

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 597

Introduced by Davis, 43.

Read first time January 21, 2015

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to contract carriers; to amend section
2 75-109.01, Revised Statutes Cumulative Supplement, 2014; to adopt
3 the Contract Carrier Safety Act; to provide civil penalties; to
4 provide jurisdiction to the Public Service Commission; and to repeal
5 the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 5 of this act shall be known and may be
2 cited as the Contract Carrier Safety Act.

3 Sec. 2. The Contract Carrier Safety Act applies to a contract
4 carrier that transports an operating employee of a railroad on a road or
5 highway of this state in a motor vehicle designed to carry fifteen or
6 fewer passengers.

7 Sec. 3. (1) A contract carrier shall obtain and maintain an
8 insurance policy of five hundred thousand dollars per person for bodily
9 injury or death up to a maximum of five million dollars for each motor
10 vehicle that transports railroad employees.

11 (2) The contract carrier shall obtain and maintain uninsured and
12 underinsured insurance coverage for each passenger in each motor vehicle
13 in a minimum amount of five hundred thousand dollars.

14 Sec. 4. (1) The Contract Carrier Safety Act shall be enforced by
15 the Public Service Commission.

16 (2) Any person, corporation, or entity that violates the Contract
17 Carrier Safety Act or any rule or regulation adopted and promulgated
18 under the act shall be subject to a civil penalty in an amount of not
19 more than two thousand dollars for each offense or violation.

20 (3) Each violation of the act shall constitute a separate and
21 distinct offense and in the case of a continuing violation, each day of a
22 continuance of a violation shall be deemed to be a separate and distinct
23 offense.

24 Sec. 5. (1) The Contract Carrier Safety Act is not intended to
25 limit, and shall not be construed as limiting, the right of a railroad to
26 contract with a contract carrier or entity that certifies to the railroad
27 that it is in compliance with the Contract Carrier Safety Act or any
28 applicable federal requirements.

29 (2) The act shall be considered the minimum standards for contract
30 carrier regulation and safety and shall not be construed to supersede or
31 abrogate any law, rule, or regulation that imposes stricter standards or

1 rules or regulations upon the operation of contract carriers that
2 transport railroad employees.

3 Sec. 6. Section 75-109.01, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 75-109.01 Except as otherwise specifically provided by law, the
6 Public Service Commission shall have jurisdiction, as prescribed, over
7 the following subjects:

8 (1) Common carriers, generally, pursuant to sections 75-101 to
9 75-158;

10 (2) Grain pursuant to the Grain Dealer Act and the Grain Warehouse
11 Act and sections 89-1,104 to 89-1,108;

12 (3) Manufactured homes and recreational vehicles pursuant to the
13 Uniform Standard Code for Manufactured Homes and Recreational Vehicles;

14 (4) Modular housing units pursuant to the Nebraska Uniform Standards
15 for Modular Housing Units Act;

16 (5) Motor carrier registration and safety pursuant to sections
17 75-301 to 75-322, 75-369.03, 75-370, and 75-371;

18 (6) Pipeline carriers and rights-of-way pursuant to the Major Oil
19 Pipeline Siting Act, the State Natural Gas Regulation Act, and sections
20 75-501 to 75-503. If the provisions of Chapter 75 are inconsistent with
21 the provisions of the Major Oil Pipeline Siting Act, the provisions of
22 the Major Oil Pipeline Siting Act control;

23 (7) Railroad carrier safety pursuant to sections 74-918, 74-919,
24 74-1323, and 75-401 to 75-430;

25 (8) Telecommunications carriers pursuant to the Automatic Dialing-
26 Announcing Devices Act, the Emergency Telephone Communications Systems
27 Act, the Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
28 Regulation Act, the Nebraska Telecommunications Regulation Act, the
29 Nebraska Telecommunications Universal Service Fund Act, the
30 Telecommunications Relay System Act, the Telephone Consumer Slamming
31 Prevention Act, and sections 86-574 to 86-580;

1 (9) Transmission lines and rights-of-way pursuant to sections 70-301
2 and 75-702 to 75-724;

3 (10) Water service pursuant to the Water Service Regulation Act;~~and~~

4 (11) Jurisdictional utilities governed by the State Natural Gas
5 Regulation Act. If the provisions of Chapter 75 are inconsistent with the
6 provisions of the State Natural Gas Regulation Act, the provisions of the
7 State Natural Gas Regulation Act control; and -

8 (12) Contract carriers governed by the Contract Carrier Safety Act.

9 Sec. 7. Original section 75-109.01, Revised Statutes Cumulative
10 Supplement, 2014, is repealed.