

LEGISLATIVE BILL 152

Approved by the Governor February 16, 1973

Introduced by Whitney, 44

AN ACT to amend sections 39-722.01 and 60-328, Revised Statutes Supplement, 1972, relating to special truck permits; to provide a new basis for overweight permits; to provide restrictions; to provide fees; 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 39-722.01, Revised Statutes Supplement, 1972, be amended to read as follows:

39-722.01. (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, or (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 when carrying grain or other seasonally harvested products from the field where they are harvested 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.

Sec. 2. That section 60-328, Revised Statutes Supplement, 1972, be amended to read as follows:

60-328. The provisions of sections 60-301 to 60-327 relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a nonresident of this state, other than a foreign corporation doing business in this state; Provided, that the owner thereof shall have complied with the provisions of the law of the foreign country, state, territory, or federal district of his residence relative to registration of motor vehicles and the display of registration numbers thereon, and shall conspicuously display his registration numbers as required thereby. The provisions of this section shall be operative as to motor vehicles owned by a nonresident of this state only to the extent that under the laws of the foreign country, state, territory, or federal district of his residence like exemptions and privileges are guaranteed to motor vehicles duly registered under the laws of and owned by residents of this state; or to a vehicle duly licensed in the state of residence and operated by a nonresident agricultural worker, certified by the Department of Labor, Division of Employment, as engaged in temporary agricultural employment in this state, for a period of not to exceed sixty days; Provided, where a truck is lawfully licensed under the laws of another state or province and is engaged in hauling grain or other

seasonally harvested products from the field where it--is they are harvested to storage or market during the period from June 1 to December 15 of each year or under emergency conditions, the right to operate over the highways of this state for a period of thirty ninety days is authorized by obtaining a permit therefor from the county treasurer or his agent which permit shall be issued upon the payment of a fee of twenty dollars or of such amount as would be charged a resident of this state for a similar permit in the state of his residence, whichever is greater. The fees for such permits, when collected, shall be remitted to the Department of Motor Vehicles, which shall remit the same to the State Treasurer, who shall place the money in the Highway Cash Fund.

Sec. 3. That original sections 39-722.01 and 60-328, Revised Statutes Supplement, 1972, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.