

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 931

FINAL READING

Introduced by Halloran, 33; Clements, 2; Dorn, 30; Erdman, 47; Gragert, 40; Hughes, 44; Moser, 22; Murman, 38; Slama, 1; Brewer, 43.

Read first time January 10, 2020

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 sections 60-6,298 and 60-6,301, Revised Statutes Cumulative
- 3 Supplement, 2018; to change a harvested products maximum weight
- 4 overload exception; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,298, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 60-6,298 (1)(a) The Department of Transportation or the Nebraska
4 State Patrol, with respect to highways under its jurisdiction including
5 the National System of Interstate and Defense Highways, and local
6 authorities, with respect to highways under their jurisdiction, may in
7 their discretion upon application and good cause being shown therefor
8 issue a special, continuing, or continuous permit in writing authorizing
9 the applicant or his or her designee:

10 (i) To operate or move a vehicle, a combination of vehicles, or
11 objects of a size or weight of vehicle or load exceeding the maximum
12 specified by law when such permit is necessary:

13 (A) To further the national defense or the general welfare;

14 (B) To permit movement of cost-saving equipment to be used in
15 highway or other public construction or in agricultural land treatment;
16 or

17 (C) Because of an emergency, an unusual circumstance, or a very
18 special situation;

19 (ii) To operate vehicles, for a distance up to one hundred twenty
20 miles, loaded up to fifteen percent greater than the maximum weight
21 specified by law, or up to ten percent greater than the maximum length
22 specified by law, or both, except that any combination with two or more
23 cargo-carrying units, not including the truck-tractor, also known as a
24 longer combination vehicle, may only operate for a distance up to seventy
25 miles loaded up to fifteen percent greater than the maximum weight
26 specified by law, or up to ten percent greater than the maximum length
27 specified by law, or both, when carrying grain or other seasonally
28 harvested products from the field where such grain or products are
29 harvested to storage, market, or stockpile in the field or from stockpile
30 or farm storage to market or factory when failure to move such grain or
31 products in abundant quantities would cause an economic loss to the

1 person or persons whose grain or products are being transported or when
2 failure to move such grain or products in as large quantities as possible
3 would not be in the best interests of the national defense or general
4 welfare. The distance limitation may be waived for vehicles when carrying
5 dry beans from the field where harvested to storage or market when dry
6 beans are not normally stored, purchased, or used within the permittee's
7 local area and must be transported more than one hundred twenty miles to
8 an available marketing or storage destination. No permit shall authorize
9 a weight greater than twenty thousand pounds on any single axle;

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

13 (iv) To operate one or more recreational vehicles, as defined in
14 section 71-4603, exceeding the maximum width specified by law if movement
15 of the recreational vehicles is prior to retail sale and the recreational
16 vehicles comply with subdivision (2)(k) of section 60-6,288;

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

22 (vi) To transport during daylight hours divisible loads of livestock
23 forage in bale form which do not exceed twelve feet in width, except that
24 the permit shall not allow transport on holidays.

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

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

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

16 (3) The department or local authority is authorized to issue or
17 withhold such permit at its discretion or, if such permit is issued, to
18 limit the number of days during which the permit is valid, to limit the
19 number of trips, to establish seasonal or other time limitations within
20 which the vehicles described may be operated on the highways indicated,
21 or to issue a continuous or continuing permit for use on all highways,
22 including the National System of Interstate and Defense Highways. The
23 permits are subject to reasonable conditions as to periodic renewal of
24 such permit and as to operation or movement of such vehicles. The
25 department or local authority may otherwise limit or prescribe conditions
26 of operation of such vehicle or vehicles, when necessary to assure
27 against undue damage to the road foundations, surfaces, or structures or
28 undue danger to the public safety. The department or local authority may
29 require such undertaking or other security as may be deemed necessary to
30 compensate for any injury to any roadway or road structure.

31 (4) Every such permit shall be carried in the vehicle to which it

1 refers and shall be open to inspection by any peace officer, carrier
2 enforcement officer, or authorized agent of any authority granting such
3 permit. Each such permit shall state the maximum weight permissible on a
4 single axle or combination of axles and the total gross weight allowed.
5 No person shall violate any of the terms or conditions of such special
6 permit. In case of any violation, the permit shall be deemed
7 automatically revoked and the penalty of the original limitations shall
8 be applied unless:

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

12 (b) The total gross load is within the maximum authorized by the
13 permit, no axle is more than ten percent in excess of the maximum load
14 for such axle or group of axles authorized by the permit, and such load
15 can be shifted to meet the weight limitations of wheel and axle loads
16 authorized by such permit. Such shift may be made without penalty if it
17 is made at the state or commercial scale designated in the permit. The
18 vehicle may travel from its point of origin to such designated scale
19 without penalty, and a scale ticket from such scale, showing the vehicle
20 to be properly loaded and within the gross and axle weights authorized by
21 the permit, shall be reasonable evidence of compliance with the terms of
22 the permit.

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

26 (6) The department shall make available applications for permits
27 authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this
28 section in the office of each county treasurer. The department may make
29 available applications for all other permits authorized by this section
30 to the office of the county treasurer and may make available applications
31 for all permits authorized by this section to any other location chosen

1 by the department.

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

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

8 (b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of
9 this section shall be twenty-five dollars. Permits issued pursuant to
10 such subdivision shall be valid for thirty days and shall be renewable
11 four times for a total number of days not to exceed one hundred fifty
12 days per calendar year.

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

17 Sec. 2. Section 60-6,301, Revised Statutes Cumulative Supplement,
18 2018, is amended to read:

19 60-6,301 When any motor vehicle, semitrailer, or trailer is operated
20 upon the highways of this state carrying a load in excess of the maximum
21 weight permitted by section 60-6,294, the load shall be reduced or
22 shifted to within such maximum tolerance before being permitted to
23 operate on any public highway of this state, except that:

24 (1) If any motor vehicle, semitrailer, or trailer exceeds the
25 maximum load on only one axle, only one tandem axle, or only one group of
26 axles when (a) the distance between the first and last axle of such group
27 of axles is twelve feet or less, (b) the excess axle load is no more than
28 five percent in excess of the maximum load for such axle, tandem axle, or
29 group of axles permitted by such section, while the vehicle or
30 combination of vehicles is within the maximum gross load, and (c) the
31 load on such vehicle is such that it can be shifted or the configuration

1 of the vehicle can be changed so that all axles, tandem axle, or groups
2 of axles are within the maximum permissible limit for such axle, tandem
3 axle, or group of axles, such shift or change of configuration may be
4 made without penalty;

5 (2) Any motor vehicle, semitrailer, or trailer carrying only a load
6 of livestock may exceed the maximum load as permitted by such section on
7 only one axle, only one tandem axle, or only one group of axles when the
8 distance between the first and last axle of the group of axles is six
9 feet or less if the excess load on the axle, tandem axle, or group of
10 axles is caused by a shifting of the weight of the livestock by the
11 livestock and if the vehicle or combination of vehicles is within the
12 maximum gross load as permitted by such section;

13 (3) With a permit issued by the Department of Transportation or the
14 Nebraska State Patrol, a truck with an enclosed body and a compacting
15 mechanism, designed and used exclusively for the collection and
16 transportation of garbage or refuse, may exceed the maximum load as
17 permitted by such section by no more than twenty percent on only one
18 axle, only one tandem axle, or only one group of axles when the vehicle
19 is laden with garbage or refuse if the vehicle is within the maximum
20 gross load as permitted by such section. There shall be a permit fee of
21 ten dollars per month or one hundred dollars per year. The permit may be
22 issued for one or more months up to one year, and the term of
23 applicability shall be stated on the permit;

24 (4) Any motor vehicle, semitrailer, or trailer carrying any kind of
25 a load, including livestock, which exceeds the legal maximum gross load
26 by five percent or less may proceed on its itinerary and unload the cargo
27 carried thereon to the maximum legal gross weight at the first unloading
28 facility on the itinerary where the cargo can be properly protected. All
29 material so unloaded shall be cared for by the owner or operator of such
30 vehicle at the risk of such owner or operator; and

31 (5) Any motor vehicle, semitrailer, or trailer carrying grain or

1 other seasonally harvested products may operate from the field where such
2 grain or products are harvested to storage, market, or stockpile in the
3 field or from stockpile or farm storage to market or factory up to
4 seventy miles with a load that exceeds the maximum load permitted by
5 section 60-6,294 by fifteen percent on any tandem axle, group of axles,
6 and gross weight. Any truck with no more than a single rear axle carrying
7 grain or other seasonally harvested products may operate from the field
8 where such grain or products are harvested to storage, market, or
9 stockpile in the field or from stockpile or farm storage to market or
10 factory up to seventy miles with a load that exceeds the maximum load
11 permitted by section 60-6,294 by fifteen percent on any single axle and
12 gross weight. The owner or a representative of the owner of the
13 agricultural product shall furnish the driver of the loaded vehicle a
14 signed statement of origin and destination.

15 Nothing in this section shall be construed to permit to be operated
16 on the National System of Interstate and Defense Highways any vehicle or
17 combination of vehicles which exceeds any of the weight limitations
18 applicable to such system as contained in section 60-6,294.

19 If the maximum legal gross weight or axle weight of any vehicle is
20 exceeded by five percent or less and the arresting peace officer or
21 carrier enforcement officer has reason to believe that such excessive
22 weight is caused by snow, ice, or rain, the officer may issue a warning
23 citation to the operator.

24 Sec. 3. Original sections 60-6,298 and 60-6,301, Revised Statutes
25 Cumulative Supplement, 2018, are repealed.