

LEGISLATIVE BILL 833

Approved by the Governor April 19, 1986

Introduced by Pappas, 42

AN ACT relating to rules of the road; to amend sections 39-6,181 and 39-6,185, Reissue Revised Statutes of Nebraska, 1943; to provide an exception to load requirements for garbage trucks; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 39-6,181, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol, with respect to highways under ~~their~~ its jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant (a) to operate or move a vehicle, a combination of vehicles, or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare, (b) to permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, or is necessary because of an emergency, an unusual circumstance, or a very special situation, or (c) to operate vehicles loaded up to twenty-five per cent greater than the maximum gross weight specified by law, or up to ten per cent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are harvested to storage, market, or stockpile in the field, or from storage or stockpile to market or factory when failure to move in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare. No ~~7~~ or (d) to operate a vehicle or vehicles loaded at a weight twenty-five per cent greater than the

maximum weight specified by law, when carrying garbage or refuse during and including the days of April 15 to July 1 of each year; PROVIDED, no permit shall be issued under subdivisions (a) and (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the highways to reach its intended destination. No; AND PROVIDED FURTHER, no permit shall be required for the temporary movement on roads other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment where such temporary movement is necessary and for a reasonable distance.

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

(3) The department or county authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to (a) a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, or (b) the owner of vehicles described in subdivision (1)(c) of this section, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. Each such permit

shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit and in case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless the violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied, or unless the total gross load is within the maximum authorized by the permit and no axle is more than ten per cent in excess of the maximum load for such axle or group of axles authorized by the permit and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty provided that such shift is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

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

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars. The ; PROVIDED, that the fee for such a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one hundred eighty-day period, or one hundred dollars for a one-year period. A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331, for the maximum gross vehicle weight that is permitted pursuant to section 39-6,180, before a permit shall be issued.

Sec. 2. That section 39-6,185, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,185. 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 39-6,179 or 39-6,180, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate

on any public highway of this state, except that:

(1) If any truck, truck-tractor, semitrailer, or trailer exceeds the maximum load on only one axle, only one tandem axle, or only one group of axles when (a) the distance between the first and last axle of such group of axles is twelve feet or less, and (b) the excess axle load is no more than five per cent in excess of the maximum load for such axle, tandem axle, or group of axles permitted by section 39-6,179 or 39-6,180, while the vehicle or combination of vehicles is within the maximum gross load, and (c) the load on such vehicle is such that it can be shifted or the configuration of the vehicle can be changed so that all axles, tandem axle, or groups of axles are within the maximum permissible limit for such axle, tandem axle, or group of axles, such shift or change of configuration may be made without penalty;

(2) Any truck, truck-tractor, semitrailer, or trailer carrying only a load of livestock may exceed the maximum load as permitted by section 39-6,179 or 39-6,180 on only one axle, only one tandem axle, or only one group of axles when the distance between the first and last axle of the group of axles is six feet or less if the excess load on the axle, tandem axle, or group of axles is caused by a shifting of the weight of the livestock by the livestock and if the vehicle or combination of vehicles is within the maximum gross load as permitted by section 39-6,179 or 39-6,180; and

(3) With a permit issued by the Department of Roads or the Nebraska State Patrol, a truck with an enclosed body and a compacting mechanism, designed and used exclusively for the collection and transportation of garbage or refuse, may exceed the maximum load as permitted by section 39-6,179 or 39-6,180 by no more than twenty per cent on only one axle, only one tandem axle, or only one group of axles when the vehicle is laden with garbage or refuse if the vehicle is within the maximum gross load as permitted by section 39-6,179 or 39-6,180. There shall be a permit fee of ten dollars per month or one hundred dollars per year. The permit may be issued for one or more months up to one year and the term of applicability shall be stated on the permit; and

(4) Any truck, truck-tractor, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five per cent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading facility on the

itinerary where the cargo can be properly protected.

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 contained in this section 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 39-6,179 or 39-6,180.

If the maximum legal gross weight or axle weight of any vehicle is exceeded by five per cent or less and the arresting officer has reason to believe that such excessive weight is caused by snow, ice, or rain, he or she may issue a warning citation to the operator.

Sec. 3. That original sections 39-6,181 and 39-6,185, Reissue Revised Statutes of Nebraska, 1943, are repealed.