

## LEGISLATIVE BILL 726

Approved by the Governor April 3, 1984

Introduced by Withem, 14

AN ACT relating to rules of the road; to amend sections 39-6,183 and 39-6,186, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,180, 39-6,180.01, 39-6,182, 39-6,184, and 39-6,185, Revised Statutes Supplement, 1982; to change provisions relating to vehicle weight limits; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 39-6,180, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,180. (1) The wheels of all vehicles, including trailers, except those operated at twenty miles per hour or less, shall be equipped with pneumatic tires.

(2) No wheel of a vehicle or trailer, referred to in subsection (1) of this section, equipped with pneumatic, solid rubber, or cushion tires shall carry a gross load in excess of nine thousand pounds on the National System of Interstate and Defense Highways and ten thousand pounds on any road or highway not a part of the National System of Interstate and Defense Highways; nor shall any axle carry a gross load in excess of eighteen thousand pounds on the National System of Interstate and Defense Highways and twenty thousand pounds on any road or highway not a part of the National System of Interstate and Defense Highways. An axle load shall be defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

(3) Every vehicle, whether operated singly or in a combination of vehicles, and every combination of vehicles must comply with subsections (2) and (4) of this section, except as provided in section 39-6,180.02. The limitations imposed by this section are supplemental to all other provisions imposing limitations upon the size and weight of vehicles.

(4) No group of two or more consecutive axles shall carry, on the National System of Interstate and Defense Highways, a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles

shall not exceed eighty thousand pounds on the National System of Interstate and Defense Highways unless the Director-State Engineer pursuant to section 39-6,180.01 authorizes a greater weight.

Distance in feet between the extremes of any group of two or more consecutive axles	Two Axles	Three Axles	Four Axles	Five Axles	Six Axles
4	32,000				
5	32,000				
6	32,000				
7	32,000				
8	36,000				
9		39,000			
10		39,750			
11		40,500			
12		41,250			
13		42,000	46,000		
14		42,750	46,667		
15		43,500	47,333		
16		44,250	48,000		
17		45,000	48,667	53,000	
18		45,750	49,333	53,625	
19		46,500	50,000	54,250	
20		47,250	50,667	54,875	
21		48,000	51,333	55,500	60,000
22		48,750	52,000	56,125	60,600
23		49,500	52,667	56,750	61,200
24		50,250	53,333	57,375	61,800
25		51,000	54,000	58,000	62,400
26		51,750	54,667	58,625	63,000
27		52,500	55,333	59,250	63,600
28		53,250	56,000	59,875	64,200
29		54,000	56,667	60,500	64,800
30			57,333	61,125	65,400
31			58,000	61,750	66,000
32			58,667	62,375	66,600
33			59,333	63,000	67,200
34			60,000	63,625	67,800
35			60,700	64,250	68,400
36			61,400	64,875	69,000
37			62,100	65,500	69,600
38			62,800	66,125	70,200
39			63,500	66,750	70,800
40			64,200	67,375	71,400
41			64,900	68,000	72,000
42			65,600	68,625	72,600
43			66,300	69,250	73,200
44			67,000	69,875	73,800
45			67,700	70,500	74,400

46	68,667	71,146	71,146
47	69,333	71,146	71,146
48	70,000	71,146	71,146
49	70,667	71,146	71,146
50	71,146	71,146	71,146

No group of two or more consecutive axles shall carry, on any road or highway not a part of the National System of interstate and Defense Highways, a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest feet.

Distance in feet between the extremes of any group of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles					
	Two Axles	Three Axles	Four Axles	Five Axles	Six Axles	Seven Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500		
21		51,500	56,000	61,000		
22		52,500	56,500	61,500		
23		53,000	57,500	62,500		
24		54,000	58,000	63,000		
25		54,500	58,500	63,500	69,000	
26		55,500	59,500	64,000	69,500	
27		56,000	60,000	65,000	70,000	
28		57,000	60,500	65,500	71,000	
29		57,500	61,500	66,000	71,500	
30		58,500	62,000	66,500	72,000	
31		59,000	62,500	67,500	72,500	
32		60,000	63,500	68,000	73,000	
33			64,000	68,500	74,000	
34			65,500	69,000	74,500	
35			65,500	70,000	75,000	
36			66,000	70,500	75,500	
37			66,500	71,000	76,000	81,500

38	67,500	72,000	77,000	82,000
39	68,000	72,500	77,500	82,500
40	68,500	73,000	78,000	83,500
41	69,000	73,500	78,500	84,000
42	70,000	74,000	79,000	84,500
43	70,500	75,000	80,000	85,000
44	71,000	75,500	80,500	85,500
45	72,000	76,000	81,000	86,000
46	72,500	76,500	81,500	87,000
47	73,000	77,000	82,000	87,500
48	74,000	78,000	83,000	88,000
49	74,500	78,500	83,500	88,500
50	75,000	79,000	84,000	89,000
51	76,000	80,000	84,500	89,500
52	76,500	80,500	85,000	90,500
53	77,000	81,000	86,000	91,000
54	78,000	81,500	86,500	91,500
55	78,500	82,000	87,000	92,000
56	79,000	83,000	87,500	92,500
57	80,000	83,500	88,000	93,000
58		84,000	89,000	94,000
59		85,000	89,500	94,500
60		85,500	90,000	95,000

(5) The distance between axles shall be measured to the nearest foot. When a fraction is exactly one half foot the next larger whole number shall be used.

(6) The limitations of subsections (2), (4), and (5) of this section shall apply as stated to all main, rural, and intercity roads, but shall not be construed as inhibiting heavier axle loads in metropolitan areas except on the National System of Interstate and Defense Highways if such loads are not prohibited by city ordinance.

(7) The weight limitations of wheel and axle loads as defined in subsections (2), (4), and (5) of this section shall be restricted to the extent deemed necessary by the Department of Roads for a reasonable period where road subgrades or pavements are weak or are materially weakened by climatic conditions.

(8) If any truck shall cross a bridge with a total gross load in excess of the posted capacity of ~~said~~ such bridge provided for by section 39-803.01, and, as a result of such crossing, any damage results to the bridge, the owner of such truck shall be responsible for all of such damage.

(9) Vehicles equipped with a greater number of axles than provided in the tables in subsection (4) of this section shall be legal, ~~provided that if~~ they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, and the total gross weight, or any of such weights as provided in subsections (2) and (4) of this section.

(10) Subsections (1) to (9) of this section shall not apply to a rubber tired crane with a fixed load

when (a) such vehicle will be transported on a state highway, excluding any portion of the National System of Interstate and Defense Highways, on a city street, or on a road within the corporate limits of a city, (b) the city in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane, specifying the route to be used and the hours during which the crane can be transported, except that no permit shall be issued by a city for travel on a state highway containing a bridge or structure which is structurally inadequate to carry the crane as determined by the Department of Roads, (c) such vehicle will be escorted by another vehicle or vehicles assigned by the city, (d) such vehicle's gross weight does not exceed eighty-five thousand pounds, if a four-axle crane, or sixty-seven thousand pounds, if a three-axle crane, and (e) if a four-axle crane, the maximum weight on each set of tandem axles does not exceed forty-two thousand five hundred pounds, or if a three-axle crane, the maximum weight on the front axle does not exceed twenty-five thousand pounds and the total maximum weight on the rear tandem axles does not exceed forty-two thousand five hundred pounds.

Sec. 2. That section 39-6,180.01, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,180.01. Upon finding that no loss to the state of federal highway user funds would result therefrom, the Director-State Engineer may authorize the carrying on the National System of Interstate and Defense Highways of the weights set forth in the ~~second~~ table of weights in section 39-6,180 or such part thereof as would result in no loss to the state of such funds.

Sec. 3. That section 39-6,182, Revised Statutes Supplement, 1982, 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~~ section shall not apply to any motor truck, truck-tractor, or trailer being operated under a special permit issued pursuant to section 39-6,181. ~~7~~ 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. 4. That section 39-6,183, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,183. (1) Any person operating any motor

vehicle, bus, truck, truck-tractor, or trailer, in violation of any of the provisions of section 39-662, 39-663, 39-666, or 39-6,123, or any owner of ~~any~~ such a vehicle ~~above described in this section~~ who shall permit operation thereof in violation of any of the provisions of section 39-662, 39-663, 39-666, or 39-6,123, shall be deemed guilty of a traffic infraction 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. ~~7 or any~~ Any owner of such a vehicle ~~described in this section~~ who shall permit operation thereof in violation of the provisions of ~~subdivision (1) of~~ section 39-6,182 shall be guilty of a traffic infraction and shall, upon conviction thereof, be fined twenty-five dollars for each one thousand pounds or fraction thereof in excess of the weight allowed to be carried under such ~~subdivision section with~~ tolerance.

(2) Upon the third conviction of violation of the provisions of section 39-662, 39-663, 39-666, or 39-6,123, 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 ~~such~~ 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~~ the licensee of his or her license shall have authority, upon good cause shown, to order that a license be again issued to ~~said~~ the licensee.

Sec. 5. That section 39-6,184, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,184. Any person operating any motor vehicle, freight-carrying vehicle, bus, truck, truck-tractor, or trailer, ~~where when~~ the weight of the vehicle and load is in violation of the provisions of subdivision (1)(C) ~~(b)~~ of section 39-6,179 or section 39-6,180, ~~and the tolerance permitted by subdivision (1) or (2) of section 39-6,182~~, and ~~when~~ the vehicle and load does not qualify for the exceptions permitted by section 39-6,185, shall be guilty of a traffic infraction or traffic infractions, and shall, upon conviction thereof, be fined (1) twenty-five dollars for carrying a gross load of five per cent or less over the maximum, (2) one hundred dollars for carrying a gross load of more than five per cent but not more than ten per cent over the maximum, (3) two hundred dollars for carrying a gross load of more than ten per cent but not more than fifteen per cent over the maximum, (4) three hundred fifty dollars for carrying a gross load of more than fifteen per cent but not more than twenty per cent over the maximum, (5) six hundred dollars for carrying a gross load of more than twenty per cent but

not more than twenty-five per cent over the maximum, (6) one thousand dollars for carrying a gross load of more than twenty-five per cent over the maximum, (7) twenty-five dollars for carrying a load on a single axle or a group of axles of five per cent or less over the maximum, (8) seventy-five dollars for carrying a load on a single axle or a group of axles of more than five per cent but not more than ten per cent over the maximum, (9) one hundred fifty dollars for carrying a load on a single axle or a group of axles of more than ten per cent but not more than fifteen per cent over the maximum, (10) two hundred twenty-five dollars for carrying a load on a single axle or a group of axles of more than fifteen per cent but not more than twenty per cent over the maximum, (11) three hundred dollars for carrying a load on a single axle or a group of axles of more than twenty per cent and not more than twenty-five per cent over the maximum, and (12) five hundred dollars for carrying a load on a single axle or a group of axles of more than twenty-five per cent over the maximum. ~~No ; Provided, that~~ no person shall be guilty of multiple offenses when the violations (a) involve the excess weight of an axle or a group of axles and the excess weight of the gross load of a single vehicle or (b) occur on the National System of Interstate and Defense Highways.

Sec. 6. That section 39-6,185, Revised Statutes Supplement, 1982, be amended to read as follows:

39-6,185. When any motor vehicle, motor truck, truck-tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum weight permitted by section 39-6,179 or 39-6,180, ~~or the maximum tolerance permitted in subdivision (1) or (2) of section 39-6,182,~~ the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state, ~~except ; Provided, that:~~

(1) ~~If~~ ~~if~~ any truck, truck-tractor, semitrailer, or trailer exceeds the maximum load, ~~or load with tolerance as provided in section 39-6,182,~~ on only one axle, only one tandem axle, or on only one group of axles where when (a) the distance between the first and last axle of such group of axles is twelve feet or less, and ~~said (b) the excess axle load is no more than five per cent in excess of the maximum load for such axles axle, tandem axle, or group of axles permitted by section 39-6,179 or 39-6,180, while the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load as permitted by section 39-6,179 or 39-6,180 with tolerance as provided in section 39-6,182,~~ and (c) the load on such vehicle is such that it can be shifted or that the configuration of the vehicle can be changed so that all axles, tandem axle, or groups of axles are within the maximum permissible limit, or maximum permissible limit with tolerance, for such axle, tandem axle, or group of axles, such shift or change of

configuration may be made without penalty; provided further, that any

(2) Any truck, truck-tractor, semitrailer, or trailer, carrying only a load of livestock, may exceed the maximum load, as permitted by section 39-6,179 or 39-6,180 or load with tolerance on only one axle, only one tandem axle, or on only one group of axles when the distance between the first and last axle of said the group of axles is six feet or less, if the excess load on said the axle, tandem axle, or on said group of axles is caused by a shifting of the weight of the livestock by said the livestock, and if the vehicle or combination of vehicles is within the maximum gross load, as permitted by section 39-6,179 or 39-6,180; and or maximum gross load with tolerance, and provided further, that any

(3) Any truck, truck-tractor, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five per cent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading facility on the itinerary where the cargo can be properly protected.

All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. Nothing herein contained in this section shall be construed to permit to be operated, on the National System of Interstate and Defense Highways, any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system, as contained in section 39-6,179 or 39-6,180. with the tolerance permitted in section 39-6,182.

If the maximum legal gross weight or axle weight of any vehicle is exceeded by five per cent or less and the arresting officer has reason to believe that such excessive weight is caused by snow, ice, or rain, he or she may issue a warning citation to the operator.

Sec. 7. That section 39-6,186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,186. Any officer, having reason to believe that the weight of a vehicle and load is unlawful, is authorized to require the driver to stop and submit to a weighing of the same. When an officer, upon weighing a vehicle and load, as herein provided, determines that the weight on any axle exceeds the lawful weight or when the weight on any group of two consecutive axles exceeds their lawful weight, and in all cases when the weight is unlawful on any axle or group of consecutive axles on any road restricted in accordance with section 39-6,180, he or she may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under section 39-6,180. All material so unloaded shall be cared for by



the owner or driver of such vehicle at the risk of such owner or driver. Lawful weight as used in this section shall mean the maximum weight permitted by section 39-6,180, ~~with the tolerance, where applicable, as permitted in subdivisions (1) and (2) of section 39-6,182.~~

Sec. 8. That original sections 39-6,183 and 39-6,186, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,180, 39-6,180.01, 39-6,182, 39-6,184, and 39-6,185, Revised Statutes Supplement, 1982, are repealed.