

LEGISLATIVE BILL 920

Approved by the Governor April 12, 1974

Introduced by Luedtke, 28

AN ACT to amend section 39-721, Revised Statutes Supplement, 1972, sections 39-723.06 and 39-723.07, Revised Statutes Supplement, 1973, section 39-6,108, Revised Statutes Supplement, 1973, as amended by section 11, Legislative Bill 829, Eighty-third Legislature, Second Session, 1974, and section 39-723.05, Revised Statutes Supplement, 1973, as amended by section 3, Legislative Bill 593, Eighty-third Legislature, Second Session, 1974, relating to rules of the road; to extend provisions for the posting of bonds; to provide an exemption with respect to length of buses; to change penalties; to change overweight provisions; to provide for changes in speed limits as prescribed; to repeal the original sections, and also section 3, Legislative Bill 873, Eighty-third Legislature, Second Session, 1974; and to declare an emergency.

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

Section 1. That section 39-6,108, Revised Statutes Supplement, 1973, as amended by section 11, Legislative Bill 829, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

39-6,108. (1) When any person is required to post bond under any of the provisions of sections 39-601 to 39-6,122, such bond may consist of an unexpired guaranteed arrest bond certificate or a similar written instrument by its terms of current force and effect signed by such person and issued to him by an automobile club or a similar association or insurance company or a corporation, organized under the laws of this state, not for profit, which has been exempted from the payment of federal income taxes, as provided by section 501(c)(14), (6), or (8) Internal Revenue Code of 1954, jointly and severally with a corporate surety duly authorized to transact fidelity or surety insurance business in this state or with an insurance company duly authorized to transact both automobile liability and fidelity and surety insurance business in this state to guarantee the appearance of such person at any hearing upon any arrest or apprehension or any violation or, in default of any such appearance, the prompt payment by or on behalf of such person of any fine or forfeiture imposed for such

default not in excess of two hundred dollars.

(2) The provisions of subsection (1) of this section shall not apply to any person who is charged with a felony.

Sec. 2. That section 39-721, Revised Statutes Supplement, 1972, be amended to read as follows:

39-721. (1) (a) No vehicle shall exceed a length of forty feet, extreme overall dimensions, inclusive of front and rear bumpers including load, except that a bus shall be permitted to exceed the forty foot limitation by up to but not to exceed six inches when such excess length is caused by the projection of a front or rear safety bumper constructed, treated, or manufactured so that it absorbs energy upon impact;

(b) A tractor and semitrailer when combined shall not exceed a length of sixty feet, extreme overall dimensions, inclusive of front and rear bumpers including load;

(c) Combinations of vehicles, except as provided in subdivision (b) of this section, shall not exceed a total length of sixty-five feet, inclusive of front and rear bumpers and including load;

(d) A truck shall be construed to be one vehicle for the purpose of determining length;

(e) A trailer shall be construed to be one vehicle for the purpose of determining length; and

(f) The length of refrigeration units mounted on the front of trailers which overhang the cab of the truck shall not be counted in determining length.

(2) The above provisions of this section shall not apply to the temporary moving of farm machinery during daylight hours in the normal course of farm operations, to the movement of unbaled livestock forage vehicles, loaded or unloaded, nor to the movement of public utility or other construction and maintenance material and equipment at any time, or to farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry within the county in which the dealer maintains his place of business, or in any adjoining county or counties, and return, nor shall they apply to the overhang of any motor vehicle being hauled upon any lawful combination of vehicles, but such overhang shall not exceed the distance from the rear axle of the hauled motor vehicle to the closest bumper

thereof.

Sec. 3. That section 39-723.05, Revised Statutes Supplement, 1973, as amended by section 3, Legislative Bill 593, Eighty-third Legislature, Second Session, 1974, be amended to read as follows:

39-723.05. (1) Any person operating any motor vehicle, bus, truck, truck-tractor, or trailer, in violation of any of the provisions of section 39-662, 39-663, 39-666, or 39-723.04, or any owner of any such vehicle above described in this section who shall permit operation thereof in violation of any of the provisions of section 39-662, 39-663, or 39-666, ~~subdivision (1) of section 39-723.03, or section 39-723.03, or section 39-723.04,~~ shall be deemed guilty of a misdemeanor and, upon conviction thereof for the first or second offense, shall be fined not less than ten dollars and not more than one hundred dollars, ~~or any owner of such vehicle described in this section who shall permit operation thereof in violation of the provisions of subdivision (1) of section 39-723.03 shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined twenty-five dollars for each one thousand pounds or fraction thereof in excess of the weight allowed to be carried under such subdivision with tolerance.~~

(2) Upon the third conviction of violation of the provisions of section 39-662, 39-663, 39-666, or 39-723.04, by the owner or operator of such a vehicle as is referred to in subsection (1) of this section, in addition to the fine above provided by subsection (1) of this section, the license of such vehicle shall be revoked, either by the trial court or by the Director of Motor Vehicles. In that event, the number plates and certificates of registration of vehicles shall be returned to the county treasurer who issued the same. The tribunal or Department of Motor Vehicles depriving said licensee of his license shall have authority, upon good cause shown, to order that a license be again issued to said licensee.

Sec. 4. That section 39-723.06, Revised Statutes Supplement, 1973, be amended to read as follows:

39-723.06. Any person operating any motor vehicle, freight-carrying vehicle, bus, truck, truck-tractor, or trailer, where the weight of the vehicle and load is in violation of the provisions of section 39-722, and the tolerance permitted by subdivision (1) or (2) of section 39-723.03, and where the vehicle and load does not qualify for the exceptions permitted by section 39-723.07, shall be guilty of a

misdemeanor, or misdemeanors, and shall, upon conviction thereof, be fined (1) not less than fifty dollars nor more than one hundred dollars for carrying a load of ten per cent or less over the maximum, (2) not less than one hundred dollars nor more than two hundred dollars for carrying a load of more than ten per cent but not more than twenty per cent over the maximum, (3) not less than two hundred dollars nor more than three hundred dollars for carrying a load of more than twenty per cent but not more than thirty per cent over the maximum, (4) not less than three hundred dollars nor more than four hundred dollars for carrying a load of more than thirty per cent but not more than forty per cent over the maximum, (5) not less than four hundred dollars nor more than five hundred dollars for carrying a load of more than forty per cent but not more than fifty per cent over the maximum, and (6) five hundred dollars for carrying a load of more than fifty per cent over the maximum. twenty-five dollars for carrying a gross load of five per cent or less over the maximum, (2) one hundred dollars for carrying a gross load of more than five per cent but not more than ten per cent over the maximum, (3) two hundred dollars for carrying a gross load of more than ten per cent but not more than fifteen per cent over the maximum, (4) three hundred fifty dollars for carrying a gross load of more than fifteen per cent but not more than twenty per cent over the maximum, (5) six hundred dollars for carrying a gross load of more than twenty per cent but not more than twenty-five per cent over the maximum, (6) one thousand dollars for carrying a gross load of more than twenty-five per cent over the maximum, (7) twenty-five dollars for carrying a load on a single axle or a group of axles of five per cent or less over the maximum, (8) seventy-five dollars for carrying a load on a single axle or a group of axles of more than five per cent but not more than ten per cent over the maximum, (9) one hundred fifty dollars for carrying a load on a single axle or a group of axles of more than ten per cent but not more than fifteen per cent over the maximum, (10) two hundred twenty-five dollars for carrying a load on a single axle or a group of axles of more than fifteen per cent but not more than twenty per cent over the maximum, (11) three hundred dollars for carrying a load on a single axle or a group of axles of more than twenty per cent and not more than twenty-five per cent over the maximum, and (12) five hundred dollars for carrying a load on a single axle or a group of axles of more than twenty-five per cent over the maximum: Provided, that no person shall be guilty of multiple offenses when the violations (a) involve the excess weight of an axle or a group of axles and the excess weight of the gross load of a single vehicle or (b) occur on the National System of Interstate and Defense Highways.

Sec. 5. That section 39-723.07, Revised Statutes Supplement, 1973, be amended to read as follows:

39-723.07. When any motor vehicle, motor truck, truck-tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum weight permitted by section 39-722 or the maximum tolerance permitted in subdivision (1) or (2) of section 39-723.03, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state; provided, that if any truck, truck-tractor, semitrailer or trailer exceeds the maximum load, or load with tolerance as provided in section 39-723.03, or only one axle, or on only one group of axles where the distance between the first and last axle of such group of axles is ~~ten~~ twelve feet or less, and said excess axle load is no more than ten per cent in excess of the maximum load for such axles or group of axles permitted by section 39-722, while the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load with tolerance as provided in section 39-723.03, and the load on such vehicle is such that it can be shifted so that all axles or groups of axles are within the maximum permissible limit, or maximum permissible limit with tolerance, for such axle or group of axles, such shift may be made without penalty; such shift shall be made at the first ~~open~~ open state or open commercial scale reached by and capable of weighing such vehicle ~~on or within five miles in any direction from its intended route; after its departure from its point of origin;~~ the vehicle may travel from its point of origin to such scale without penalty, and a scale ticket from said scale, showing the vehicle to be properly loaded and within the gross and axle weights, with tolerance where applicable, permitted by sections 39-722 and 39-723.03, shall be reasonable evidence of compliance with the mandate of said statutes; and provided further, that any truck, truck-tractor, semitrailer, or trailer, carrying only a load of livestock, may exceed the maximum load, or load with tolerance on only one axle, or on only one group of axles when the distance between the first and last axle of said group of axles is six feet or less, if the excess load on said axle or on said group of axles is caused by a shifting of the weight of the livestock by said livestock, and if the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load with tolerance; and provided further, that any truck, truck-tractor, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five per cent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading

facility on the itinerary where the cargo can be properly protected. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. Nothing herein contained shall be construed to permit to be operated, on the National System of Interstate and Defense Highways, any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system, as contained in section 39-722, with the tolerance permitted in section 39-723.03.

If the maximum legal gross weight or axle weight of any vehicle is exceeded by five per cent or less and the arresting officer has reason to believe that such excessive weight is caused by snow, ice, or rain, he may issue a warning citation to the operator.

Sec. 6. In the event that the Congress of the United States amends the Emergency Highway Energy Conservation Act to change the maximum speed limit required for compliance with the act, the Nebraska speed limits shall be altered to comply with the amendment to such act as follows:

(1) Pursuant to subdivisions (1) (e), (2) (e), and (4) (d) of section 39-666 the maximum speed limit shall be sixty miles per hour or such speed as Congress requires for compliance with such act, whichever is the lesser;

(2) Pursuant to subdivision (2) (d) of section 39-662 and subdivisions (1) (c), (1) (d), (2) (c), (2) (d), and (4) (c) of section 39-666 the maximum speed limit shall be sixty-five miles per hour or such speed as Congress requires for compliance with such act, whichever is the lesser; and

(3) Pursuant to subdivision (2) (c) of section 39-662 the maximum speed limit shall be seventy-five miles per hour or such speed as Congress requires for compliance with such act, whichever is the lesser.

Sec. 7. That original section 39-721, Revised Statutes Supplement, 1972, sections 39-723.06 and 39-723.07, Revised Statutes Supplement, 1973, section 39-6,108, Revised Statutes Supplement, 1973, as amended by section 11, Legislative Bill 829, Eighty-third Legislature, Second Session, 1974, and section 39-723.05, Revised Statutes Supplement, 1973, as amended by section 3, Legislative Bill 593, Eighty-third Legislature, Second Session, 1974, and also section 3, Legislative Bill 873, Eighty-third Legislature, Second Session, 1974, are repealed.

Sec. 8. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.