

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 35**

Introduced by Harms, 48.

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 section 60-6,298, Reissue Revised Statutes of Nebraska;  
3 to change provisions relating to oversize vehicle  
4 permits; and to repeal the original section.  
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 to market or factory when failure to move such  
5 grain or products in abundant quantities would cause an economic loss  
6 to the person or persons whose grain or products are being  
7 transported or when failure to move such grain or products in as  
8 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 two 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. Original section 60-6,298, Reissue Revised  
14 Statutes of Nebraska, is repealed.