatic tires.

(2) No wheel of a vehicle or trailer, referred to in subsection (1) of this section, equipped with pneumatic, solid rubber, or cushion tires shall carry a gross load in excess of nine thousand pounds on the National System of Interstate and Defense Highways and ten thousand pounds on any road or highway not a part of

the National System of Interstate and Defense Highways, nor shall any axle carry a gross load in excess of eighteen thousand pounds on the National System of Interstate and Defense Highways and twenty thousand pounds on any road or highway not a part of the National System of Interstate and Defense Highways. An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

(3) Every vehicle, whether operated singly or in a combination of vehicles, and every combination of vehicles must comply with subsections (2) and (4) of this section, except as provided in section 3 of this act. The limitations imposed by this section are supplemental to all other provisions imposing limitations upon the size and weight of vehicles.

(4) No group of two or more consecutive axles shall carry, on the National System of Interstate and Defense Highways, a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot.

Distance in feet between the extremes of any group of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles				
	Two Axles	Three Axles	Four Axles	Five Axles	Six Axles
4	32,000				
5	32,000				
6	32,000				
7	32,000				
8	36,000	39,000			
9		39,750			
10		40,500			
11		41,250			
12		42,000	46,000		
13		42,750	46,667		
14		43,500	47,333		
15		44,250	48,000		
16		45,000	48,667	53,000	
17		45,750	49,333	53,625	
18		46,500	50,000	54,250	
19		47,250	50,667	54,875	
20		48,000	51,333	55,500	60,000
21		48,750	52,000	56,125	60,600
22		49,500	52,667	56,750	61,200
23		50,250	53,333	57,375	61,800
24		51,000	54,000	58,000	62,400

25	51,750	54,667	58,625	63,000
26	52,500	55,333	59,250	63,600
27	53,250	56,000	59,875	64,200
28	54,000	56,667	60,500	64,800
29		57,333	61,125	65,400
30		58,000	61,750	66,000
31		58,667	62,375	66,600
32		59,333	63,000	67,200
33		60,000	63,625	67,800
34		62,200	64,250	68,400
35		62,200	64,875	69,000
36		62,200	65,500	69,600
37		62,667	66,125	70,200
38		63,333	66,750	70,800
39		64,000	67,375	71,446
40		64,667	68,000	71,146
41		65,333	68,625	71,146
42		66,000	69,250	71,146
43		66,667	69,875	71,146
44		67,333	70,500	71,146
45		68,000	71,146	71,146
46		68,667	71,146	71,146
47		69,333	71,146	71,146
48		70,000	71,146	71,146
49		70,667	71,146	71,146
50		71,146	71,146	71,146

No group of two or more consecutive axles shall carry, on any road or highway not a part of the National System of Interstate and Defense Highways, a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot.

Distance in feet between the extremes of any group of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles					
	Two Axles	Three Axles	Four Axles	Five Axles	Six Axles	Seven Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		

17	48,500	53,500	58,500	
18	49,500	54,000	59,000	
19	50,000	54,500	60,000	
20	51,000	55,500	60,500	
21	51,500	56,000	61,000	
22	52,500	56,500	61,500	
23	53,000	57,500	62,500	
24	54,000	58,000	63,000	
25	54,500	58,500	63,500	69,000
26	55,500	59,500	64,000	69,500
27	56,000	60,000	65,000	70,000
28	57,000	60,500	65,500	71,000
29	57,500	61,500	66,000	71,500
30	58,500	62,000	66,500	72,000
31	59,000	62,500	67,500	72,500
32	60,000	63,500	68,000	73,000
33		64,000	68,500	74,000
34		65,500	69,000	74,500
35		65,500	70,000	75,000
36		66,000	70,500	75,500
37		66,500	71,000	76,000 81,500
38		67,500	72,000	77,000 82,000
39		68,000	72,500	77,500 82,500
40		68,500	73,000	78,000 83,500
41		69,500	73,500	78,500 84,000
42		70,000	74,000	79,000 84,500
43		70,500	75,000	80,000 85,000
44		71,500	75,500	80,500 85,500
45		72,000	76,000	81,000 86,000
46		72,500	76,500	81,500 87,000
47		73,500	77,500	82,000 87,500
48		74,000	78,000	83,000 88,000
49		74,500	78,500	83,500 88,500
50		75,500	79,000	84,000 89,000
51		76,000	80,000	84,500 89,500
52		76,500	80,500	85,000 90,500
53		77,500	81,000	86,000 91,000
54		78,000	81,500	86,500 91,500
55		78,500	82,500	87,000 92,000
56		79,500	83,000	87,500 92,500
57		80,000	83,500	88,000 93,000
58			84,000	89,000 94,000
59			85,000	89,500 94,500
60			85,500	90,000 95,000

(5) The distance between axles shall be measured to the nearest foot. When a fraction is exactly one half foot the next larger whole number shall be used.

(6) The limitations of subsections (2), (4), and (5) of this section shall apply as stated to all main, rural, and intercity roads, but shall not be construed as inhibiting heavier axle loads in metropolitan areas

except on the National System of Interstate and Defense Highways if such loads are not prohibited by city ordinance.

(7) The weight limitations of wheel and axle loads as defined in subsections (2), (4), and (5) of this section shall be restricted to the extent deemed necessary by the Department of Roads for a reasonable period where road subgrades or pavements are weak or are materially weakened by climatic conditions.

(8) If any truck shall cross a bridge with a total gross load in excess of the posted capacity of said bridge provided for by section 39-803.01, and, as a result of such crossing, any damage results to the bridge, the owner of such truck shall be responsible for all of such damage.

(9) Vehicles equipped with a greater number of axles than provided in the tables in subsection (4) of this section shall be legal, provided that they do not exceed the maximum load upon any wheel or axle, upon any group of two or more consecutive axles, and the total gross weight, or any of such weights as provided in subsections (2) and (4) of this section.

(10) Subsections (1) to (9) of this section shall not apply to a rubber tired crane with a fixed load when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds.

Sec. 3. The provisions of subdivision (1) (b) of section 39-6,179 and subsections (2) and (4) of section 39-6,180 shall not apply when a disabled combination of vehicles is towed if the combination of vehicles, together with the wrecker or tow truck, does not exceed ninety-five feet, inclusive of front and rear bumpers including load. Such exception shall apply only if the disabled combination of vehicles is being towed directly to the nearest place of secure safekeeping. The towing vehicle shall be connected with the air brakes and brake lights of the towed vehicle.

Sec. 4. That section 60-305.09, Revised Statutes Supplement, 1980, be amended to read as follows:

60-305.09. (1) Any owner engaged in operating a fleet of apportionable ~~commercial~~ vehicles in this state in interstate commerce may, in lieu of registration of such vehicles under the general provisions of sections 60-301 to 60-344, register and license such fleet for operation in this state by filing a sworn statement with the Department of Motor Vehicles, which shall be in such form and contain such information as the department shall require, declaring the total mileage operated by such vehicles in all states and in this state during the preceding year and describing and identifying each such vehicle to be operated in this state during the ensuing license year. The application shall be accompanied by payment of the registration fee determined as provided in this section. Upon receipt of such statement, the department shall determine the total fee payment which shall be equal to the amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in said states, to a fee of thirty-two dollars per ton based upon gross vehicle weight of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time, and shall notify the applicant of the amount of any additional payment required to be made. Mileage operated in noncontracting reciprocity states by vehicles based in Nebraska shall be applied to the portion of the formula for determining the Nebraska in-state fleet miles.

Temporary authority which shall permit the operation of a fleet or an addition to a fleet in this state while the application is being processed may be issued upon application to the department if necessary to complete processing of the application.

Upon completion of such processing and receipt of the appropriate fees, the department shall issue to the applicant a sufficient number of distinctive registration certificates and such other evidence of registration for display on the vehicle as the department determines appropriate for each of the motor vehicles of his or her fleet, identifying it as a part of an interstate fleet proportionately registered. All fees received as provided in this section shall be credited to the International Registration Plan Distributive Fund, which fund is hereby created. Such fund shall be disbursed to carry out the provisions of the International Registration Plan.

The vehicles so registered shall be exempt from all further registration and license fees under sections 60-301 to 60-344 for movement or operation in the State of Nebraska. The proportional registration and licensing provision of this section shall apply to vehicles added to said fleets and operated in this state during the license year.

The right of applicants to proportional registration hereunder shall be subject to the terms and conditions of any reciprocity agreement, contract, or consent made by the Department of Motor Vehicles.

When a nonresident fleet owner has registered his or her vehicles on an apportionment basis, his or her vehicles shall be considered as fully registered for both interstate and intrastate commerce when the state of base registration for such fleet accords the same consideration for fleets with a base registration in Nebraska. Each vehicle of a fleet registered by a resident of Nebraska on an apportionment basis shall be considered as fully registered for both interstate and intrastate commerce.

(2) Mileage proportions for interstate fleets not operated in this state during the preceding year shall be determined by the department upon the sworn application of the applicant on forms to be supplied by the department which shall show the operations of the preceding year in other states and estimated operations in Nebraska, or if no operations were conducted the previous year, a full statement of the proposed method of operation.

(3) Any owner complying with and being granted proportional registration shall preserve the records on which the application is made for a period of three years following the current registration year. Upon request of the department, the owner shall make such records

available to the department at its office for audit as to accuracy of computation and payments, or pay the costs of an audit at the home office of the owner by a duly appointed representative of the department if the office where the records are maintained is not within the State of Nebraska. The department may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such owner. All payments received to cover the costs of an audit shall be paid by the department into the state treasury and the State Treasurer shall credit the same to the state General Fund. No deficiency shall be assessed nor any claim for credit allowed for any license registration year for which records on which the application was made are no longer required to be maintained.

(4) If it is claimed by the Department of Motor Vehicles that the owner should have paid a greater amount of fee under the provisions of this act than was paid, the department shall notify the owner of the additional amount claimed to be due. The owner may accept such claim and pay the amount due, or he or she may dispute the claim and submit to the department any information which he or she may have in support of his or her position. If the dispute cannot otherwise be resolved within the department, the entire matter shall be submitted to the director for his or her final departmental determination thereof. The director shall incorporate his or her determination into a written order. Such order may be appealed to the district court in the manner provided in section 60-420 except that the bond shall be filed with the clerk of the district court and shall be a surety bond or a cash bond equal to the amount claimed to be due plus two hundred dollars as security for costs that might be assessed against the owner and a certified copy of the director's order shall be filed in lieu of a transcript. Upon expiration of the time for perfecting an appeal, if no appeal is taken, or upon final judicial determination, if an appeal is taken, the department shall deny the owner the right to further registration for a fleet license until the amount finally determined to be due, together with any costs assessed against the owner, has been paid. This subsection shall apply to all disputes which have not been processed to final determination as of September 2, 1977.

(5) Every applicant who shall license any vehicles under the provisions of this act shall have their registration certificates issued only after all fees are paid.

(6) In the event of the transfer of ownership of any registered motor vehicle, or in the case of loss of

possession because of fire or theft or because the motor vehicle was wrecked, junked, or dismantled, its registration shall expire, except that the registered owner, if he or she applies to the department after such transfer or loss of possession and accompanies the application with the fee of one dollar and fifty cents, may have assigned to another motor vehicle the registration identification of the motor vehicle so transferred or lost. If the assigned motor vehicle has a greater gross weight than the transferred or lost motor vehicle, the owner of the assigned motor vehicle shall additionally pay only the registration fee for the increased gross weight for the remaining months of the registration year based on the factors determined by the department in the original fleet application.

(7) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because of (a) the transfer of ownership, or (b) the loss of possession due to fire or theft or because the motor vehicle was wrecked, junked, or dismantled, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, if such certificate or certificates or such other evidence of registration is unavailable, then by making an affidavit to the department of such transfer or loss, receive a refund of the registration fee based upon the number of unexpired months remaining in the registration year. When such motor vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month. Such refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered motor vehicle owner.

(8) Whenever a Nebraska-based fleet owner files an application with the department to delete a registered motor vehicle from a fleet of registered motor vehicles because the vehicle is disabled and has been removed from service, the registered owner may, by returning the registration certificate or certificates and such other evidence of registration used by the department or, in the case of the unavailability of such certificate or certificates or such other evidence of registration, then by making an affidavit to the department of such disablement and removal from service, receive a credit for that portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be

allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one year after cancellation of registration of the motor vehicle for which the credit was allowed. When any such vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.

(9) In case of addition to the registered fleet during the registration year, the owner engaged in operating the fleet shall pay the proportionate registration fee from the date of the application for the remaining balance of the registration year.

(10) In lieu of registration under subsections (1) to (9) of this section, the title holder of record may apply to the department for special registration, to be known as an unladen-weight registration, for any commercial vehicle or combination of vehicles. Such registration shall be valid only for a period of thirty days and shall give no authority to operate the vehicle except when empty. The fee for such registration shall be twenty dollars for each vehicle, which fee shall be remitted to the State Treasurer for deposit in the Highway Trust Fund. The issuance of such permits shall be governed by subsection (1) of section 60-305.03.

Sec. 5. That subsection (5) of section 77-202, Revised Statutes Supplement, 1980, be amended to read as follows:

(5) ~~Motor--vehicles~~ Vehicles registered under section 60-305.09 and paying a the registration fee--~~in lieu of taxes fees prescribed in such section~~ shall be exempt from payment of ad valorem taxes.

Sec. 6. That original sections 39-6,179, 39-6,180, and 60-305.09 and original subsection (5) of section 77-202, Revised Statutes Supplement, 1980, and also Chapter 77, article 10, Reissue Revised Statutes of Nebraska, 1943, are repealed.