

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 841

Final Reading

Introduced by Harms, 48.

Read first time January 06, 2012

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, Revised Statutes Supplement, 2011; to
3 change provisions relating to permits for exceeding size
4 and weight limitations; to repeal the original section;
5 and to declare an emergency.

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

1 Section 1. Section 60-6,298, Revised Statutes Supplement,
2 2011, 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, or up to ten percent greater than
23 the maximum length specified by law, or both, except that ~~for a~~
24 ~~truck tractor semitrailer trailer any combination with two or more~~
25 cargo-carrying units, not including the truck-tractor, also known as

1 a longer combination vehicle, may only operate for a distance up to
2 seventy miles loaded up to fifteen percent greater than the maximum
3 weight specified by law, or utilized to transport sugar beets which
4 may be up to twenty-five~~ten~~ percent greater than the maximum length
5 specified by law, or both, when carrying grain or other seasonally
6 harvested products from the field where such grain or products are
7 harvested to storage, market, or stockpile in the field or from
8 stockpile to market or factory when failure to move such grain or
9 products in abundant quantities would cause an economic loss to the
10 person or persons whose grain or products are being transported or
11 when failure to move such grain or products in as large quantities as
12 possible would not be in the best interests of the national defense
13 or general welfare. The distance limitation may be waived for
14 vehicles when carrying dry beans from the field where harvested to
15 storage or market when dry beans are not normally stored, purchased,
16 or used within the permittee's local area and must be transported
17 more than one hundred twenty miles to an available marketing or
18 storage destination. No permit shall authorize a weight greater than
19 twenty thousand pounds on any single axle;

20 (iii) To transport an implement of husbandry which does
21 not exceed twelve and one-half feet in width during daylight hours,
22 except that the permit shall not allow transport on holidays;

23 (iv) To operate one or more recreational vehicles, as
24 defined in section 71-4603, exceeding the maximum width specified by
25 law if movement of the recreational vehicles is prior to retail sale

1 and the recreational vehicles comply with subdivision (2)(k) of
2 section 60-6,288; or

3 (v) To operate an emergency vehicle for purposes of sale,
4 demonstration, exhibit, or delivery, if the applicant or his or her
5 designee is a manufacturer or sales agent of the emergency vehicle.
6 No permit shall be issued for an emergency vehicle which weighs over
7 sixty thousand pounds on the tandem axle.

8 (b) No permit shall be issued under subdivision (a)(i) of
9 this subsection for a vehicle carrying a load unless such vehicle is
10 loaded with an object which exceeds the size or weight limitations,
11 which cannot be dismantled or reduced in size or weight without great
12 difficulty, and which of necessity must be moved over the highways to
13 reach its intended destination. No permit shall be required for the
14 temporary movement on highways other than dustless-surfaced state
15 highways and for necessary access to points on such highways during
16 daylight hours of cost-saving equipment to be used in highway or
17 other public construction or in agricultural land treatment when such
18 temporary movement is necessary and for a reasonable distance.

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

24 (3) The department or local authority is authorized to
25 issue or withhold such permit at its discretion or, if such permit is

1 issued, to limit the number of days during which the permit is valid,
2 to limit the number of trips, to establish seasonal or other time
3 limitations within which the vehicles described may be operated on
4 the highways indicated, or to issue a continuous or continuing permit
5 for use on all highways, including the National System of Interstate
6 and Defense Highways. The permits are subject to reasonable
7 conditions as to periodic renewal of such permit and as to operation
8 or movement of such vehicles. The department or local authority may
9 otherwise limit or prescribe conditions of operation of such vehicle
10 or vehicles, when necessary to assure against undue damage to the
11 road foundations, surfaces, or structures or undue danger to the
12 public safety. The department or local authority may require such
13 undertaking or other security as may be deemed necessary to
14 compensate for any injury to any roadway or road structure.

15 (4) Every such permit shall be carried in the vehicle to
16 which it refers and shall be open to inspection by any peace officer,
17 carrier enforcement officer, or authorized agent of any authority
18 granting such permit. Each such permit shall state the maximum weight
19 permissible on a single axle or combination of axles and the total
20 gross weight allowed. No person shall violate any of the terms or
21 conditions of such special permit. In case of any violation, the
22 permit shall be deemed automatically revoked and the penalty of the
23 original limitations shall be applied unless:

24 (a) The violation consists solely of exceeding the size
25 or weight specified by the permit, in which case only the penalty of

1 the original size or weight limitation exceeded shall be applied; or

2 (b) The total gross load is within the maximum authorized
3 by the permit, no axle is more than ten percent in excess of the
4 maximum load for such axle or group of axles authorized by the
5 permit, and such load can be shifted to meet the weight limitations
6 of wheel and axle loads authorized by such permit. Such shift may be
7 made without penalty if it is made at the state or commercial scale
8 designated in the permit. The vehicle may travel from its point of
9 origin to such designated scale without penalty, and a scale ticket
10 from such scale, showing the vehicle to be properly loaded and within
11 the gross and axle weights authorized by the permit, shall be
12 reasonable evidence of compliance with the terms of the permit.

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

17 (6) The department shall make available applications for
18 permits authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)
19 (iii) of this section in the office of each county treasurer. The
20 department may make available applications for all other permits
21 authorized by this section to the office of the county treasurer and
22 may make available applications for all permits authorized by this
23 section to any other location chosen by the department.

24 (7) The department or local authority issuing a permit
25 may require a permit fee of not to exceed twenty-five dollars, except

1 that:

2 (a) The fee for a continuous or continuing permit may not
3 exceed twenty-five dollars for a ninety-day period, fifty dollars for
4 a one-hundred-eighty-day period, or one hundred dollars for a one-
5 year period; and

6 (b) The fee for permits issued pursuant to subdivision
7 (1)(a)(ii) of this section shall be twenty-five dollars, ~~for a~~
8 ~~thirty day permit and fifty dollars for a sixty day permit.~~ Permits
9 issued pursuant to such subdivision shall be valid for thirty days ~~or~~
10 ~~sixty days~~ and shall be renewable three times for a total number of
11 days not to exceed ~~two hundred ten~~ one hundred twenty days per
12 calendar year.

13 A vehicle or combination of vehicles for which an
14 application for a permit is requested pursuant to this section shall
15 be registered under section 60-3,147 or 60-3,198 for the maximum
16 gross vehicle weight that is permitted pursuant to section 60-6,294
17 before a permit shall be issued.

18 Sec. 2. Original section 60-6,298, Revised Statutes
19 Supplement, 2011, is repealed.

20 Sec. 3. Since an emergency exists, this act takes effect
21 when passed and approved according to law.