

LEGISLATIVE BILL 593

Approved by the Governor January 28, 1974

Introduced by Carpenter, 48, Chmn., Executive Board

AN ACT to amend sections 39-725, 39-726, 39-733, and 39-7,113, Reissue Revised Statutes of Nebraska, 1943, section 39-735.02, Revised Statutes Supplement, 1972, and sections 39-719, 39-720, and 39-723.05, Revised Statutes Supplement, 1973, relating to highways, bridges, and ferries; to correct internal references; to delete obsolete matter; to clarify provisions; to repeal the original sections, and also sections 39-714.04, 39-718, 39-730, 39-734, 39-798, and 39-7,114, Reissue Revised Statutes of Nebraska, 1943, and section 39-735.03, Revised Statutes Supplement, 1972; and to declare an emergency.

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

Section 1. That section 39-719, Revised Statutes Supplement, 1973, be amended to read as follows:

39-719. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours in the normal course of farm operations, (3) 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 width does not exceed fifteen feet, (4) farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry during daylight hours within the county in which the dealer maintains his place of business, or in any adjoining county or counties, and return, (5) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance-light requirements of section 39-735 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light

at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot vehicle or flagman at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, (6) untaled livestock forage vehicles loaded or unloaded that comply with subsection (4) of section 39-749.04 39-6,100; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, or (7) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation. The Director-State Engineer, with respect to highways under his jurisdiction, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivision (7) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.

Sec. 2. That section 39-720, Revised Statutes Supplement, 1973, be amended to read as follows:

39-720. (1) No vehicle unladen or with load shall exceed a height of thirteen 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 ~~39-749.04~~ 39-6,100. ~~and~~

(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. 3. That section 39-723.05, Revised Statutes Supplement, 1973, be amended to read as follows:

39-723.05. (1) Any person operating any motor vehicle, bus, truck, truck-tractor, or trailer, in violation of any of the provisions of section ~~39-723, 39-662, 39-663, 39-666, or 39-723.04, or 39-7,400;~~ or any owner of any such vehicle above described in this section who shall permit operation thereof in violation of any of the provisions of section ~~39-723--or--39-7,400~~ 39-662, 39-663, or 39-666, subdivision (1) of section 39-723.03, or section 39-723.04, shall be deemed guilty of a misdemeanor and, upon conviction thereof for the first or second offense, shall be fined not less than ten dollars and not more than one hundred dollars.

(2) Upon the third conviction of violation of the provisions of section ~~39-723, 39-662, 39-663, 39-666, or 39-723.04, or 39-7,400~~ by the owner or operator of such a vehicle as is referred to in subsection (1) of this section, in addition to the fine above provided by subsection (1) of this section, the license of such vehicle shall be revoked, either by the trial court or by the Director of Motor Vehicles. In that event, the number plates and certificates of registration of vehicles shall be returned to the county treasurer who issued the same. The tribunal or Department of Motor Vehicles depriving said licensee of his license shall have authority, upon good cause shown, to order that a license be again issued to said licensee.

Sec. 4. That section 39-725, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-725. Any person, firm, association, partnership, or corporation who shall violate any of the provisions of sections 39-719 to 39-721, ~~subsections--(4) or (3) of section 39-724,~~ sections 60-301 to 60-343, or 79-488, or any person, firm, association, partnership, corporation, or agent thereof, who shall drive or move, cause or knowingly permit to be moved on any public highway, road, street, or alley, any vehicle or vehicles which exceed the limitations as to width, length, height, or weight, as provided in sections 39-719 to 39-721, or the safety features provided in section 79-488 for which penalty is not elsewhere provided, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. If the offender so violating is an individual, he may be punished by imprisonment in the county jail not exceeding thirty days, or by both such a fine and imprisonment. It shall be the duty of the sheriffs of the several counties and other police officials to enforce the provisions of sections 39-719 to ~~39-724~~ 39-722.02, 39-723.03 to 39-723.11, 60-301 to 60-343, and 79-488.

Sec. 5. That section 39-726, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-726. It shall be unlawful for any person under sixteen years of age, unless such person is over fourteen years of age and shall have procured the limited permit provided for in section 60-407, to operate a motor vehicle; and any owner, dealer or manufacturer of motor vehicles who permits a person under sixteen years of age, except as hereinbefore provided, to operate a motor vehicle shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided in section--39-7,427 follows: (1) For a first such offense, such person shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned in the county jail not more than thirty days, or be both so fined and imprisoned; and (2) for each subsequent offense, such person shall be fined not less than twenty-five dollars nor more than two hundred dollars, or imprisoned in the county jail not more than sixty days, or be both so fined and imprisoned; Provided, however, that minors under the age of sixteen years and over the age of fourteen years who shall have complied with section 60-407, and who shall have received said limited permit, shall be punished as hereinafter provided for violations of the terms and conditions of such limited permit.

Sec. 6. That section 39-733, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-733. Notwithstanding any more general law respecting rules of the road for motor vehicles in the State of Nebraska, whenever any person, operating a motor vehicle on any highway in this state, shall (1) meet another person operating a motor vehicle, proceeding in the opposite direction and equipped with head lamps constructed and adjusted to project glaring or dazzling light to persons in front of such head lamps, upon signal of either person aforesaid, the other shall forthwith dim the head lamps of his motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward so as not to blind or confuse the vision of the operator in front of such head lamps, or (2) shall follow another vehicle within two hundred feet to the rear, he shall dim the head lamps of his motor vehicle or tilt the beams of glaring or dazzling light projecting therefrom downward; Provided, that the foregoing provisions shall not apply to the operators of motor vehicles aforesaid, if they shall have covered the upper one-third of the head lamps thereon with a coat of paint or with a coat of some other permanent material which shall cover the glass enclosing the lenses of such head lamps. The paint or other permanent material shall be applied so that it extends downward from the top of the lens of the head lamps and so that the lower line of the covering shall extend over the entire upper one-third of the lens of the head lamp; and provided further, that the provisions of this section requiring the covering of head lamp lenses, as aforesaid, shall not apply to tourists driving through the state for a period of not more than ten days. Any person, firm, or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not less than five dollars nor more than fifty dollars for each offense, and shall stand committed until such fine and costs of prosecution are paid, secured, or otherwise discharged, according to law.

Sec. 7. That section 39-735.02, Revised Statutes Supplement, 1972, be amended to read as follows:

39-735.02. No person shall transport any sand, gravel, rock less than two inches in diameter, or refuse in any motor vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering. Any person who shall violate any of the provisions of this section shall be guilty of

a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than twenty-five dollars.

Sec. 8. That section 39-7,113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-7,113. It shall be unlawful for any person, firm, corporation, association or copartnership, either foreign or domestic, to operate, or cause to be operated on the highways in the State of Nebraska, motor trucks or buses having a gross weight of the truck and load exceeding twelve thousand pounds, unless such truck or bus is equipped with power brakes, auxiliary brakes or some standard booster brake equipment. Any person, firm, corporation, copartnership, or association who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than one hundred dollars.

Sec. 9. That original sections 39-725, 39-726, 39-733, and 39-7,113, Reissue Revised Statutes of Nebraska, 1943, section 39-735.02, Revised Statutes Supplement, 1972, and sections 39-719, 39-720, and 39-723.05, Revised Statutes Supplement, 1973, and also sections 39-714.04, 39-718, 39-730, 39-734, 39-798, and 39-7,114, Reissue Revised Statutes of Nebraska, 1943, and section 39-735.03, Revised Statutes Supplement, 1972, are repealed.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.