

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 698

Introduced by Bostelman, 23.

Read first time January 23, 2019

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend
- 2 section 60-6,304, Revised Statutes Cumulative Supplement, 2018; to
- 3 change load provisions and penalties for commercial motor vehicles
- 4 and commercial trailers; to define terms; and to repeal the original
- 5 section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,304, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 60-6,304 (1)(a) Except as provided in subsection (2) of this section
4 for a vehicle that contained livestock, but still contains the manure or
5 urine of such livestock, no vehicle shall be driven or moved on any
6 highway unless the vehicle is so constructed or loaded as to prevent its
7 contents from dropping, sifting, leaking, or otherwise escaping from the
8 vehicle.

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

16 (c) Except as provided in subsection (3) of this section for
17 commercial motor vehicles and commercial trailers, no ~~No~~ person shall
18 drive or move a motor vehicle, trailer, or semitrailer upon any highway
19 unless the cargo or contents carried by the motor vehicle, trailer, or
20 semitrailer are properly distributed and adequately secured to prevent
21 the falling of cargo or contents from the vehicle. The tailgate, doors,
22 tarpaulins, and any other equipment used in the operation of the motor
23 vehicle, trailer, or semitrailer or in the distributing or securing of
24 the cargo or contents carried by the motor vehicle, trailer, or
25 semitrailer shall be secured to prevent cargo or contents falling from
26 the vehicle. The means of securement to the motor vehicle, trailer, or
27 semitrailer must be either tiedowns and tiedown assemblies of adequate
28 strength or sides, sideboards, or stakes and a rear endgate, endboard, or
29 stakes strong enough and high enough to assure that cargo or contents
30 will not fall from the vehicle.

31 (d) Any person who violates any provision of this subsection is

1 guilty of a Class IV misdemeanor.

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

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

9 (3)(a) No person shall drive or move a commercial motor vehicle or
10 commercial trailer upon any highway unless the cargo or contents carried
11 by the commercial motor vehicle or commercial trailer are properly
12 distributed and adequately secured to prevent the falling of cargo or
13 contents from the vehicle. The tailgate, doors, tarpaulins, and any other
14 equipment used in the operation of the commercial motor vehicle or
15 commercial trailer or in the distributing or securing of the cargo or
16 contents carried by the commercial motor vehicle or commercial trailer
17 shall be secured to prevent cargo or contents falling from the vehicle.
18 The structures, systems, parts, and components used to secure the cargo
19 or contents shall be in proper working order with no damaged or weakened
20 components that affect performance so as to cause the cargo or contents
21 to fall from the commercial motor vehicle or commercial trailer. The
22 means of securement to the commercial motor vehicle or commercial trailer
23 shall be either tiedowns and tiedown assemblies of adequate strength or
24 sides, sideboards, or stakes and a rear endgate, endboard, or stakes
25 strong enough and high enough to ensure that cargo or contents will not
26 fall from the commercial motor vehicle or commercial trailer.

27 (b)(i) Violation of this subsection is a Class III misdemeanor.

28 (ii) In lieu of issuing a citation to an operator under subdivision
29 (b)(i) of this section, the Superintendent of Law Enforcement and Public
30 Safety may assess the owner of the vehicle a civil penalty for each
31 violation of this section of one thousand dollars. The superintendent

1 shall issue an order imposing a penalty under this subdivision in the
2 same manner as an order issued under section 75-369.04 and any rules and
3 regulations adopted and promulgated under section 75-368 and any
4 applicable federal rules and regulations.

5 (c) For purposes of this subsection:

6 (i) Commercial motor vehicle has the same meaning as in section
7 60-316; and

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

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