

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB48

Hearing Date: Tuesday January 27, 2009
Committee On: Transportation and Telecommunications
Introducer: Fischer
One Liner: Adopt updated federal motor carrier safety and hazardous material regulations

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

Vote Results:

Aye: 8 Senators Campbell, Fischer, Gay, Hadley, Janssen, Lautenbaugh, Louden, Stuthman
Nay:
Absent:
Present Not Voting:

Proponents:

Dusty Vaughan
Bryan Tuma

Representing:

Senator Deb Fischer, Introducer
Nebraska State Patrol

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 48 updates references to federal rules and regulations and adopts Title 49, Part 386 of the Federal Motor Carrier Safety Regulation as part of Nebraska law.

Section 1 amends § 75-363 by adopting the parts, subparts, and sections of Title 49 of the Code of Federal Regulations in existence and effective as of January 1, 2009. The regulations are applicable to all motor carriers, drivers and vehicles to which federal regulations apply and all motor carriers transporting persons or property in intrastate commerce. The statute also adopts parts of Title 49 of the Code of Federal Regulations pertaining to motor carrier standards as Nebraska law.

Subsection (3)(c) adopts Title 49, Part 386 (Rules of Practice for Motor Carrier, Broker, Freight Forwarder, and Hazardous Materials Proceedings) as Nebraska law.

This adoption will allow the Nebraska State Patrol to place a motor carrier out of service for the non-payment of civil penalties. The prohibition will continue until the civil penalty is paid in full.

Section 2 amends § 75-364 by adopting parts, subparts, and sections of Title 49 of the Code of Federal Regulations in existence and effective as of January 1, 2009, pertaining to hazardous materials, agricultural operations, and exceptions for nonspecification packagings used in intrastate transportation.

The bill has an emergency clause attached.

Deb Fischer, Chairperson