

## LEGISLATIVE BILL 395

Approved by the Governor May 9, 1985

Introduced by Public Works Committee, Schmit, 23,  
Chairperson; Beyer, 3; Nelson, 35;  
Lynch, 13; DeCamp, 40; Smith, 33

AN ACT relating to weighing stations; to amend sections 39-699, 60-305.03, 60-329, 60-1301, 60-1303, 60-1305 to 60-1309, 81-2003, 81-2005, and 84-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410.03 and 88-518, Revised Statutes Supplement, 1984; to change provisions relating to the operation of weighing stations; to provide powers and duties; to create a carrier enforcement division; to create a fund; to harmonize provisions; to provide an operative date; to repeal the original sections, and also section 60-1304, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-699, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-699. In order to promote public safety and to preserve and protect state highways and prevent immoderate and destructive use of the same, the Department of Roads may formulate and promulgate rules and regulations in regard to the use of and travel upon the state highways. Such rules and regulations shall be consistent with ~~the provisions of~~ Chapter 39, shall be published and issued in pamphlet form by the Department of Roads, and shall be designated as the official state highway rules and regulations of the Department of Roads. Eight copies of the pamphlets shall be furnished to the Nebraska Publications Clearinghouse. Such pamphlets shall be available upon request to the general public free of charge.

Such rules and regulations may include specifications, standards, limitations, conditions, requirements, definitions, enumerations, descriptions, procedures, prohibitions, restrictions, instructions, controls, guidelines, and classifications relative to the following:

(1) The issuance or denial of special permits for the travel of vehicles or objects exceeding statutory size and weight capacities upon the highways as authorized by section 39-6, 181;

(2) Qualification and prequalification of contractors, including, but not limited to, maximum and

minimum qualifications, ratings, classifications, classes of contractors or classes of work, or both, and procedures to be followed;

(3) The setting of special load restrictions as provided in Chapter 39;

(4) The placing, location, occupancy, erection, construction, or maintenance, upon any highway or area within the right-of-way, of any pole line, pipeline, or other utility located above, on, or under the level of the ground in such area;

(5) Contents, use, and purpose of violation cards, warning cards, summons, tickets, and such other notifications of law violations as may be necessary for use by the Nebraska State Patrol, weighing station personnel, and such other law enforcement agencies being a part of the department, necessary for notification of violations of law;

(6) (5) Protection and preservation of trees, shrubbery, plantings, buildings, structures, and all other things located upon any highway or any portion of the right-of-way of any highway by the department;

(7) (6) Applications for the location of, and location of, private driveways, commercial approach roads, facilities, things, or appurtenances upon the right-of-way of state highways, including, but not limited to, procedures for applications for permits therefor and standards for the issuance or denial of such permits, based on highway traffic safety, and the foregoing may include reapplication for permits, applications for permits for existing facilities, and, in any event, issuance of permits may also be conditioned upon approval of the design of such facilities;

(8) (7) Outdoor advertising signs, displays, and devices in areas where the department is authorized by law to exercise such controls; and

(9) (8) The Grade Crossing Protection Fund provided for in section 74-1317 including, but not limited to, authority for application, procedures on application, effect of application, as well as procedures and effect of granting such applications, and standards and specifications governing the type of control thereunder.

This section shall not amend nor or derogate any other grant of power or authority to the Department of Roads to make or promulgate rules and regulations, but shall be additional and supplementary thereto.

Sec. 2. That section 60-305.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-305.03. (1) In case a foreign state or territory is not reciprocal as to license fees on commercial trucks, truck-tractors, semitrailers, trailers, or buses, the owners of such nonresident vehicles from those states or territories will be required to pay the same license fees as are charged residents of

this state in such foreign state or territory. In case no fees are charged in Nebraska on trucks, truck-tractors, semitrailers, trailers, or buses, other than license fees, and the reciprocity law of any other foreign state or territory does not act to exempt Nebraska trucks, truck-tractors, semitrailers, trailers, or buses operating in that state from payment of all fees whatsoever, the owners of such foreign trucks, truck-tractors, semitrailers, trailers, or buses shall be required to pay a fee in an amount equal to the fee of whatever character, other than license fee, is charged by such other state to foreign trucks, truck-tractors, semitrailers, trailers, or buses. The ~~PROVIDED, that the~~ owners of all foreign trucks, truck-tractors, semitrailers, trailers, or buses, doing intrastate hauling in this state, shall be required to pay the same registration fees as those required to be paid by residents of this state, unless such vehicles are registered as a part of a fleet in interstate commerce, as provided in section 60-305.09. In no case shall the fee charged to an owner of a foreign motor vehicle exceed the total fees required to be paid on like vehicles by residents of this state. The Department of Roads carrier enforcement division shall act as an agent for the Department of Motor Vehicles in collecting such fees and shall remit all such fees collected to the State Treasurer, who shall place such money in the Highway Cash Fund. Such fees may be paid at either the various weighing stations operated and maintained by the Department of Roads carrier enforcement division or at various vendor stations as determined appropriate by the Department of Roads carrier enforcement division, and such fees shall be paid at the first available location, whether that be a weighing station or a vendor station. The vendor stations shall be entitled to collect an additional fee of ten per cent of the fee collected pursuant to this section but not more than five dollars as reimbursement for the clerical work of collecting such fee.

(2) In order to effect the purposes of section 60-305.02, and subsection (1) of this section, and section 60-305.09, the Director of Motor Vehicles shall have the power, duty, and authority to enter into reciprocal agreements with the duly authorized representatives of other jurisdictions, including states, districts, territories, or possessions of the United States, and foreign countries, states, or provinces granting to vehicles or owners of vehicles which are properly registered or licensed in such jurisdictions, and for which evidence of compliance is supplied, benefits, privileges, and exemptions from the payment, wholly or partially, of any fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state.

Such agreements or arrangements shall provide that vehicles registered or licensed in this state when operated upon the highways of such other jurisdictions shall receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to vehicles from such jurisdictions in this state. Such agreements may be revised or replaced by new agreements from time to time in order to promote greater uniformity among the states. The director may withdraw from any agreement when he or she determines that it shall be for the best interest of the State of Nebraska upon thirty days' notice.

Notwithstanding any provisions of the Nebraska statutes to the contrary or inconsistent herewith, such agreements may provide, with respect to resident or nonresident fleets of apportionable commercial vehicles which are engaged in interstate and intrastate commerce, that the registrations of such fleets can be apportioned between this state and other states in which such fleets operate in accordance with the method set out in section 60-305.09. A Nebraska-based fleet owner may include trailers and semitrailers in such apportionable fleet by listing them in an application filed pursuant to section 60-305.09. The registration procedure required by section 60-305.09 shall be the only such registration required and when the fees provided for in such section have been paid, the trailers and semitrailers listed on the application shall be duly registered as part of such Nebraska-based fleet.

(3) In the absence of an agreement or arrangement with any jurisdiction, the Director of Motor Vehicles is authorized to examine the laws and requirements of such jurisdiction and to declare the extent and nature of exemptions, benefits, and privileges to be extended to vehicles registered in such jurisdiction, or to the owners or operators of such vehicles.

Where When no written agreement or arrangement has been entered into with another jurisdiction, or declaration issued pertaining thereto, any vehicle properly registered in such jurisdiction, and for which evidence of compliance is supplied, may be operated in this state and shall receive the same exemptions, benefits, and privileges granted by such other jurisdiction to vehicles registered in this state.

(4) Where When a trailer or semitrailer has been duly registered in any jurisdiction, including those that are part of a Nebraska-based fleet registered pursuant to section 60-305.09, no additional registration or license fee therefor shall be required in this state when such trailer or semitrailer is operated in combination with any truck or truck-tractor properly licensed or registered in accordance with this act or agreements, arrangements, or

declarations pursuant to this act.

(5) All agreements, arrangements, declarations, and amendments authorized by this act shall be in writing and shall become effective when filed in the office of the Director of Motor Vehicles.

(6) Agreements or arrangements entered into or declarations issued under the authority of this section may contain provisions denying exemptions, benefits, and privileges granted in such agreements, arrangements, or declarations to any vehicle which is in violation of conditions stated in such agreements, arrangements, or declarations.

(7) Properly registered shall mean a vehicle licensed or registered in one of the following: (a) The jurisdiction where the person registering the vehicle has his or her legal residence; ~~7 or~~ (b) the jurisdiction in which a commercial vehicle is registered, ~~where~~ when the operation in which such vehicle is used has a principal place of business therein, and from or in which the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled, and the vehicle is assigned to such principal place of business; ~~7~~ or (c) the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the person registering the commercial vehicle has licensed the vehicle as required by ~~said~~ such jurisdiction.

(8) It shall be unlawful to operate trucks, truck-tractors, semitrailers, trailers, or buses owned by nonresidents who are not in compliance with ~~the provisions of~~ subsections (1) and (2) of this section and with section 60-305.02, or any agreement executed under the authority granted hereunder.

Sec. 3. That section 60-329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-329. For each passenger car having a seating capacity of ten persons or less and used for hire, the registration fee shall be six dollars plus an additional four dollars for every person such car is equipped to carry in addition to the driver. For every passenger motor vehicle of ten-passenger capacity or less and not used for hire, the registration fee shall be fifteen dollars. For buses used exclusively to carry children to and from school, and other school activities, the registration fee shall be ten dollars. For motor vehicles equipped to carry more than ten persons for hire, the fee shall be based on the weight of ~~said~~ such vehicle. To ascertain the weight, the unladen weight in pounds shall be used. There shall be added to such weight in pounds the number of persons ~~said~~ such vehicle is equipped to carry times two hundred, the sum thereof being the weight of ~~said~~ such vehicle for license purposes. The unladen weight shall be ascertained by scale weighing of the vehicle fully equipped and as used

upon the highways under the supervision of a member of the Nebraska State Patrol or an employee of the Department of Roads as a peace officer, as the case may be, a carrier enforcement officer and certified by such patrol member or peace carrier enforcement officer to the Department of Motor Vehicles or county treasurer. The fee therefor shall be as follows:

(1) If said such vehicle weighs thirty-two thousand pounds and less than thirty-four thousand pounds, it shall be licensed as a twelve ton truck as provided in section 60-331 and pay the same fee as therein provided;

(2) If said such vehicle weighs thirty thousand pounds and less than thirty-two thousand pounds, it shall be licensed as an eleven ton truck as provided in section 60-331 and pay the same fee as therein provided;

(3) If said such vehicle weighs twenty-eight thousand pounds and less than thirty thousand pounds, it shall be licensed as a ten ton truck as provided in section 60-331 and pay the same fee as therein provided;

(4) If said such vehicle weighs twenty-two thousand pounds and less than twenty-eight thousand pounds, it shall be licensed as a nine ton truck as provided in section 60-331 and pay the same fee as therein provided;

(5) If said such vehicle weighs sixteen thousand pounds, and less than twenty-two thousand pounds, it shall be licensed as an eight ton truck as provided in section 60-331 and pay the same fee as therein provided; and

(6) If said such vehicle weighs less than sixteen thousand pounds, it shall be licensed as a five ton truck as provided in section 60-331 and pay the same fee as therein provided, except ; PROVIDED, that upon registration of motor vehicles equipped to carry ten passengers or more and engaged entirely in the transportation of passengers for hire within municipalities or in and within a radius of five miles thereof the fee shall be seventy-five dollars, and for vehicles equipped to carry more than ten passengers and not for hire the registration fee shall be thirty dollars. For passenger cars leased for hire where when no driver or chauffeur is furnished by the lessor as part of the consideration paid for by the lessee, incident to the operation of the leased motor vehicle, the fee shall be fifteen dollars. Registration which is in the name of one spouse may be transferred to the husband and wife other spouse for a fee of one dollar and fifty cents. So long as one registered name on a registration of a noncommercial vehicle remains the same, other names may be deleted therefrom or new names added thereto for a fee of one dollar and fifty cents.

Sec. 4. That section 60-1301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:  
60-1301. In order to promote public safety, to

preserve and protect the state highways and bridges and prevent immoderate and destructive use of the same, and to enforce the motor vehicle registration laws, the Department of Roads shall have the authority responsibility to construct, maintain, provide, and contract with the Nebraska State Patrol for the operation of weighing stations and provide the funding for the same. The Nebraska State Patrol shall operate the ~~operate~~ weighing stations, including portable scales, for the weighing and inspection of ~~towed vehicles;~~ buses, motor trucks, truck-tractors, semitrailers, and trailers, and towed vehicles. Each of the weighing stations shall be located near, on, or adjacent to a state highway upon real estate owned by the State of Nebraska or upon real estate acquired for that purpose. Weights determined on such weighing stations and portable scales shall be presumed to be accurate and shall be accepted in court as prima facie evidence of a violation of the laws relating to the size, weight, load, and registration of ~~towed vehicles;~~ buses, motor trucks, truck-tractors, semitrailers, and trailers, and towed vehicles. ~~7 PROVIDED, that the~~ The ~~owner or driver of a vehicle found to be in violation of such laws by the use of portable scales shall be advised by the officer operating the portable scale that he or she has~~ have the right to demand an immediate reweighing at his or her expense at the nearest permanent state-approved scale capable of weighing the vehicle, and if a substantial variance exists between the weights of the permanent and portable scales, then the weights determined on the permanent scale shall prevail. ~~The provisions of sections Sections 60-1301 to 60-1309 shall not apply to pickup trucks with a factory-rated capacity of one ton or less, except as may be provided by rules and regulations of the Department of Roads Nebraska State Patrol, or to recreational vehicles as defined in subdivision (2) of section 71-4603. The Department of Roads shall~~ Nebraska State Patrol may adopt and promulgate rules and regulations concerning the weighing of pickup trucks with a factory-rated capacity of one ton or less which tow vehicles. Such rules and regulations shall require trucks towing vehicles to comply with sections 60-1301 to 60-1309 when it is necessary to promote the public safety and preserve and protect the state highways and bridges.

Sec. 5. That section 60-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1303. (1) The Governor shall designate either (a) the Nebraska State Patrol is hereby designated as the agency or (b) the employees of the Department of Roads as peace officers to operate the weighing stations and portable scales and to perform carrier enforcement duties.

(2) As used in sections 60-1301 to 60-1309, unless the context otherwise requires, the term officer or

peace officer shall mean a peace officer referred to in subdivision (b) of subsection (1) of this section if the employees of the Department of Roads are designated as peace officers under the provisions of subsection (1) of this section. The employees within the Nebraska State Patrol designated to operate the weighing stations and portable scales and to perform carrier enforcement duties shall be known as carrier enforcement officers and, as a separate group within the Nebraska State Patrol, shall be known as the carrier enforcement division.

(3) All of such peace carrier enforcement officers, if so designated by the Governor under the provisions of subsection (1) of this section, shall be bonded under the blanket surety bond required by section 11-201. Premiums on the bond shall be paid from the money appropriated for the construction, maintenance, and operation of the state weighing stations.

(4) All carrier enforcement officer retirement annuities shall be provided by the State Employees Retirement System of the State of Nebraska. Carrier enforcement officers shall not receive any expense allowance as provided for by section 81-2002.

(5) The Nebraska State Patrol and the Department of Roads shall have the duty, power, and authority to contract with one another for the operation of weighing stations and portable scales and the performance of carrier enforcement duties. Pursuant to such contract, command of the personnel involved in such carrier enforcement operations shall be with the Nebraska State Patrol. The Department of Roads may use any funds at its disposal for its financing of such carrier enforcement activity in accordance with such contract as long as such funds are used only to finance those activities directly involved with the duties specified in sections 60-1301 to 60-1309.

(6) The Nebraska State Patrol may adopt, promulgate, and enforce rules and regulations consistent with statutory provisions related to carrier enforcement necessary for the collection of fees, as outlined in sections 60-305.03 and 66-410.03, and for weighing of and inspection of buses, motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.

(7) There is hereby created the Carrier Enforcement Cash Fund which shall be used for the operation of the carrier enforcement division. Any money in the Carrier Enforcement Cash Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 6. That section 60-1305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1305. When the peace carrier enforcement officers are on duty as such, they shall be dressed in a distinctive uniform and display a distinctive badge of



office. The chief officer or superintendent, selected as provided by section 60-1304, superintendent of the Nebraska State Patrol shall issue a distinctive badge of office, with a seal of this state in the center thereof and with the designation of the officer thereon. Every such badge shall be serially numbered.

Sec. 7. That section 60-1306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1306. The peace carrier enforcement officers shall have the power (1) of peace officers solely for the purpose of enforcing the laws relating to the trip permit provided for in section 66-410.03 and to the size, weight, load, and registration of towed vehicles, buses, motor trucks, truck-tractors, and semitrailers, trailers, and towed vehicles, and when in uniform, to require the driver thereof to stop and exhibit his or her operator's license and registration issued for the vehicle and submit to an inspection of such vehicle, the plates, and registration thereon and (2) to make arrests upon view and without warrant for any violation committed in their presence of the laws referred to in subdivision (1) of this section and in section 60-1309.

Sec. 8. That section 60-1307, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1307. (1) Whenever any person is arrested at one of the state weighing stations or portable scales for a violation of the laws relating to the trip permit provided in section 66-410.03 or to the size, weight, load, and registration of towed vehicles, buses, motor trucks, truck-tractors, or semitrailers, trailers, or towed vehicles, the arresting officer shall take the name and address of such person and the license number of his or her motor vehicle and issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest, unless the person arrested shall demand an earlier hearing. Such person shall, if he or she desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour. The hearing shall be before a magistrate within the county wherein such offense was committed. Such officer shall, thereupon, upon such person giving his a written promise to appear at such time and place, forthwith release him or her from custody. ; PROVIDED, such Such person arrested and released shall not be permitted to operate the motor vehicle concerned until it is in compliance with the provisions of section 39-6,185 and of Chapter 60, article 3. Any person refusing to give such written promise to appear shall be immediately taken by the arresting officer before the nearest or most accessible magistrate. Any person who willfully violates his a written promise to appear, given in accordance with this section, shall be guilty of a Class III misdemeanor,

regardless of the disposition of the charge upon which he or she was originally arrested.

(2) The provisions of subsection (1) of this section shall not apply to any person not a resident of the State of Nebraska. The arresting officer shall take such person forthwith before the nearest or most accessible magistrate.

Sec. 9. That section 60-1308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1308. The driver of any towed vehicle, motor truck, truck-tractor, semitrailer, ~~or~~ trailer, or towed vehicle who shall fail to stop at or who shall knowingly pass or bypass any state weighing station, when the same is open and being operated by peace officers, or the driver of any bus who shall fail to stop at or who shall knowingly pass or bypass any state weighing station except permanently established weighing stations authorized under section 60-1301, when the same is open and being operated by peace officers, shall be deemed guilty of a Class III misdemeanor.

Sec. 10. That section 60-1309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1309. Any person, who fails or refuses to obey any lawful order of the peace officers a carrier enforcement officer or who resists lawful arrest by any of such officers, such officer shall be deemed guilty of a Class III misdemeanor.

Sec. 11. That section 66-410.03, Revised Statutes Supplement, 1984, be amended to read as follows:

66-410.03. (1) The advance arrangements referred to in section 66-410.02 shall include the procuring of a permit and the furnishing and maintaining of security as defined in section 66-404 in a sum to be fixed and determined by the Tax Commissioner but not less than one thousand dollars to assure the required reporting, payment of tax, keeping of records, and payment of any penalties. The amount of security as fixed and determined by the Tax Commissioner shall be approximately two times the average monthly liability of the permitholder. Such security shall run to the Department of Revenue of the State of Nebraska and be conditioned upon the payment of all taxes, interest, penalties, and costs for which such operator is liable, whether such liability was incurred prior to or after such security is filed.

(2) Such permit may be obtained upon application to the Tax Commissioner. The Tax Commissioner shall charge a fee of one dollar for each permit issued. The holder of a permit under this section shall have the privilege of bringing into this state in the fuel supply tanks of motor vehicles any amount of motor vehicle fuel or special fuel to be used in the operation of the vehicles and for that privilege shall pay Nebraska motor vehicle fuel or special fuel taxes.

(3) Each vehicle operated into or through Nebraska in interstate operations using motor vehicle fuel or special fuel acquired in any other state shall carry in or on each vehicle a duplicate of the permit required in this section. All fees collected shall be deposited in the state treasury and by the State Treasurer credited to the Highway Cash Fund.

(4) In lieu of the permit and security required by subsection (1) of this section, the Department of Revenue shall provide for a trip permit to be issued. Such trip permits shall be issued by various vendor stations within the state, as determined appropriate by the Department of Revenue, for a fee of ten dollars. Such permits shall be valid for a period of seventy-two hours. No more than three permits shall be used by any one owner or lessee during a single month. The Department of Roads carrier enforcement division designated under section 60-1303 shall act as an agent for the Department of Revenue in collecting the fees prescribed in this subsection and shall remit all such fees collected to the State Treasurer who shall place such money in the Highway Cash Fund. Such trip permits shall be available at weighing stations operated and maintained by the Department of Roads carrier enforcement division and at various vendor stations as determined appropriate by the Department of Roads carrier enforcement division. Trip permits shall be obtained at the first available location, whether that be a weighing station or a vendor station. The vendor stations shall be entitled to collect and retain an additional fee of ten per cent of the fee collected pursuant to this subsection as reimbursement for the clerical work of issuing the permits.

Sec. 12. That section 81-2003, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2003. The Superintendent of Law Enforcement and Public Safety is hereby authorized to adopt, promulgate, and enforce rules and regulations, not inconsistent consistent with this act, to carry out the provisions of sections 81-2001 to 81-2009, including the use, purpose, and contents of warning and violation cards. The Superintendent of Law Enforcement and Public Safety shall adopt an official seal for the use of the Nebraska State Patrol. The Superintendent of Law Enforcement and Public Safety shall maintain an office or offices for law enforcement and public safety in such places in the state as he or she may deem necessary to properly to carry out the work and the administration of laws pertaining to the Nebraska State Patrol.

Sec. 13. That section 81-2005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2005. The superintendent and all members of the Nebraska State Patrol and all other peace officers mentioned in section 39-6,192, except all carrier

enforcement officers assigned to the carrier enforcement division, shall have the power (1) of peace officers for the purpose of enforcing the provisions of this act and for the purpose of enforcing any other law regulating the operation of vehicles or the use of the highways, (2) to make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this act, or of any other law regulating the operation of vehicles or the use of the highways or of the laws of the state relating to felonies, if and when designated or called upon to do so as provided by law, (3) at all times to direct all traffic in conformity with law or in the event of a fire or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require notwithstanding the provisions of law, (4) when in uniform, to require the driver thereof to stop and exhibit his or her operator's license and registration card issued for the vehicle and submit to an inspection of such vehicle, and the registration plates and registration card thereon and to require the drivers of motor vehicles to present such vehicles within five days for correction of any defects revealed by such motor vehicle inspection as may lead the inspecting officer to reasonably believe that such motor vehicle is being operated in violation of the statutes of Nebraska ~~pertainig to light and brake equipment~~ or the rules and regulations of the Director of Motor Vehicles, ~~pertainig to loads~~, (5) to inspect any vehicle of a type required to be registered according to law in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, (6) to serve warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways, and (7) to investigate traffic accidents for the purpose of carrying on a study of traffic accidents and enforcing motor vehicle and highway safety laws.

Sec. 14. That section 84-1005, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-1005. The provisions of subsection (2) of section 84-1001 shall not apply to employees of the University of Nebraska, the University of Nebraska at Omaha, the state colleges, the Nebraska Brand Committee, the Nebraska Oil and Gas Conservation Commission, the Superintendent of Law Enforcement and Public Safety, his or her deputies, assistants, and members of the Nebraska State Patrol, ~~the superintendent of weighing stations, his deputies, assistants and employees carrier enforcement officers designated under section 60-1303,~~ or the employees of the Division of Motor Fuels of the office of the Tax Commissioner who shall render service on such days and maintain such hours as the Governor may designate, except that when employees are required to work on any day designated as a paid holiday the provisions of subsections

(4) and (5) of section 84-1001 shall apply.

Sec. 15. That section 88-518, Revised Statutes Supplement, 1984, be amended to read as follows:

88-518. Any person, firm, cooperative, or corporation, other than a public grain ~~warehouseman~~ warehouse licensee licensed as such in this state, who shall purchase grain from the owner thereof for the purpose of resale, or who shall purchase and transport grain or who shall transport grain in or out of this state for resale, or who shall act as employee or agent of a seller or purchaser of grain, or both, or who shall represent a seller or purchaser for purposes of collective bargaining in the marketing of grain, shall first procure a license therefor from the Public Service Commission before transacting such business and shall be subject to such rules and regulations as may be reasonably and appropriately promulgated by the commission for its enforcement and administration of the provisions of this section. Such license shall expire on June 30 and shall be renewed annually. The fee for each such buyer shall be thirty dollars. In addition to such license fee each licensee shall pay a registration fee in an amount fixed by the commission, not to exceed twenty dollars per annum, for each vehicle used by the licensee in transporting grain. The proceeds of such registration fee shall be placed in the state treasury and by the State Treasurer credited to the state General Fund. Each vehicle used by a licensee hereunder shall (1) be equipped with a commercial license plate as registered with the Department of Motor Vehicles and (2) have identification issued by the commission that shall be appropriately affixed on the vehicle to be easily visible from the outside identifying the vehicle as one owned by a licensed grain buyer who is approved by the commission, or have other identification in a manner and form prescribed by the commission, except that in the case of a licensed grain buyer and seller who is a resident of a foreign state, the commercial license plate shall be that which has been agreed upon by the Department of Motor Vehicles and such foreign state. Such identification shall not be transferred from one vehicle to another except in case of destruction or disposition of the vehicle previously bearing such identification. All such transfers must first be approved by the commission. Before any such license shall be issued, the applicant therefor shall file with the commission a bond to the State of Nebraska, with a corporate surety, approved by the commission, in a penal sum of not less than twelve thousand dollars conditioned that the applicant will pay the purchase price of such grain upon demand of the owner or seller, and that he or she owns, free of liens, any grain which he or she offers for sale. In the case of vehicles licensed by the Public Service Commission, the bond on the first vehicle shall be twelve thousand dollars, on all

other vehicles the bond shall be set by the Public Service Commission at not less than ten thousand dollars per vehicle, except that the total bond for all vehicles owned by one person shall not exceed fifty-two thousand dollars. In the case of a grain buyer and seller who owns no vehicles licensed by the commission the amount of such bond shall be the greater of twenty-five thousand dollars or four per cent of grain purchases based on the preceding year's business as reported on forms prescribed by the commission, except that the bond for a grain buyer and seller shall not be required to exceed one hundred thousand dollars. The aggregate liability of the surety to all such owners shall in no event exceed the sum of such bond. The provisions of this section shall not apply to anyone purchasing grain for his or her own use or consumption; but the word use or the word consumption, as used herein, shall not be construed to mean or include the sale of such grain in its natural or processed state at retail or wholesale. It shall be the duty of the supervisor of public warehouses, subject to the supervision of the Public Service Commission, employees of the Department of Revenue, ~~weighing station employees of the Department of Roads carrier enforcement officers designated under section 60-1303~~, employees of the Department of Motor Vehicles, and other law enforcement agencies to enforce the provisions of this section. Any person violating the provisions of this section shall be guilty of a Class II misdemeanor, and in addition shall be liable for any damages suffered by any person as a result of such violation. It shall be the duty of the Attorney General or any county attorney, upon request of the commission, to assist in the prosecution of any such violations.

Sec. 16. This act shall become operative on July 1, 1985.

Sec. 17. That original sections 39-699, 60-305.03, 60-329, 60-1301, 60-1303, 60-1305 to 60-1309, 81-2003, 81-2005, and 84-1005, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410.03 and 88-518, Revised Statutes Supplement, 1984, and also section 60-1304, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 18. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.