

AMENDMENTS TO LB698

(Amendments to Standing Committee amendments, AM554)

Introduced by Bostelman, 23.

1 1. Strike amendment 1 and insert the following new amendment:

2 1. Strike the original sections and insert the following new
3 sections:

4 Section 1. Section 60-6,304, Revised Statutes Cumulative Supplement,
5 2018, is amended to read:

6 60-6,304 (1)(a) Except as provided in subsection (2) of this section
7 for a vehicle that contained livestock, but still contains the manure or
8 urine of such livestock, no vehicle shall be driven or moved on any
9 highway unless the vehicle is so constructed or loaded as to prevent its
10 contents from dropping, sifting, leaking, or otherwise escaping from the
11 vehicle.

12 (b) Except as provided in subsection (2) of this section for a
13 vehicle that contained livestock, but still contains the manure or urine
14 of such livestock, no person shall transport any sand, gravel, rock less
15 than two inches in diameter, or refuse in any vehicle on any hard-
16 surfaced state highway if such material protrudes above the sides of that
17 part of the vehicle in which it is being transported unless such material
18 is enclosed or completely covered with canvas or similar covering.

19 (c) Except as provided in subsection (3) of this section for
20 commercial motor vehicles and commercial trailers, no ~~No~~ person shall
21 drive or move a motor vehicle, trailer, or semitrailer upon any highway
22 unless the cargo or contents carried by the motor vehicle, trailer, or
23 semitrailer are properly distributed and adequately secured to prevent
24 the falling of cargo or contents from the vehicle. The tailgate, doors,
25 tarpaulins, and any other equipment used in the operation of the motor
26 vehicle, trailer, or semitrailer or in the distributing or securing of

1 the cargo or contents carried by the motor vehicle, trailer, or
2 semitrailer shall be secured to prevent cargo or contents falling from
3 the vehicle. The means of securement to the motor vehicle, trailer, or
4 semitrailer must be either tiedowns and tiedown assemblies of adequate
5 strength or sides, sideboards, or stakes and a rear endgate, endboard, or
6 stakes strong enough and high enough to assure that cargo or contents
7 will not fall from the vehicle.

8 (d) Any person who violates any provision of this subsection is
9 guilty of a Class IV misdemeanor.

10 (2)(a) No person operating any vehicle that contained livestock, but
11 still contains the manure or urine of livestock, on any highway located
12 within the corporate limits of a city of the metropolitan class, shall
13 spill manure or urine from the vehicle.

14 (b) Any person who violates this subsection is guilty of a Class IV
15 misdemeanor and shall be assessed a minimum fine of at least two hundred
16 fifty dollars.

17 (3)(a) No person shall drive or move a commercial motor vehicle or
18 commercial trailer upon any highway unless the cargo or contents carried
19 by the commercial motor vehicle or commercial trailer are properly
20 distributed and adequately secured to prevent the falling of cargo or
21 contents from the vehicle. The tailgate, doors, tarpaulins, and any other
22 equipment used in the operation of the commercial motor vehicle or
23 commercial trailer or in the distributing or securing of the cargo or
24 contents carried by the commercial motor vehicle or commercial trailer
25 shall be secured to prevent cargo or contents falling from the vehicle.
26 The structures, systems, parts, and components used to secure the cargo
27 or contents shall be in proper working order with no damaged or weakened
28 components that affect performance so as to cause the cargo or contents
29 to fall from the commercial motor vehicle or commercial trailer. The
30 means of securement to the commercial motor vehicle or commercial trailer
31 shall be either tiedowns and tiedown assemblies of adequate strength or

1 sides, sideboards, or stakes and a rear endgate, endboard, or stakes
2 strong enough and high enough to ensure that cargo or contents will not
3 fall from the commercial motor vehicle or commercial trailer.

4 (b)(i) Violation of this subsection is an infraction, and the person
5 driving or moving a commercial motor vehicle or commercial trailer in
6 violation of this subsection shall be fined two hundred dollars for the
7 first offense and five hundred dollars for a second or subsequent
8 offense.

9 (ii) In addition to the issuance of a citation to an operator under
10 subdivision (b)(i) of this subsection, the Superintendent of Law
11 Enforcement and Public Safety may assess the owner of the vehicle a civil
12 penalty for each violation of this subsection of one thousand dollars.
13 The superintendent shall issue an order imposing a penalty under this
14 subdivision in the same manner as an order issued under section 75-369.04
15 and any rules and regulations adopted and promulgated under section
16 75-368 and any applicable federal rules and regulations.

17 (c) For purposes of this subsection:

18 (i) Commercial motor vehicle has the same meaning as in section
19 60-316; and

20 (ii) Commercial trailer has the same meaning as in section 60-317.

21 Sec. 2. Original section 60-6,304, Revised Statutes Cumulative
22 Supplement, 2018, is repealed.