

**ONE HUNDRED SIXTH LEGISLATURE - FIRST SESSION - 2019**  
**COMMITTEE STATEMENT**  
**LB698**

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**Hearing Date:** Tuesday February 26, 2019  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Bostelman  
**One Liner:** Change load provisions and penalties for commercial motor vehicles and commercial trailers

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

**Aye:** 8 Senators Albrecht, Bostelman, Cavanaugh, DeBoer, Friesen, Geist, Hilgers, Hughes  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Oral Testimony:**

**Proponents:**

Sen Bruce Bostelman  
Gerald Krolikoski  
Kevin Stukenholtz

**Representing:**

Introducer  
Nebraska State Patrol  
Saunders County Sheriff's Office

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

LB 698 amends Section 60-6,304 of the Nebraska Rules of the Road relating to the falling of cargo or contents from a vehicle. This bill adds provisions that specifically apply to commercial motor vehicles or commercial trailers. Current law prohibits operation of any vehicle, including commercial motor vehicles and trailers, unless the cargo or contents are properly distributed and adequately secured to prevent them from falling from the vehicle. Tailgates, doors, tarpaulins and other equipment are required to be properly secured to prevent spillage. The means of securement must be tiedowns, tiedown assemblies, sides, sideboards or stakes, and a rear endgate, endboard, or stakes strong enough and high enough to ensure not spillage.

LB 698 would add the requirement for commercial vehicles and trailers that the structures, system, parts and components used to secure the cargo and contents shall be in proper working order with no damaged or weakened components that affect performance so as to cause the cargo or contents to fall from the vehicle or trailer. It would also enhance the maximum penalty for commercial vehicles and commercial trailers from a Class IV to a Class III misdemeanor, and would allow the Nebraska State Patrol Superintendent to assess the owner of the vehicle a civil penalty for each violation of \$1,000.

Commercial motor vehicles and commercial trailers are defined with the same definition used in the registration of those vehicles.

**Explanation of amendments:**

The committee considered and adopted an amendment which accomplishes the following:

The amendment clarifies the penalty provision for violations relating to falling cargo. A first violation is a Class III misdemeanor. Second or subsequent violations are also Class III misdemeanors, but the Superintendent of Law Enforcement and Public Safety, in lieu of issuing a citation to a vehicle operator, may assess the owner of the vehicle a civil penalty of \$1,000 for each violation.

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Curt Friesen, Chairperson