

LEGISLATIVE BILL 211

Approved by the Governor February 24, 1977

Introduced by Merz, 1

AN ACT to amend sections 39-6,125 and 39-6,127, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,178, Revised Statutes Supplement, 1976, relating to rules of the road; to change provisions relating to slow-moving vehicles; to change a clearance light requirement; to change a height limitation; to provide an exception to vehicle height limitations; and to repeal the original sections.

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

Section 1. That section 39-6,125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,125. (1) It shall be unlawful, after ~~January 1, 1967~~ the effective date of this act, for any person to operate on the roadway of any ~~state-highway~~ public road of this state any slow-moving vehicle or equipment, any animal-drawn vehicle, or any other machinery, designed for use at speeds less than twenty-five miles per hour, including all road construction or maintenance machinery except when engaged in actual construction or maintenance work either guarded by a flagman or clearly visible warning signs, which normally travels or is normally used at a speed of less than twenty-five miles per hour unless there is displayed on the rear thereof an emblem as described in, and displayed as provided in subsection (2) of this section. The requirement of such emblem shall be in addition to any lighting devices required by law. The emblem shall not be displayed on objects which are customarily stationary in use except while being transported on the roadway of any ~~state-highway~~ public road of this state.

(2) The emblem required by subsection (1) of this section shall be of substantial construction, and shall be a base-down equilateral triangle of fluorescent yellow-orange film ~~or equivalent quality paint~~ with a base of fourteen inches and an altitude of twelve inches. Such triangle shall be bordered with reflective red strips having a minimum width of one and three-fourths inches, with the vertices of the overall triangle truncated such that the remaining altitude shall be a minimum of fourteen inches. The emblem shall comply with the current standards and specifications for slow-moving vehicle emblems of the American Society of Agricultural

Engineers. Such emblem shall be mounted on the rear of such vehicle at a height of three two to five six feet above the roadway, and shall be maintained in a clean, reflective condition.

(3) Any person who shall violate the provisions of this section shall be fined not more than five dollars.

Sec. 2. That section 39-6,127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,127. Every vehicle, including road rollers, road machinery, combines, farm machinery, wagons, racks, and farm tractors, (1) having a width, including load, of eighty inches or more, or (2) having any part thereof or having any load thereupon which shall extend forty inches or more to the left of the center of the chassis, shall display, when driven, pulled, operated, or propelled upon any highway, during the period from one half hour after sunset until one half hour before sunrise, and at all other times when there is not sufficient light to render such vehicle clearly discernible, two clearance lights on the left side of such vehicle. One of such clearance lights shall be located at the front and display a--green or an amber light visible, under normal atmospheric conditions, from a distance of three hundred feet to the front of such vehicle. The other clearance light shall be located at the rear and display a red light visible, under normal atmospheric conditions, from a distance of three hundred feet to the rear of said vehicle. The light at the rear shall be located at a sufficient distance above the tail light of such vehicle so it will not be confused with such tail light by those approaching from the rear. Such lights shall be located on a line with the extreme outer point of such vehicle or the load thereon; Provided, suitable reflectors of like color, equal visibility, and of a type approved by the Department of Motor Vehicles may be substituted for such clearance lights; and provided further, the installation of all lamps shall be made in such a manner that no hazard will be created by their use on the highway.

Sec. 3. That section 39-6,178, Revised Statutes Supplement, 1976, be amended to read as follows:

39-6,178. (1) No vehicle unladen or with load shall exceed a height of thirteen fourteen feet, six inches, except (a) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall height does not

exceed fifteen feet, six inches, or (b) unbaled livestock forage vehicles with or without load that comply with the provisions of subsection (4) of section 39-6,100, or (c) farm equipment or implements of husbandry being driven, picked up, or delivered during daylight hours by farm equipment dealers shall not exceed fifteen feet, six inches.

(2) No person, firm, corporation, the State of Nebraska, or any political subdivision thereof, shall be required to raise, alter, construct, or reconstruct any underpass, bridge, wire, or other structure to permit the passage of any vehicle having a height, unladen or with load, in excess of twelve feet, six inches. The owners, lessees, and operators, jointly and severally, of vehicles exceeding twelve feet, six inches, in height shall assume the risk of loss to the vehicle or its load, and shall be liable for any damages that result to overhead obstructions from operation of a vehicle exceeding twelve feet, six inches, in height.

Sec. 4. That original sections 39-6,125 and 39-6,127, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,178, Revised Statutes Supplement, 1976, are repealed.