

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 896

Introduced by Christensen, 44.

Read first time January 12, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-6,298,
2 Revised Statutes Cumulative Supplement, 2008; to provide
3 for a permit to operate vehicles exceeding weight limits
4 for purposes of transporting livestock; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,298, Revised Statutes Cumulative
2 Supplement, 2008, 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,
6 and local authorities, with respect to highways under their
7 jurisdiction, may in their discretion upon application and good
8 cause being shown therefor issue a special, continuing, or
9 continuous permit in writing authorizing the applicant or his
10 or her designee:

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

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

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

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

22 (ii) To operate vehicles, for a distance up to one
23 hundred twenty miles, loaded up to fifteen percent greater than the
24 maximum weight specified by law, up to ten percent greater than the
25 maximum length specified by law, except that for a truck-tractor

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

1 of section 60-6,288; ~~ex~~

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
6 over sixty thousand pounds on a tandem axle; ~~or-~~

7 (vi) To operate vehicles loaded up to two percent greater
8 than the maximum weight specified by law when carrying livestock
9 from the farm or ranch to market. No permit shall authorize a
10 weight greater than twenty thousand pounds on any single axle.

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

23 (2) The application for any such permit shall
24 specifically describe the vehicle, the load to be operated or
25 moved, whenever possible the particular highways for which permit

1 to operate is requested, and whether such permit is requested for a
2 single trip or for continuous or continuing operation.

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

20 (4) Every such permit shall be carried in the vehicle
21 to which it refers and shall be open to inspection by any peace
22 officer, carrier enforcement officer, or authorized agent of any
23 authority granting such permit. Each such permit shall state the
24 maximum weight permissible on a single axle or combination of axles
25 and the total gross weight allowed. No person shall violate any

1 of the terms or conditions of such special permit. In case of any
2 violation, the permit shall be deemed automatically revoked and the
3 penalty of the original limitations shall be applied unless:

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

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

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

24 (6) The department shall make available applications
25 for permits authorized pursuant to subdivisions (1)(a)(ii) and

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

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

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

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

20 A vehicle or combination of vehicles for which an
21 application for a permit is requested pursuant to this section
22 shall be registered under section 60-3,147 or 60-3,198 for the
23 maximum gross vehicle weight that is permitted pursuant to section
24 60-6,294 before a permit shall be issued.

25 Sec. 2. Original section 60-6,298, Revised Statutes

LB 896

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1 Cumulative Supplement, 2008, is repealed.