

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1029

Introduced by Coash, 27.

Read first time January 22, 2014

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, 2013; to
3 change provisions relating to size, weight, and load with
4 respect to vehicles transporting fertilizer; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,298, Revised Statutes Supplement,
2 2013, 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 any
24 combination with two or more cargo-carrying units, not including the
25 truck-tractor, also known as a longer combination vehicle, may only

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

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

22 (iv) To operate one or more recreational vehicles, as
23 defined in section 71-4603, exceeding the maximum width specified by
24 law if movement of the recreational vehicles is prior to retail sale
25 and the recreational vehicles comply with subdivision (2)(k) of

1 section 60-6,288;~~or~~

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

7 (vi) To operate vehicles for a distance up to one hundred
8 fifty miles, loaded up to fifteen percent greater than the maximum
9 weight specified by law, loaded up to ten percent greater than the
10 maximum length specified by law, or both, except that any combination
11 of vehicles with two or more cargo-carrying units, not including the
12 truck-tractor, also known as a longer combination vehicle, may only
13 operate a distance of up to seventy miles loaded up to fifteen
14 percent greater than the maximum weight specified by law, loaded up
15 to ten percent greater than the maximum length specified by law, or
16 both, when carrying liquid or dry fertilizer from market to
17 distribution point or from market to the field where such fertilizer
18 is to be stored or applied.

19 (b) No permit shall be issued under subdivision (a)(i) of
20 this subsection for a vehicle carrying a load unless such vehicle is
21 loaded with an object which exceeds the size or weight limitations,
22 which cannot be dismantled or reduced in size or weight without great
23 difficulty, and which of necessity must be moved over the highways to
24 reach its intended destination. No permit shall be required for the
25 temporary movement on highways other than dustless-surfaced state

1 highways and for necessary access to points on such highways during
2 daylight hours of cost-saving equipment to be used in highway or
3 other public construction or in agricultural land treatment when such
4 temporary movement is necessary and for a reasonable distance.

5 (2) The application for any such permit shall
6 specifically describe the vehicle, the load to be operated or moved,
7 whenever possible the particular highways for which permit to operate
8 is requested, and whether such permit is requested for a single trip
9 or for continuous or continuing operation. The permit shall include a
10 signed affirmation under oath that, for any load sixteen feet high or
11 higher, the applicant has contacted any and all electric utilities
12 that have high voltage conductors and infrastructure that cross over
13 the roadway affected by the move and made arrangements with such
14 electric utilities for the safe movement of the load under any high
15 voltage conductors owned by such electric utilities.

16 (3) The department or local authority is authorized to
17 issue or withhold such permit at its discretion or, if such permit is
18 issued, to limit the number of days during which the permit is valid,
19 to limit the number of trips, to establish seasonal or other time
20 limitations within which the vehicles described may be operated on
21 the highways indicated, or to issue a continuous or continuing permit
22 for use on all highways, including the National System of Interstate
23 and Defense Highways. The permits are subject to reasonable
24 conditions as to periodic renewal of such permit and as to operation
25 or movement of such vehicles. The department or local authority may

1 otherwise limit or prescribe conditions of operation of such vehicle
2 or vehicles, when necessary to assure against undue damage to the
3 road foundations, surfaces, or structures or undue danger to the
4 public safety. The department or local authority may require such
5 undertaking or other security as may be deemed necessary to
6 compensate for any injury to any roadway or road structure.

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

16 (a) The violation consists solely of exceeding the size
17 or weight specified by the permit, in which case only the penalty of
18 the original size or weight limitation exceeded shall be applied; or

19 (b) The total gross load is within the maximum authorized
20 by the permit, no axle is more than ten percent in excess of the
21 maximum load for such axle or group of axles authorized by the
22 permit, and such load can be shifted to meet the weight limitations
23 of wheel and axle loads authorized by such permit. Such shift may be
24 made without penalty if it is made at the state or commercial scale
25 designated in the permit. The vehicle may travel from its point of

1 origin to such designated scale without penalty, and a scale ticket
2 from such scale, showing the vehicle to be properly loaded and within
3 the gross and axle weights authorized by the permit, shall be
4 reasonable evidence of compliance with the terms of the permit.

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

9 (6) The department shall make available applications for
10 permits authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)
11 (iii) of this section in the office of each county treasurer. The
12 department may make available applications for all other permits
13 authorized by this section to the office of the county treasurer and
14 may make available applications for all permits authorized by this
15 section to any other location chosen by the department.

16 (7) The department or local authority issuing a permit
17 may require a permit fee of not to exceed twenty-five dollars, except
18 that:

19 (a) The fee for a continuous or continuing permit may not
20 exceed twenty-five dollars for a ninety-day period, fifty dollars for
21 a one-hundred-eighty-day period, or one hundred dollars for a one-
22 year period; and

23 (b) The fee for permits issued pursuant to subdivision
24 (1)(a)(ii) of this section shall be twenty-five dollars. Permits
25 issued pursuant to such subdivision shall be valid for thirty days

1 and shall be renewable four times for a total number of days not to
2 exceed one hundred fifty days per calendar year.

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

8 Sec. 2. Original section 60-6,298, Revised Statutes
9 Supplement, 2013, is repealed.