

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 900

Introduced by Bostelman, 23.

Read first time January 08, 2018

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to transportation; to amend sections 60-462,
2 60-4,131, 60-4,131.01, and 60-4,132, Revised Statutes Cumulative
3 Supplement, 2016, and sections 60-119.01, 60-336.01, 60-386,
4 60-3,113.04, 60-3,193.01, 60-462.01, 60-479.01, 60-4,147.02, 60-501,
5 60-628.01, 60-6,294, 75-363, 75-364, 75-366, 75-369.03, 75-392, and
6 75-393, Revised Statutes Supplement, 2017; to adopt and update
7 references to certain federal provisions relating to low-speed
8 vehicles, motor vehicle and trailer registration, handicapped or
9 disabled parking permits, the International Registration Plan,
10 operators' licenses, persons handling source documents, hazardous
11 materials, motor carrier and hazardous material regulations and
12 their enforcement, maximum gross weight limits, and the unified
13 carrier registration plan and agreement; to increase fines for
14 violations of motor carrier statutes and regulations; to harmonize
15 provisions; to repeal the original sections; and to declare an
16 emergency.
17 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-119.01, Revised Statutes Supplement, 2017, is
2 amended to read:

3 60-119.01 Low-speed vehicle means a four-wheeled motor vehicle (1)
4 whose speed attainable in one mile is more than twenty miles per hour and
5 not more than twenty-five miles per hour on a paved, level surface, (2)
6 whose gross vehicle weight rating is less than three thousand pounds, and
7 (3) that complies with 49 C.F.R. part 571, as such part existed on
8 January 1, 2018 ~~2017~~.

9 Sec. 2. Section 60-336.01, Revised Statutes Supplement, 2017, is
10 amended to read:

11 60-336.01 Low-speed vehicle means a four-wheeled motor vehicle (1)
12 whose speed attainable in one mile is more than twenty miles per hour and
13 not more than twenty-five miles per hour on a paved, level surface, (2)
14 whose gross vehicle weight rating is less than three thousand pounds, and
15 (3) that complies with 49 C.F.R. part 571, as such part existed on
16 January 1, 2018 ~~2017~~.

17 Sec. 3. Section 60-386, Revised Statutes Supplement, 2017, is
18 amended to read:

19 60-386 (1) Each new application shall contain, in addition to other
20 information as may be required by the department, the name and
21 residential and mailing address of the applicant and a description of the
22 motor vehicle or trailer, including the color, the manufacturer, the
23 identification number, the United States Department of Transportation
24 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations
25 existed on January 1, 2018 ~~2017~~, and the weight of the motor vehicle or
26 trailer required by the Motor Vehicle Registration Act. With the
27 application the applicant shall pay the proper registration fee and shall
28 state whether the motor vehicle is propelled by alternative fuel and, if
29 alternative fuel, the type of fuel. The application shall also contain a
30 notification that bulk fuel purchasers may be subject to federal excise
31 tax liability. The department shall include such notification in the

1 notices required by section 60-3,186.

2 (2) This subsection applies beginning on an implementation date
3 designated by the director. The director shall designate an
4 implementation date which is on or before January 1, 2020. In addition to
5 the information required under subsection (1) of this section, the
6 application for registration shall contain (a) the full legal name as
7 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
8 operator's license number or state identification card number of each
9 owner, if applicable, and one or more of the identification elements as
10 listed in section 60-484 of each owner, if applicable, and (ii) if any
11 owner is a business entity, a nonprofit organization, an estate, a trust,
12 or a church-controlled organization, its tax identification number.

13 Sec. 4. Section 60-3,113.04, Revised Statutes Supplement, 2017, is
14 amended to read:

15 60-3,113.04 (1) A handicapped or disabled parking permit shall be of
16 a design, size, configuration, color, and construction and contain such
17 information as specified in the regulations adopted by the United States
18 Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR
19 PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on
20 January 1, 2018 ~~2017~~.

21 (2) No handicapped or disabled parking permit shall be issued to any
22 person or for any motor vehicle if any permit has been issued to such
23 person or for such motor vehicle and such permit has been suspended
24 pursuant to section 18-1741.02. At the expiration of such suspension, a
25 permit may be renewed in the manner provided for renewal in sections
26 60-3,113.02, 60-3,113.03, and 60-3,113.05.

27 (3) A duplicate handicapped or disabled parking permit may be
28 provided up to two times during any single permit period if a permit is
29 destroyed, lost, or stolen. Such duplicate permit shall be issued as
30 provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable,
31 except that a new certification by a physician, a physician assistant, or

1 an advanced practice registered nurse need not be provided. A duplicate
2 permit shall be valid for the remainder of the period for which the
3 original permit was issued. If a person has been issued two duplicate
4 permits under this subsection and needs another permit, such person shall
5 reapply for a new permit under section 60-3,113.02 or 60-3,113.03,
6 whichever is applicable.

7 Sec. 5. Section 60-3,193.01, Revised Statutes Supplement, 2017, is
8 amended to read:

9 60-3,193.01 For purposes of the Motor Vehicle Registration Act, the
10 International Registration Plan is adopted and incorporated by reference
11 as the plan existed on January 1, 2018 ~~2017~~.

12 Sec. 6. Section 60-462, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 60-462 Sections 60-462 to 60-4,189 and section 13 of this act shall
15 be known and may be cited as the Motor Vehicle Operator's License Act.

16 Sec. 7. Section 60-462.01, Revised Statutes Supplement, 2017, is
17 amended to read:

18 60-462.01 For purposes of the Motor Vehicle Operator's License Act,
19 the following federal regulations are adopted as Nebraska law as they
20 existed on January 1, 2018 ~~2017~~:

21 The parts, subparts, and sections of Title 49 of the Code of Federal
22 Regulations, as referenced in the Motor Vehicle Operator's License Act.

23 Sec. 8. Section 60-479.01, Revised Statutes Supplement, 2017, is
24 amended to read:

25 60-479.01 (1) All persons handling source documents or engaged in
26 the issuance of new, renewed, or reissued operators' licenses or state
27 identification cards shall have periodic fraudulent document recognition
28 training.

29 (2) All persons and agents of the department involved in the
30 recording of verified application information or verified operator's
31 license and state identification card information, involved in the

1 manufacture or production of licenses or cards, or who have the ability
2 to affect information on such licenses or cards shall be subject to a
3 criminal history record information check, including a check of prior
4 employment references, and a lawful status check as required by 6 C.F.R.
5 part 37, as such part existed on January 1, 2018 ~~2017~~. Such persons and
6 agents shall provide fingerprints which shall be submitted to the Federal
7 Bureau of Investigation. The bureau shall use its records for the
8 criminal history record information check.

9 (3) Upon receipt of a request pursuant to subsection (2) of this
10 section, the Nebraska State Patrol shall undertake a search for criminal
11 history record information relating to such applicant, including
12 transmittal of the applicant's fingerprints to the Federal Bureau of
13 Investigation for a national criminal history record information check.
14 The criminal history record information check shall include information
15 concerning the applicant from federal repositories of such information
16 and repositories of such information in other states, if authorized by
17 federal law. The Nebraska State Patrol shall issue a report to the
18 employing public agency that shall include the criminal history record
19 information concerning the applicant. The cost of any background check
20 shall be borne by the employer of the person or agent.

21 (4) Any person convicted of any disqualifying offense as provided in
22 6 C.F.R. part 37, as such part existed on January 1, 2018 ~~2017~~, shall not
23 be involved in the recording of verified application information or
24 verified operator's license and state identification card information,
25 involved in the manufacture or production of licenses or cards, or
26 involved in any capacity in which such person would have the ability to
27 affect information on such licenses or cards. Any employee or prospective
28 employee of the department shall be provided notice that he or she will
29 undergo such criminal history record information check prior to
30 employment or prior to any involvement with the issuance of operators'
31 licenses or state identification cards.

1 Sec. 9. Section 60-4,131, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-4,131 (1) Sections 60-462.01 and 60-4,132 to 60-4,172 and section
4 13 of this act shall apply to the operation of any commercial motor
5 vehicle.

6 (2) For purposes of such sections:

7 (a) Disqualification means:

8 (i) The suspension, revocation, cancellation, or any other
9 withdrawal by a state of a person's privilege to operate a commercial
10 motor vehicle;

11 (ii) A determination by the Federal Motor Carrier Safety
12 Administration, under the rules of practice for motor carrier safety
13 contained in 49 C.F.R. part 386, that a person is no longer qualified to
14 operate a commercial motor vehicle under 49 C.F.R. part 391; or

15 (iii) The loss of qualification which automatically follows
16 conviction of an offense listed in 49 C.F.R. 383.51;

17 (b) Downgrade means the state:

18 (i) Allows the driver of a commercial motor vehicle to change his or
19 her self-certification to interstate, but operating exclusively in
20 transportation or operation excepted from 49 C.F.R. part 391, as provided
21 in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;

22 (ii) Allows the driver of a commercial motor vehicle to change his
23 or her self-certification to intrastate only, if the driver qualifies
24 under a state's physical qualification requirements for intrastate only;

25 (iii) Allows the driver of a commercial motor vehicle to change his
26 or her certification to intrastate, but operating exclusively in
27 transportation or operations excepted from all or part of a state driver
28 qualification requirement; or

29 (iv) Removes the commercial driver's license privilege from the
30 operator's license;

31 (c) Employee means any operator of a commercial motor vehicle,

1 including full time, regularly employed drivers; casual, intermittent, or
2 occasional drivers; and leased drivers and independent, owner-operator
3 contractors, while in the course of operating a commercial motor vehicle,
4 who are either directly employed by or under lease to an employer;

5 (d) Employer means any person, including the United States, a state,
6 the District of Columbia, or a political subdivision of a state, that
7 owns or leases a commercial motor vehicle or assigns employees to operate
8 a commercial motor vehicle;

9 (e) Endorsement means an authorization to an individual's CLP-
10 commercial learner's permit or commercial driver's license required to
11 permit the individual to operate certain types of commercial motor
12 vehicles;

13 (f) Foreign means outside the fifty United States and the District
14 of Columbia;

15 (g) Imminent hazard means the existence of a condition relating to
16 hazardous material that presents a substantial likelihood that death,
17 serious illness, severe personal injury, or a substantial endangerment to
18 health, property, or the environment may occur before the reasonably
19 foreseeable completion date of a formal proceeding begun to lessen the
20 risk of that death, illness, injury, or endangerment;

21 (h) Issue and issuance means initial issuance, transfer, renewal, or
22 upgrade of a CLP-commercial learner's permit, commercial driver's
23 license, nondomiciled CLP-commercial learner's permit, or nondomiciled
24 commercial driver's license, as described in 49 C.F.R. 383.73;

25 (i) Medical examiner means an individual certified by the Federal
26 Motor Carrier Safety Administration and listed on the National Registry
27 of Certified Medical Examiners in accordance with 49 C.F.R. part 390,
28 subpart D;

29 (j) Medical examiner's certificate means a form meeting the
30 requirements of 49 C.F.R. 391.43 issued by a medical examiner in
31 compliance with such regulation;

1 (k) Medical variance means the Federal Motor Carrier Safety
2 Administration has provided a driver with either an exemption letter
3 permitting operation of a commercial motor vehicle pursuant to 49 C.F.R.
4 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation
5 Certificate permitting operation of a commercial motor vehicle pursuant
6 to 49 C.F.R. 391.49;

7 (l) Nondomiciled CLP-commercial learner's permit or nondomiciled
8 commercial driver's license means a CLP-commercial learner's permit or
9 commercial driver's license, respectively, issued by this state or other
10 jurisdiction under either of the following two conditions:

11 (i) To an individual domiciled in a foreign country meeting the
12 requirements of 49 C.F.R. 383.23(b)(1); and

13 (ii) To an individual domiciled in another state meeting the
14 requirements of 49 C.F.R. 383.23(b)(2);

15 (m) Representative vehicle means a motor vehicle which represents
16 the type of motor vehicle that a driver applicant operates or expects to
17 operate;

18 (n) State means a state of the United States and the District of
19 Columbia;

20 (o) State of domicile means that state where a person has his or her
21 true, fixed, and permanent home and principal residence and to which he
22 or she has the intention of returning whenever he or she is absent;

23 (p) Tank vehicle means any commercial motor vehicle that is designed
24 to transport any liquid or gaseous materials within a tank or tanks that
25 have an individual rated capacity of more than one hundred nineteen
26 gallons and an aggregate rated capacity of one thousand gallons or more
27 and that are either permanently or temporarily attached to the vehicle or
28 the chassis. A commercial motor vehicle transporting an empty storage
29 container tank, not designed for transportation, with a rated capacity of
30 one thousand gallons or more that is temporarily attached to a flatbed
31 trailer is not considered a tank vehicle;

1 (q) Third-party skills test examiner means a person employed by a
2 third-party tester who is authorized by this state to administer the
3 commercial driver's license skills tests specified in 49 C.F.R. part 383,
4 subparts G and H;

5 (r) Third-party tester means a person, including, but not limited
6 to, another state, a motor carrier, a private driver training facility or
7 other private institution, or a department, agency, or instrumentality of
8 a local government, authorized by this state to employ skills test
9 examiners to administer the commercial driver's license skills tests
10 specified in 49 C.F.R. part 383, subparts G and H;

11 (s) United States means the fifty states and the District of
12 Columbia; and

13 (t) Vehicle group means a class or type of vehicle with certain
14 operating characteristics.

15 Sec. 10. Section 60-4,131.01, Revised Statutes Cumulative
16 Supplement, 2016, is amended to read:

17 60-4,131.01 Sections 60-462.01 and 60-4,132 to 60-4,172 and section
18 13 of this act shall not apply to individuals who operate commercial
19 motor vehicles for military purposes, including and limited to:

- 20 (1) Active duty military personnel;
- 21 (2) Members of the military reserves, other than military
22 technicians;
- 23 (3) Active duty United States Coast Guard personnel; and
- 24 (4) Members of the National Guard on active duty, including:
- 25 (a) Personnel on full-time National Guard duty;
- 26 (b) Personnel on part-time National Guard training; and
- 27 (c) National Guard military technicians required to wear military
28 uniforms.

29 Such individuals must have a valid military driver's license unless
30 such individual is operating the vehicle under written orders from a
31 commanding officer in an emergency declared by the federal government or

1 by the State of Nebraska.

2 Sec. 11. Section 60-4,132, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 60-4,132 The purposes of sections 60-462.01 and 60-4,137 to 60-4,172
5 and section 13 of this act are to implement the requirements mandated by
6 the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100
7 et seq., the federal Motor Carrier Safety Improvement Act of 1999, Public
8 Law 106-159, section 1012 of the federal Uniting and Strengthening
9 America by Providing Appropriate Tools Required to Intercept and Obstruct
10 Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal
11 regulations and to reduce or prevent commercial motor vehicle accidents,
12 fatalities, and injuries by: (1) Permitting drivers to hold only one
13 operator's license; (2) disqualifying drivers for specified offenses and
14 serious traffic violations; and (3) strengthening licensing and testing
15 standards.

16 Sec. 12. Section 60-4,147.02, Revised Statutes Supplement, 2017, is
17 amended to read:

18 60-4,147.02 No endorsement authorizing the driver to operate a
19 commercial motor vehicle transporting hazardous materials shall be
20 issued, renewed, or transferred by the Department of Motor Vehicles
21 unless the endorsement is issued, renewed, or transferred in conformance
22 with the requirements of section 1012 of the federal Uniting and
23 Strengthening America by Providing Appropriate Tools Required to
24 Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C.
25 5103a, including all amendments and federal regulations adopted pursuant
26 thereto as of January 1, 2018 ~~2017~~, for the issuance of licenses to
27 operate commercial motor vehicles transporting hazardous materials.

28 Sec. 13. In conformance with section 7208 of the federal Fixing
29 America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such
30 section and regulation existed on January 1, 2018, no hazardous materials
31 endorsement authorizing the holder of a Class A commercial driver's

1 license to operate a commercial motor vehicle transporting diesel fuel
2 shall be required if such driver is (1) operating within the state and
3 acting within the scope of his or her employment as an employee of a
4 custom harvester operation, an agrichemical business, a farm retail
5 outlet and supplier, or a livestock feeder and (2) operating a service
6 vehicle that is (a) transporting diesel in a quantity of one thousand
7 gallons or less and (b) clearly marked with a flammable or combustible
8 placard, as appropriate.

9 Sec. 14. Section 60-501, Revised Statutes Supplement, 2017, is
10 amended to read:

11 60-501 For purposes of the Motor Vehicle Safety Responsibility Act,
12 unless the context otherwise requires:

13 (1) Department means Department of Motor Vehicles;

14 (2) Golf car vehicle means a vehicle that has at least four wheels,
15 has a maximum level ground speed of less than twenty miles per hour, has
16 a maximum payload capacity of one thousand two hundred pounds, has a
17 maximum gross vehicle weight of two thousand five hundred pounds, has a
18 maximum passenger capacity of not more than four persons, and is designed
19 and manufactured for operation on a golf course for sporting and
20 recreational purposes;

21 (3) Judgment means any judgment which shall have become final by the
22 expiration of the time within which an appeal might have been perfected
23 without being appealed, or by final affirmation on appeal, rendered by a
24 court of competent jurisdiction of any state or of the United States, (a)
25 upon a cause of action arising out of the ownership, maintenance, or use
26 of any motor vehicle for damages, including damages for care and loss of
27 services, because of bodily injury to or death of any person or for
28 damages because of injury to or destruction of property, including the
29 loss of use thereof, or (b) upon a cause of action on an agreement of
30 settlement for such damages;

31 (4) License means any license issued to any person under the laws of

1 this state pertaining to operation of a motor vehicle within this state;

2 (5) Low-speed vehicle means a four-wheeled motor vehicle (a) whose
3 speed attainable in one mile is more than twenty miles per hour and not
4 more than twenty-five miles per hour on a paved, level surface, (b) whose
5 gross vehicle weight rating is less than three thousand pounds, and (c)
6 that complies with 49 C.F.R. part 571, as such part existed on January 1,
7 2018 ~~2017~~;

8 (6) Minitruck means a foreign-manufactured import vehicle or
9 domestic-manufactured vehicle which (a) is powered by an internal
10 combustion engine with a piston or rotor displacement of one thousand
11 five hundred cubic centimeters or less, (b) is sixty-seven inches or less
12 in width, (c) has a dry weight of four thousand two hundred pounds or
13 less, (d) travels on four or more tires, (e) has a top speed of
14 approximately fifty-five miles per hour, (f) is equipped with a bed or
15 compartment for hauling, (g) has an enclosed passenger cab, (h) is
16 equipped with headlights, taillights, turnsignals, windshield wipers, a
17 rearview mirror, and an occupant protection system, and (i) has a four-
18 speed, five-speed, or automatic transmission;

19 (7) Motor vehicle means any self-propelled vehicle which is designed
20 for use upon a highway, including trailers designed for use with such
21 vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not
22 include (a) mopeds as defined in section 60-637, (b) traction engines,
23 (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power
24 shovels, (g) well drillers, (h) every vehicle which is propelled by
25 electric power obtained from overhead wires but not operated upon rails,
26 (i) electric personal assistive mobility devices as defined in section
27 60-618.02, (j) off-road designed vehicles, including, but not limited to,
28 golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-
29 terrain vehicles and utility-type vehicles as defined in section
30 60-6,355, minibikes as defined in section 60-636, and snowmobiles as
31 defined in section 60-663, and (k) bicycles as defined in section 60-611;

1 (8) Nonresident means every person who is not a resident of this
2 state;

3 (9) Nonresident's operating privilege means the privilege conferred
4 upon a nonresident by the laws of this state pertaining to the operation
5 by him or her of a motor vehicle or the use of a motor vehicle owned by
6 him or her in this state;

7 (10) Operator means every person who is in actual physical control
8 of a motor vehicle;

9 (11) Owner means a person who holds the legal title of a motor
10 vehicle, or in the event (a) a motor vehicle is the subject of an
11 agreement for the conditional sale or lease thereof with the right of
12 purchase upon performance of the conditions stated in the agreement and
13 with an immediate right of possession vested in the conditional vendee or
14 lessee or (b) a mortgagor of a vehicle is entitled to possession, then
15 such conditional vendee or lessee or mortgagor shall be deemed the owner
16 for the purposes of the act;

17 (12) Person means every natural person, firm, partnership, limited
18 liability company, association, or corporation;

19 (13) Proof of financial responsibility means evidence of ability to
20 respond in damages for liability, on account of accidents occurring
21 subsequent to the effective date of such proof, arising out of the
22 ownership, maintenance, or use of a motor vehicle, (a) in the amount of
23 twenty-five thousand dollars because of bodily injury to or death of one
24 person in any one accident, (b) subject to such limit for one person, in
25 the amount of fifty thousand dollars because of bodily injury to or death
26 of two or more persons in any one accident, and (c) in the amount of
27 twenty-five thousand dollars because of injury to or destruction of
28 property of others in any one accident;

29 (14) Registration means registration certificate or certificates and
30 registration plates issued under the laws of this state pertaining to the
31 registration of motor vehicles;

1 (15) State means any state, territory, or possession of the United
2 States, the District of Columbia, or any province of the Dominion of
3 Canada; and

4 (16) The forfeiture of bail, not vacated, or of collateral deposited
5 to secure an appearance for trial shall be regarded as equivalent to
6 conviction of the offense charged.

7 Sec. 15. Section 60-628.01, Revised Statutes Supplement, 2017, is
8 amended to read:

9 60-628.01 Low-speed vehicle means a four-wheeled motor vehicle (1)
10 whose speed attainable in one mile is more than twenty miles per hour and
11 not more than twenty-five miles per hour on a paved, level surface, (2)
12 whose gross vehicle weight rating is less than three thousand pounds, and
13 (3) that complies with 49 C.F.R. part 571, as such part existed on
14 January 1, 2018 ~~2017~~.

15 Sec. 16. Section 60-6,294, Revised Statutes Supplement, 2017, is
16 amended to read:

17 60-6,294 (1) Every vehicle, whether operated singly or in a
18 combination of vehicles, and every combination of vehicles shall comply
19 with subsections (2) and (3) of this section except as provided in
20 sections 60-6,294.01, 60-6,297, and 60-6,383. The limitations imposed by
21 this section shall be supplemental to all other provisions imposing
22 limitations upon the size and weight of vehicles.

23 (2) No wheel of a vehicle or trailer equipped with pneumatic or
24 solid rubber tires shall carry a gross load in excess of ten thousand
25 pounds on any highway nor shall any axle carry a gross load in excess of
26 twenty thousand pounds on any highway. An axle load shall be defined as
27 the total load transmitted to the highway by all wheels the centers of
28 which may be included between two parallel transverse vertical planes
29 forty inches apart extending across the full width of the vehicle.

30 (3) No group of two or more consecutive axles shall carry a load in
31 pounds in excess of the value given in the following table corresponding

1 to the distance in feet between the extreme axles of the group, measured
 2 longitudinally to the nearest foot, except that the maximum load carried
 3 on any group of two or more axles shall not exceed eighty thousand pounds
 4 on the National System of Interstate and Defense Highways unless the
 5 Director-State Engineer pursuant to section 60-6,295 authorizes a greater
 6 weight.

7	Distance in feet	Maximum load in pounds carried					
8	between the	on any group of two or more					
9	extremes of	consecutive axles					
10	any group of						
11	two or more						
12	consecutive	Two	Three	Four	Five	Six	Seven
13	axles	Axles	Axles	Axles	Axles	Axles	Axles
14	4	34,000					
15	5	34,000					
16	6	34,000					
17	7	34,000					
18	8	34,000	42,000				
19	9	39,000	42,500				
20	10	40,000	43,500				
21	11		44,000				
22	12		45,000	50,000			
23	13		45,500	50,500			
24	14		46,500	51,500			
25	15		47,000	52,000			
26	16		48,000	52,500	58,000		
27	17		48,500	53,500	58,500		
28	18		49,500	54,000	59,000		
29	19		50,000	54,500	60,000		
30	20		51,000	55,500	60,500		

1	21	51,500	56,000	61,000		
2	22	52,500	56,500	61,500		
3	23	53,000	57,500	62,500		
4	24	54,000	58,000	63,000		
5	25	54,500	58,500	63,500	69,000	
6	26	55,500	59,500	64,000	69,500	
7	27	56,000	60,000	65,000	70,000	
8	28	57,000	60,500	65,500	71,000	
9	29	57,500	61,500	66,000	71,500	
10	30	58,500	62,000	66,500	72,000	
11	31	59,000	62,500	67,500	72,500	
12	32	60,000	63,500	68,000	73,000	
13	33		64,000	68,500	74,000	
14	34		64,500	69,000	74,500	
15	35		65,500	70,000	75,000	
16	36		66,000	70,500	75,500	
17	37		66,500	71,000	76,000	81,500
18	38		67,500	72,000	77,000	82,000
19	39		68,000	72,500	77,500	82,500
20	40		68,500	73,000	78,000	83,500
21	41		69,500	73,500	78,500	84,000
22	42		70,000	74,000	79,000	84,500
23	43		70,500	75,000	80,000	85,000
24	44		71,500	75,500	80,500	85,500
25	45		72,000	76,000	81,000	86,000
26	46		72,500	76,500	81,500	87,000
27	47		73,500	77,500	82,000	87,500
28	48		74,000	78,000	83,000	88,000
29	49		74,500	78,500	83,500	88,500
30	50		75,500	79,000	84,000	89,000

1	51	76,000	80,000	84,500	89,500
2	52	76,500	80,500	85,000	90,500
3	53	77,500	81,000	86,000	91,000
4	54	78,000	81,500	86,500	91,500
5	55	78,500	82,500	87,000	92,000
6	56	79,500	83,000	87,500	92,500
7	57	80,000	83,500	88,000	93,000
8	58		84,000	89,000	94,000
9	59		85,000	89,500	94,500
10	60		85,500	90,000	95,000

11 (4) The distance between axles shall be measured to the nearest
12 foot. When a fraction is exactly one-half foot, the next larger whole
13 number shall be used, except that:

14 (a) Any group of three axles shall be restricted to a maximum load
15 of thirty-four thousand pounds unless the distance between the extremes
16 of the first and third axles is at least ninety-six inches in fact; and

17 (b) The maximum gross load on any group of two axles, the distance
18 between the extremes of which is more than eight feet but less than eight
19 feet six inches, shall be thirty-eight thousand pounds.

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

25 (6) The weight limitations of wheel and axle loads as defined in
26 subsections (2) through (4) of this section shall be restricted to the
27 extent deemed necessary by the Department of Transportation for a
28 reasonable period when road subgrades or pavements are weak or are
29 materially weakened by climatic conditions.

30 (7) Two consecutive sets of tandem axles may carry a gross load of
31 thirty-four thousand pounds each when the overall distance between the

1 first and last axles of such consecutive sets of tandem axles is thirty-
2 six, thirty-seven, or thirty-eight feet except as provided in section
3 60-6,297. Such vehicles shall be subject to section 60-6,301.

4 (8) If any vehicle crosses a bridge with a total gross load in
5 excess of the posted capacity of such bridge and as a result of such
6 crossing any damage results to the bridge, the owner of such vehicle
7 shall be responsible for all of such damage.

8 (9) Vehicles equipped with a greater number of axles than provided
9 in the table in subsection (3) of this section shall be legal if they do
10 not exceed the maximum load upon any wheel or axle, the maximum load upon
11 any group of two or more consecutive axles, and the total gross weight,
12 or any of such weights as provided in subsections (2) and (3) of this
13 section.

14 (10) Subsections (1) through (9) of this section shall not apply to
15 a vehicle which has been issued a permit pursuant to section 60-6,299,
16 self-propelled specialized mobile equipment with a fixed load when the
17 requirements of subdivision (2)(i) of section 60-6,288 are met, or an
18 emergency vehicle when the requirements of subdivision (1)(a)(v) of
19 section 60-6,298 are met.

20 (11) Any two consecutive axles the centers of which are more than
21 forty inches and not more than ninety-six inches apart, measured to the
22 nearest inch between any two adjacent axles in the series, shall be
23 defined as tandem axles, and the gross weight transmitted to the road
24 surface through such series shall not exceed thirty-four thousand pounds.
25 No axle of the series shall exceed the maximum weight permitted under
26 this section for a single axle.

27 (12) Dummy axles shall be disregarded in determining the lawful
28 weight of a vehicle or vehicle combination for operation on the highway.
29 Dummy axle shall mean an axle attached to a vehicle or vehicle
30 combination in a manner so that it does not articulate or substantially
31 equalize the load and does not carry at least the lesser of eight

1 thousand pounds or eight percent of the gross weight of the vehicle or
2 vehicle combination.

3 (13) The maximum gross weight limit and the axle weight limit for
4 any vehicle or combination of vehicles equipped with idle reduction
5 technology may be increased by an amount necessary to compensate for the
6 additional weight of the idle reduction technology as provided in 23
7 U.S.C. 127(a)(12), as such section existed on October 1, 2012 ~~July 18,~~
8 ~~2008~~. The additional amount of weight allowed by this subsection shall
9 not exceed five ~~four~~ hundred fifty pounds and shall not be construed to
10 be in addition to the five-percent-in-excess-of-maximum-load provision of
11 subdivision (1) of section 60-6,301.

12 (14) The maximum gross weight for any vehicle or combination of
13 vehicles operated by an engine fueled primarily by natural gas may exceed
14 the gross vehicle weight limitations provided in subsection (3) of this
15 section, and as provided in 23 U.S.C. 127(s), as such section existed on
16 January 1, 2018, in an amount that:

17 (a) Is equal to the difference, up to a maximum of two thousand
18 pounds, between the weight of the natural gas tank and fueling system
19 carried by such vehicle, and the weight of a comparable diesel tank and
20 fueling system; and

21 (b) Does not exceed eighty-two thousand pounds on the National
22 System of Interstate and Defense Highways.

23 Sec. 17. Section 75-363, Revised Statutes Supplement, 2017, is
24 amended to read:

25 75-363 (1) The parts, subparts, and sections of Title 49 of the Code
26 of Federal Regulations listed below, as modified in this section, or any
27 other parts, subparts, and sections referred to by such parts, subparts,
28 and sections, in existence and effective as of January 1, 2018 ~~2017~~, are
29 adopted as Nebraska law.

30 (2) Except as otherwise provided in this section, the regulations
31 shall be applicable to:

1 (a) All motor carriers, drivers, and vehicles to which the federal
2 regulations apply; and

3 (b) All motor carriers transporting persons or property in
4 intrastate commerce to include:

5 (i) All vehicles of such motor carriers with a gross vehicle weight
6 rating, gross combination weight rating, gross vehicle weight, or gross
7 combination weight over ten thousand pounds;

8 (ii) All vehicles of such motor carriers designed or used to
9 transport more than eight passengers, including the driver, for
10 compensation, or designed or used to transport more than fifteen
11 passengers, including the driver, and not used to transport passengers
12 for compensation;

13 (iii) All vehicles of such motor carriers transporting hazardous
14 materials required to be placarded pursuant to section 75-364; and

15 (iv) All drivers of such motor carriers if the drivers are operating
16 a commercial motor vehicle as defined in section 60-465 which requires a
17 commercial driver's license.

18 (3) The Legislature hereby adopts, as modified in this section, the
19 following parts of Title 49 of the Code of Federal Regulations:

20 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

21 (b) Part 385 - SAFETY FITNESS PROCEDURES;

22 (c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;

23 (d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR
24 CARRIERS;

25 (e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;

26 (f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION
27 VEHICLE (LCV) DRIVER INSTRUCTORS;

28 (g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;

29 (h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;

30 (i) Part 395 - HOURS OF SERVICE OF DRIVERS;

31 (j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;

1 (k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND
2 PARKING RULES; and

3 (l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

4 (4) The provisions of subpart E - Physical Qualifications And
5 Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER
6 COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any
7 driver subject to this section who: (a) Operates a commercial motor
8 vehicle exclusively in intrastate commerce; and (b) holds, or has held, a
9 commercial driver's license issued by this state prior to July 30, 1996.

10 (5) The regulations adopted in subsection (3) of this section shall
11 not apply to farm trucks registered pursuant to section 60-3,146 with a
12 gross weight of sixteen tons or less. The following parts and sections of
13 49 C.F.R. chapter III shall not apply to drivers of farm trucks
14 registered pursuant to section 60-3,146 and operated solely in intrastate
15 commerce:

16 (a) All of part 391;

17 (b) Section 395.8 of part 395; and

18 (c) Section 396.11 of part 396.

19 (6) The following parts and subparts of 49 C.F.R. chapter III shall
20 not apply to the operation of covered farm vehicles:

21 (a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

22 (b) Part 391, subpart E - Physical Qualifications and Examinations;

23 (c) Part 395 - HOURS OF SERVICE OF DRIVERS; and

24 (d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

25 (7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION
26 and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to
27 fertilizer and agricultural chemical application and distribution
28 equipment transported in units with a capacity of three thousand five
29 hundred gallons or less.

30 (8) For purposes of this section, intrastate motor carriers shall
31 not include any motor carrier or driver excepted from 49 C.F.R. chapter

1 III by section 390.3(f) of part 390.

2 (9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor
3 carriers and drivers who engage in intrastate commerce as defined in
4 section 75-362, except that no motor carrier who engages in intrastate
5 commerce shall permit or require any driver used by it to drive nor shall
6 any driver drive:

7 (i) More than twelve hours following ten consecutive hours off duty;
8 or

9 (ii) For any period after having been on duty sixteen hours
10 following ten consecutive hours off duty.

11 (b) No motor carrier who engages in intrastate commerce shall permit
12 or require a driver of a commercial motor vehicle, regardless of the
13 number of motor carriers using the driver's services, to drive, nor shall
14 any driver of a commercial motor vehicle drive, for any period after:

15 (i) Having been on duty seventy hours in any seven consecutive days
16 if the employing motor carrier does not operate every day of the week; or

17 (ii) Having been on duty eighty hours in any period of eight
18 consecutive days if the employing motor carrier operates motor vehicles
19 every day of the week.

20 (10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in
21 subsections (3) and (9) of this section, shall not apply to drivers
22 transporting agricultural commodities or farm supplies for agricultural
23 purposes during planting and harvesting season when:

24 (a) The transportation of such agricultural commodities is from the
25 source of the commodities to a location within a one-hundred-fifty-air-
26 mile radius of the source of the commodities;

27 (b) The transportation of such farm supplies is from a wholesale or
28 retail distribution point of the farm supplies to a farm or other
29 location where the farm supplies are intended to be used which is within
30 a one-hundred-fifty-air-mile radius of the wholesale or retail
31 distribution point; or

1 (c) The transportation of such farm supplies is from a wholesale
2 distribution point of the farm supplies to a retail distribution point of
3 the farm supplies which is within a one-hundred-fifty-air-mile radius of
4 the wholesale distribution point.

5 (11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and
6 intermodal equipment shall not apply to farm trucks and farm truck-
7 tractors registered pursuant to section 60-3,146 and operated solely in
8 intrastate commerce.

9 (12) 49 C.F.R. 392.9a - Operating authority shall not apply to
10 Nebraska motor carriers operating commercial motor vehicles solely in
11 intrastate commerce.

12 (13) No motor carrier shall permit or require a driver of a
13 commercial motor vehicle to violate, and no driver of a commercial motor
14 vehicle shall violate, any out-of-service order.

15 Sec. 18. Section 75-364, Revised Statutes Supplement, 2017, is
16 amended to read:

17 75-364 The parts, subparts, and sections of Title 49 of the Code of
18 Federal Regulations listed below, or any other parts, subparts, and
19 sections referred to by such parts, subparts, and sections, in existence
20 and effective as of January 1, 2018 ~~2017~~, are adopted as part of Nebraska
21 law and shall be applicable to all motor carriers whether engaged in
22 interstate or intrastate commerce, drivers of such motor carriers, and
23 vehicles of such motor carriers:

24 (1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F -
25 Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers,
26 Assemblers, Repairers, Inspectors, Testers, and Design Certifying
27 Engineers;

28 (2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G -
29 Registration of Persons Who Offer or Transport Hazardous Materials;

30 (3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;

31 (4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,

1 HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION,
2 TRAINING REQUIREMENTS, AND SECURITY PLANS;

3 (5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND
4 PACKAGINGS;

5 (6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

6 (7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

7 (8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF
8 PACKAGINGS.

9 Sec. 19. Section 75-366, Revised Statutes Supplement, 2017, is
10 amended to read:

11 75-366 For the purpose of enforcing Chapter 75, article 3, any
12 officer of the Nebraska State Patrol may, upon demand, inspect the
13 accounts, records, and equipment of any motor carrier or shipper. Any
14 officer of the Nebraska State Patrol shall have the authority to enforce
15 the federal motor carrier safety regulations, as such regulations existed
16 on January 1, 2018 ~~2017~~, and federal hazardous materials regulations, as
17 such regulations existed on January 1, 2018 ~~2017~~, and is authorized to
18 enter upon, inspect, and examine any and all lands, buildings, and
19 equipment of any motor carrier, any shipper, and any other person subject
20 to the federal Interstate Commerce Act, the federal Department of
21 Transportation Act, and other related federal laws and to inspect and
22 copy any and all accounts, books, records, memoranda, correspondence, and
23 other documents of a motor carrier, a shipper, and any other person
24 subject to Chapter 75, article 3, for the purposes of enforcing Chapter
25 75, article 3. To promote uniformity of enforcement, the carrier
26 enforcement division of the Nebraska State Patrol shall cooperate and
27 consult with the Public Service Commission and the Division of Motor
28 Carrier Services.

29 Sec. 20. Section 75-369.03, Revised Statutes Supplement, 2017, is
30 amended to read:

31 75-369.03 (1) The Superintendent of Law Enforcement and Public

1 Safety may issue an order imposing a civil penalty against a motor
2 carrier transporting persons or property in interstate commerce for a
3 violation of sections 75-392 to 75-399 or against a motor carrier
4 transporting persons or property in intrastate commerce for a violation
5 or violations of section 75-363 or 75-364 based upon an inspection
6 conducted pursuant to section 75-366 in an amount which shall not exceed
7 eight hundred dollars for any single violation in any proceeding or
8 series of related proceedings against any person or motor carrier as
9 defined in 49 C.F.R. ~~part~~ 390.5 as adopted in section 75-363.

10 (2) The superintendent shall issue an order imposing a civil penalty
11 in an amount not to exceed fifteen thousand seven hundred twenty-seven
12 ~~four hundred seventy-four~~ dollars against a motor carrier transporting
13 persons or property in interstate commerce for a violation of subdivision
14 (2)(e) of section 60-4,162 based upon a conviction of such a violation.

15 (3) The superintendent shall issue an order imposing a civil penalty
16 against a driver operating a commercial motor vehicle, as defined in
17 section 60-465, that requires a commercial driver's license or CLP-
18 commercial learner's permit, in violation of an out-of-service order. The
19 civil penalty shall be in an amount not less than three thousand thirty-
20 four ~~two thousand nine hundred eighty-five~~ dollars for a first violation
21 and not less than six thousand sixty-eight ~~five thousand nine hundred~~
22 ~~seventy~~ dollars for a second or subsequent violation.

23 (4) The superintendent shall issue an order imposing a civil penalty
24 against a motor carrier who knowingly allows, requires, permits, or
25 authorizes the operation of a commercial motor vehicle, as defined in
26 section 60-465, that requires a commercial driver's license or CLP-
27 commercial learner's permit, in violation of an out-of-service order. The
28 civil penalty shall be not less than five thousand four hundred seventy-
29 nine ~~three hundred ninety-one~~ dollars but not more than thirty thousand
30 three hundred thirty-seven ~~twenty-nine thousand eight hundred forty-nine~~
31 dollars per violation.

1 (5) Upon the discovery of any violation by a motor carrier
2 transporting persons or property in interstate commerce of section
3 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an
4 inspection conducted pursuant to section 75-366, the superintendent shall
5 immediately refer such violation to the appropriate federal agency for
6 disposition, and upon the discovery of any violation by a motor carrier
7 transporting persons or property in intrastate commerce of section 75-307
8 based upon such inspection, the superintendent shall refer such violation
9 to the Public Service Commission for disposition.

10 Sec. 21. Section 75-392, Revised Statutes Supplement, 2017, is
11 amended to read:

12 75-392 For purposes of sections 75-392 to 75-399:

13 (1) Director means the Director of Motor Vehicles;

14 (2) Division means the Division of Motor Carrier Services of the
15 Department of Motor Vehicles; and

16 (3) Unified carrier registration plan and agreement means the plan
17 and agreement established and authorized pursuant to 49 U.S.C. 14504a, as
18 such section existed on January 1, 2018 ~~2017~~.

19 Sec. 22. Section 75-393, Revised Statutes Supplement, 2017, is
20 amended to read:

21 75-393 The director may participate in the unified carrier
22 registration plan and agreement pursuant to the Unified Carrier
23 Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January
24 1, 2018 ~~2017~~, and may file on behalf of this state the plan required by
25 such plan and agreement for enforcement of the act in this state.

26 Sec. 23. Original sections 60-462, 60-4,131, 60-4,131.01, and
27 60-4,132, Revised Statutes Cumulative Supplement, 2016, and sections
28 60-119.01, 60-336.01, 60-386, 60-3,113.04, 60-3,193.01, 60-462.01,
29 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,294, 75-363, 75-364,
30 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Supplement, 2017,
31 are repealed.

1 Sec. 24. Since an emergency exists, this act takes effect when
2 passed and approved according to law.