

**ONE HUNDRED THIRD LEGISLATURE - FIRST SESSION - 2013**  
**COMMITTEE STATEMENT**  
**LB398**

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**Hearing Date:** Monday February 04, 2013  
**Committee On:** Transportation and Telecommunications  
**Introducer:** Brasch  
**One Liner:** Change provisions and penalties relating to certain excessively loaded vehicles

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**

**Aye:** 8 Senators Brasch, Dubas, Hadley, Janssen, McCoy, Price, Smith, Watermeier

**Nay:**

**Absent:**

**Present Not Voting:**

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**Proponents:**

Senator Lydia Brasch  
Gerald Krolikowski

**Representing:**

Introducer  
Nebraska State Patrol

**Opponents:**

**Representing:**

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB398 amends 60-6,300, the gross vehicle weight registration provisions of the Rules of the Road statutes. The Nebraska State Patrol requested the change in response to a Nebraska Supreme Court ruling, State v. Halverstadt, 282 Neb. 736 (2011), which interpreted the statute to allow citations only to the owner of the vehicle. The State Patrol had been issuing citations to drivers acting as an agent of the owner. Since the ruling the State Patrol's enforcement ability of the gross vehicle weight registration law has been significantly diminished.

In practice, the owner of the vehicle is not always the operator and the operator is not always responsible for the gross vehicle weight registration of the vehicle.

The bill changes language from "any owner" of such vehicle to "any person operating" and allows a civil penalty to the owner of the vehicle in lieu of a citation to the driver.

Section by section summary:

Section 1 amends 60-6,300 to clarify when 60-6,298 applies, and strikes "owner of" language and inserts "any person operating" a qualifying overweight vehicle. Adds subsection (b) to allow the State Patrol to either issue a citation to the driver or assess a civil penalty on the owner of the overweight vehicle.

Section 2 repeals original statute.

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