

LEGISLATIVE BILL 287

Approved by the Governor March 8, 1979

Introduced by Warner, 25

AN ACT to amend section 39-6,182, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,181 and 60-331, Revised Statutes Supplement, 1978, relating to motor vehicles; to provide that a vehicle being operated under a special permit shall not be required to be reregistered; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 39-6,181, Revised Statutes Supplement, 1978, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol with respect to highways under their jurisdiction including the National System of Interstate and Defense Highways, and county authorities with respect to highways under their jurisdiction may in their discretion upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant (a) to operate or move a vehicle, a combination of vehicles or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary to further the national defense or the general welfare, (b) to permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment, or is necessary because of an emergency, an unusual circumstance, or a very special situation, or (c) to operate vehicles loaded up to twenty-five per cent greater than the maximum weight specified by law, or up to ten per cent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where they are harvested or assembled in the field to storage or market when failure to move in abundant quantities would cause an economic loss to the person or persons whose product or products are being transported or when failure to move such product or products in as large quantities as possible would not be in the best interests of the national defense or general welfare; Provided, no permit shall be issued under subdivisions (a) and (b) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations and which object cannot be dismantled or reduced in size or weight without great difficulty and which of necessity must be moved over the

highways to reach its intended destination; and provided further, no permit shall be required for the temporary movement on roads other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment where such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle and the load to be operated or moved and whenever possible the particular highways, roads, or streets for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous operation.

(3) The department or county authority is authorized to issue or withhold such permit at its discretion; or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuing permit for use only on highways other than the National System of Interstate and Defense Highways to (a) a manufacturer or its carrier covering all similar vehicles or products produced by such manufacturer, or (b) the owner of vehicles described in subdivision (1) (c) of this section, subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit and in case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless the violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied, or unless

the total gross load is within the maximum authorized by the permit and no axle is more than ten per cent in excess of the maximum load for such axle or group of axles authorized by the permit and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty provided that such shift is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

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

(6) The department or county authority issuing a permit may require a permit fee of not to exceed ten dollars; Provided, that the fee for a continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one hundred eighty-day period, or one hundred dollars for a one-year period. A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-305.09 or 60-331, Revised Statutes Supplement, 1978, for the maximum gross vehicle weight that is permitted pursuant to section 39-6,180, Reissue Revised Statutes of Nebraska, 1943, before a permit shall be issued.

Sec. 2. That section 39-6,182, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,182. It shall be unlawful to operate (1) upon the public highways of this state any motor truck, truck-tractor, or trailer carrying a load of more than twenty per cent in excess of the carrying capacity on which the registration fee on such vehicle has been paid, and the maximum tolerance of twenty per cent shall not exceed one thousand pounds, but this subdivision shall not apply to any motor truck, truck-tractor, or trailer being operated under a special permit issued pursuant to section 39-6,181, and (2) upon the National System of Interstate and Defense Highways of this state any motor truck, truck-tractor, or trailer carrying a load of more than five per cent in excess of the load on any wheel, on any axle, or on a group of axles, but in no event more than three per cent in excess of the total gross load, as

provided by the provisions of subsections (2), (4) and (5) of section 39-6,180.

Sec. 3. That section 60-331, Revised Statutes Supplement, 1978, be amended to read as follows:

60-331. The registration fee on commercial trucks, except those trucks registered under section 60-305.09, shall be based upon the gross vehicle weight, not to exceed the maximum authorized by section 39-6,180, Reissue Revised Statutes of Nebraska, 1943. Gross vehicle weight shall mean the sum of the empty weights of a truck or truck-tractor and the empty weights of any trailer, semitrailer, or combination thereof with which it is to be operated in combination at any one time, plus the weight of the maximum load to be carried thereon at any one time. The registration fee on commercial truck-tractors shall be based on the gross vehicle weight on such truck-tractors plus the gross vehicle weight of any semitrailer, trailer or combination thereof, connected therewith; Provided, that for the purpose of determining the registration fee, the gross weight of a truck or truck-tractor towing or hauling a disabled or wrecked motor vehicle properly registered for use on the highways shall be only the gross weight of the towing truck or truck-tractor fully equipped and not including the weight of the motor vehicle being towed or hauled. The registration fee on such commercial trucks and truck-tractors shall be at the following rates: For a gross weight of three tons or less, eighteen dollars; for a gross weight exceeding three tons and not exceeding four tons, twenty-five dollars; for a gross weight exceeding four tons and not exceeding five tons, thirty-five dollars; for a gross weight exceeding five tons and not exceeding six tons, sixty dollars; for a gross weight exceeding six tons but not exceeding seven tons, eighty-five dollars; for a gross weight in excess of seven tons, the fee shall be that for a truck having a gross weight of seven tons and in addition thereto, twenty-five dollars for each ton of gross weight over seven tons; Provided, that the fee for thirty-six tons shall be eight hundred ten dollars which shall permit a gross weight of seventy-three thousand two hundred eighty pounds which weight shall be inclusive of the tolerance permitted in section 39-6,182; provided further, that for fractional tons in excess of the twenty per cent or the tolerance of one thousand pounds, as provided in section 39-6,182, the fee shall be computed on the basis of the next higher bracket; provided further, that the fees provided by this section shall be reduced ten per cent for vehicles used exclusively for the transportation of livestock, poultry, unprocessed milk, grain, sugar beets, potatoes, and hay; and provided further, fees for trucks

with a gross weight in excess of thirty-six tons shall be increased by twenty per cent for all such trucks operated on any road or highway not a part of the National System of Interstate and Defense Highways. Such fee may be paid one half at the time of registration and one half on the first day of the seventh month of the registration period when the license fee exceeds two hundred ten dollars. When the second half is paid, the treasurer shall furnish a certificate and plates furnished by the Department of Motor Vehicles which shall be displayed on such truck or truck-tractor in the manner provided by law. In addition to the registration fee the department shall collect a sufficient fee to cover the cost of issuing the certificate and plates. If such second half is not paid within thirty days following the first day of the seventh month, the registration of such truck or truck-tractor shall be canceled and the registration certificate and number plates shall be returned to the county treasurer. Any person who shall fail to return such registration certificate and number plate when required to do so shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section 60-331.02.

Sec 4. That original section 39-6,182, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,181 and 60-331, Revised Statutes Supplement, 1978, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.