

## LEGISLATIVE BILL 122

Approved by the Governor April 19, 1986

Introduced by Haberman, 44; Scofield, 49; Baack, 47

AN ACT relating to the rules of the road; to amend section 39-6,181, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to certain special permits for exceeding maximum weight and length limitations; and to repeal the original section.

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

Section 1. That section 39-6,181, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,181. (1) The Department of Roads or the Nebraska State Patrol, with respect to highways under ~~its 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 ~~or his or her designee~~ (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, (c) to operate vehicles for a distance up to seventy miles, loaded up to ~~twenty-five~~ fifteen per cent greater than the maximum gross 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 to storage, market, or stockpile in the field, or from ~~storage or~~ stockpile to market or factory when failure to move such product or products 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, except that no permit shall authorize a weight

greater than twenty thousand pounds on any single axle, or (d) to operate a vehicle or vehicles loaded at a weight twenty-five per cent greater than the maximum weight specified by law, when carrying garbage or refuse during and including the days of April 15 to July 1 of each year. ~~No ; 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. ~~No ; 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~~ ~~when~~ 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)(e) 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, except , PROVIDED, that (a) 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 and (b) the fee for permits issued pursuant to subdivision (1)(c) of this section shall be twenty-five dollars. Permits issued pursuant to subdivision (1)(c) of this section shall be valid for thirty days and shall be renewable four times per year. 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, for the maximum gross vehicle weight that is permitted pursuant to section 39-6,180, before a permit shall be issued.

Sec. 2. That original section 39-6,181, Reissue Revised Statutes of Nebraska, 1943, is repealed.