

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 35**  
Final Reading

Introduced by Harms, 48.

Read first time January 06, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Nebraska Rules of the Road; to amend  
2 sections 60-6,297 and 60-6,298, Reissue Revised Statutes  
3 of Nebraska; to provide and change exceptions to vehicle  
4 limits for towing disabled or wrecked vehicles; to  
5 provide liability and operation requirements; to define  
6 terms; to change provisions relating to oversize vehicle  
7 permits; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-6,297, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-6,297 ~~The provisions of subdivision (1)(b) of section~~  
4 ~~60-6,290 and subsections (2) and (3) of section 60-6,294 shall not~~  
5 ~~apply when a disabled combination of vehicles is towed if the~~  
6 ~~combination of vehicles, together with the wrecker or tow truck, does~~  
7 ~~not exceed one hundred fifty feet, inclusive of front and rear~~  
8 ~~bumpers including load. Such exception shall apply only if the~~  
9 ~~disabled combination of vehicles is being towed directly to the~~  
10 ~~nearest place of secure safekeeping. The towing vehicle shall be~~  
11 ~~connected with the air brakes and brake lights of the towed vehicle.~~  
12 ~~For purposes of this section, place of secure safekeeping means a~~  
13 ~~place off the traveled portion of the highway that can accommodate~~  
14 ~~the parking of such vehicles in order for the vehicles to be (1)~~  
15 ~~repaired or (2) dismantled and operated in compliance with~~  
16 ~~subdivision (1)(b) of section 60-6,290 and subsections (2) and (3) of~~  
17 ~~section 60-6,294.~~

18           (1) Subdivision (1)(b) of section 60-6,290 and  
19 subsections (2) and (3) of section 60-6,294 shall not apply to a  
20 vehicle or combination of vehicles disabled or wrecked on a highway  
21 or right-of-way when the vehicle or combination of vehicles is towed  
22 to a place of secure safekeeping by any wrecker or tow truck  
23 performing a wrecker or towing service.

24           (2) Subdivision (1)(b) of section 60-6,290 and  
25 subsections (2) and (3) of section 60-6,294 shall not apply to a

1 single vehicle that is disabled or wrecked when the single vehicle is  
2 towed by any wrecker or tow truck to a place for repair or to a point  
3 of storage.

4 (3)(a) Section 60-6,288, subsection (1) of section  
5 60-6,289, subdivision (1)(b) of section 60-6,290, and subsections (2)  
6 and (3) of section 60-6,294 shall not apply to a vehicle or  
7 combination of vehicles permitted by the Department of Roads for  
8 overwidth, overheight, overlength, or overweight operation that is  
9 disabled or wrecked on a highway or right-of-way when the vehicle or  
10 combination of vehicles is towed if the vehicle or combination of  
11 vehicles is towed by any wrecker or tow truck performing a wrecker or  
12 towing service to the first or nearest place of secure safekeeping  
13 off the traveled portion of the highway that can accommodate the  
14 parking of such disabled vehicle or combination of vehicles.

15 (b) After the vehicle or combination of vehicles has been  
16 towed to a place of secure safekeeping, such vehicle or combination  
17 of vehicles shall then be operated in compliance with section  
18 60-6,288, subsection (1) of section 60-6,289, subdivision (1)(b) of  
19 section 60-6,290, and subsections (2) and (3) of section 60-6,294, or  
20 the vehicle or combination of vehicles shall acquire a special single  
21 trip permit from the department for the movement of the overwidth,  
22 overheight, overlength, or overweight vehicle or combination of  
23 vehicles beyond the first or nearest place of secure safekeeping to  
24 its intended destination.

25 (4) The owners, lessees, and operators of any wrecker or

1 tow truck exceeding the width, height, length, or weight restrictions  
2 while towing a disabled or wrecked vehicle or combination of vehicles  
3 shall be jointly and severally liable for any injury or damages that  
4 result from the operation of the wrecker or tow truck while exceeding  
5 such restrictions.

6 (5) If a disabled or wrecked vehicle or combination of  
7 vehicles is towed, the wrecker or tow truck shall be connected with  
8 the air brakes and brake lights of the towed vehicle or combination  
9 of vehicles.

10 (6) For purposes of this section:

11 (a) Place of secure safekeeping means a location off the  
12 traveled portion of the highway that can accommodate the parking of  
13 the disabled or wrecked vehicle or combination of vehicles in order  
14 for the vehicle or combination of vehicles to be repaired or moved to  
15 a point of storage; and

16 (b) Wrecker or tow truck means an emergency commercial  
17 vehicle equipped, designed, and used to assist or render aid and  
18 transport or tow a disabled vehicle or combination of vehicles from a  
19 highway or right-of-way to a place of secure safekeeping.

20 Sec. 2. Section 60-6,298, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 60-6,298 (1)(a) The Department of Roads or the Nebraska  
23 State Patrol, with respect to highways under its jurisdiction  
24 including the National System of Interstate and Defense Highways, and  
25 local authorities, with respect to highways under their jurisdiction,

1 may in their discretion upon application and good cause being shown  
2 therefor issue a special, continuing, or continuous permit in writing  
3 authorizing the applicant or his or her designee:

4 (i) To operate or move a vehicle, a combination of  
5 vehicles, or objects of a size or weight of vehicle or load exceeding  
6 the maximum specified by law when such permit is necessary:

7 (A) To further the national defense or the general  
8 welfare;

9 (B) To permit movement of cost-saving equipment to be  
10 used in highway or other public construction or in agricultural land  
11 treatment; or

12 (C) Because of an emergency, an unusual circumstance, or  
13 a very special situation;

14 (ii) To operate vehicles, for a distance up to one  
15 hundred twenty miles, loaded up to fifteen percent greater than the  
16 maximum weight specified by law, up to ten percent greater than the  
17 maximum length specified by law, except that for a truck-tractor  
18 semitrailer trailer combination utilized to transport sugar beets  
19 which may be up to twenty-five percent greater than the maximum  
20 length specified by law, or both, when carrying grain or other  
21 seasonally harvested products from the field where such grain or  
22 products are harvested to storage, market, or stockpile in the field  
23 or from stockpile to market or factory when failure to move such  
24 grain or products in abundant quantities would cause an economic loss  
25 to the person or persons whose grain or products are being

1 transported or when failure to move such grain or products in as  
2 large quantities as possible would not be in the best interests of  
3 the national defense or general welfare. The distance limitation may  
4 be waived for vehicles when carrying dry beans from the field where  
5 harvested to storage or market when dry beans are not normally  
6 stored, purchased, or used within the permittee's local area and must  
7 be transported more than one hundred twenty miles to an available  
8 marketing or storage destination. No permit shall authorize a weight  
9 greater than twenty thousand pounds on any single axle;

10 (iii) To transport an implement of husbandry which does  
11 not exceed twelve and one-half feet in width during daylight hours,  
12 except that the permit shall not allow transport on holidays;

13 (iv) To operate one or more recreational vehicles, as  
14 defined in section 71-4603, exceeding the maximum width specified by  
15 law if movement of the recreational vehicles is prior to retail sale  
16 and the recreational vehicles comply with subdivision (2)(k) of  
17 section 60-6,288; or

18 (v) To operate an emergency vehicle for purposes of sale,  
19 demonstration, exhibit, or delivery, if the applicant or his or her  
20 designee is a manufacturer or sales agent of the emergency vehicle.  
21 No permit shall be issued for an emergency vehicle which weighs over  
22 sixty thousand pounds on the tandem axle.

23 (b) No permit shall be issued under subdivision (a)(i) of  
24 this subsection for a vehicle carrying a load unless such vehicle is  
25 loaded with an object which exceeds the size or weight limitations,

1 which cannot be dismantled or reduced in size or weight without great  
2 difficulty, and which of necessity must be moved over the highways to  
3 reach its intended destination. No permit shall be required for the  
4 temporary movement on highways other than dustless-surfaced state  
5 highways and for necessary access to points on such highways during  
6 daylight hours of cost-saving equipment to be used in highway or  
7 other public construction or in agricultural land treatment when such  
8 temporary movement is necessary and for a reasonable distance.

9 (2) The application for any such permit shall  
10 specifically describe the vehicle, the load to be operated or moved,  
11 whenever possible the particular highways for which permit to operate  
12 is requested, and whether such permit is requested for a single trip  
13 or for continuous or continuing operation.

14 (3) The department or local authority is authorized to  
15 issue or withhold such permit at its discretion or, if such permit is  
16 issued, to limit the number of days during which the permit is valid,  
17 to limit the number of trips, to establish seasonal or other time  
18 limitations within which the vehicles described may be operated on  
19 the highways indicated, or to issue a continuous or continuing permit  
20 for use on all highways, including the National System of Interstate  
21 and Defense Highways. The permits are subject to reasonable  
22 conditions as to periodic renewal of such permit and as to operation  
23 or movement of such vehicles. The department or local authority may  
24 otherwise limit or prescribe conditions of operation of such vehicle  
25 or vehicles, when necessary to assure against undue damage to the

1 road foundations, surfaces, or structures or undue danger to the  
2 public safety. The department or local authority may require such  
3 undertaking or other security as may be deemed necessary to  
4 compensate for any injury to any roadway or road structure.

5 (4) Every such permit shall be carried in the vehicle to  
6 which it refers and shall be open to inspection by any peace officer,  
7 carrier enforcement officer, or authorized agent of any authority  
8 granting such permit. Each such permit shall state the maximum weight  
9 permissible on a single axle or combination of axles and the total  
10 gross weight allowed. No person shall violate any of the terms or  
11 conditions of such special permit. In case of any violation, the  
12 permit shall be deemed automatically revoked and the penalty of the  
13 original limitations shall be applied unless:

14 (a) The violation consists solely of exceeding the size  
15 or weight specified by the permit, in which case only the penalty of  
16 the original size or weight limitation exceeded shall be applied; or

17 (b) The total gross load is within the maximum authorized  
18 by the permit, no axle is more than ten percent in excess of the  
19 maximum load for such axle or group of axles authorized by the  
20 permit, and such load can be shifted to meet the weight limitations  
21 of wheel and axle loads authorized by such permit. Such shift may be  
22 made without penalty if it is made at the state or commercial scale  
23 designated in the permit. The vehicle may travel from its point of  
24 origin to such designated scale without penalty, and a scale ticket  
25 from such scale, showing the vehicle to be properly loaded and within

1 the gross and axle weights authorized by the permit, shall be  
2 reasonable evidence of compliance with the terms of the permit.

3 (5) The department or local authority issuing a permit as  
4 provided in this section may adopt and promulgate rules and  
5 regulations with respect to the issuance of permits provided for in  
6 this section.

7 (6) The department shall make available applications for  
8 permits authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)  
9 (iii) of this section in the office of each county treasurer. The  
10 department may make available applications for all other permits  
11 authorized by this section to the office of the county treasurer and  
12 may make available applications for all permits authorized by this  
13 section to any other location chosen by the department.

14 (7) The department or local authority issuing a permit  
15 may require a permit fee of not to exceed twenty-five dollars, except  
16 that:

17 (a) The fee for a continuous or continuing permit may not  
18 exceed twenty-five dollars for a ninety-day period, fifty dollars for  
19 a one-hundred-eighty-day period, or one hundred dollars for a one-  
20 year period; and

21 (b) The fee for permits issued pursuant to subdivision  
22 (1)(a)(ii) of this section shall be twenty-five dollars for a thirty-  
23 day permit and fifty dollars for a sixty-day permit. Permits issued  
24 pursuant to such subdivision shall be valid for thirty days or sixty  
25 days and shall be renewable for a total number of days not to exceed

1 ~~one two hundred and twenty ten~~ days per year.

2           A vehicle or combination of vehicles for which an  
3 application for a permit is requested pursuant to this section shall  
4 be registered under section 60-3,147 or 60-3,198 for the maximum  
5 gross vehicle weight that is permitted pursuant to section 60-6,294  
6 before a permit shall be issued.

7           Sec. 3. Original sections 60-6,297 and 60-6,298, Reissue  
8 Revised Statutes of Nebraska, are repealed.