

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 561

Introduced by Brandt, 32.

Read first time January 22, 2025

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 section 60-6,298, Reissue Revised Statutes of Nebraska; to change
- 3 maximum weight limits for vehicles carrying raw milk as prescribed;
- 4 to repeal the original section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 60-6,298, Reissue Revised Statutes of Nebraska,
2 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 or dry peas and lentils from the field where harvested to
6 storage or market when dry beans or dry peas and lentils are not normally
7 stored, purchased, or used within the permittee's local area and must be
8 transported more than one hundred twenty miles to an available marketing
9 or storage destination. No permit shall authorize a weight greater than
10 twenty thousand pounds on any single axle;

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

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

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

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

26 (vii) To operate vehicles carrying raw milk from a dairy farm to a
27 processing facility, loaded up to fifteen percent greater than the
28 maximum weight specified by law but not to exceed twenty thousand pounds
29 on any single axle.

30 (b) No permit shall be issued under subdivision (a)(i) of this
31 subsection for a vehicle carrying a load unless such vehicle is loaded

1 with an object which exceeds the size or weight limitations, which cannot
2 be dismantled or reduced in size or weight without great difficulty, and
3 which of necessity must be moved over the highways to reach its intended
4 destination. No permit shall be required for the temporary movement on
5 highways other than dustless-surfaced state highways and for necessary
6 access to points on such highways during daylight hours of cost-saving
7 equipment to be used in highway or other public construction or in
8 agricultural land treatment when such temporary movement is necessary and
9 for a reasonable distance.

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

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

1 against undue damage to the road foundations, surfaces, or structures or
2 undue danger to the public safety. The department or local authority may
3 require such undertaking or other security as may be deemed necessary to
4 compensate for any injury to any roadway or road structure.

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

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

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

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

31 (6) The department shall make available applications for permits

1 authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this
2 section in the office of each county treasurer. The department may make
3 available applications for all other permits authorized by this section
4 to the office of the county treasurer and may make available applications
5 for all permits authorized by this section to any other location chosen
6 by the department.

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

9 (a) The fee for a continuous or continuing permit may not exceed
10 twenty-five dollars for a ninety-day period, fifty dollars for a one-
11 hundred-eighty-day period, or one hundred dollars for a one-year period;
12 and

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

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

22 **Sec. 2.** Original section 60-6,298, Reissue Revised Statutes of
23 Nebraska, is repealed.

24 **Sec. 3.** Since an emergency exists, this act takes effect when
25 passed and approved according to law.