

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 764**

Introduced by Louden, 49; Adams, 24.

Read first time January 04, 2012

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-6,301,  
2 Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to overload exceptions; and to repeal  
4 the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-6,301, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-6,301 When any motor vehicle, semitrailer, or trailer  
4 is operated upon the highways of this state carrying a load in excess  
5 of the maximum weight permitted by section 60-6,294, the load shall  
6 be reduced or shifted to within such maximum tolerance before being  
7 permitted to operate on any public highway of this state, except  
8 that:

9           (1) If any motor vehicle, semitrailer, or trailer exceeds  
10 the maximum load on only one axle, only one tandem axle, or only one  
11 group of axles when (a) the distance between the first and last axle  
12 of such group of axles is twelve feet or less, (b) the excess axle  
13 load is no more than five percent in excess of the maximum load for  
14 such axle, tandem axle, or group of axles permitted by such section,  
15 while the vehicle or combination of vehicles is within the maximum  
16 gross load, and (c) the load on such vehicle is such that it can be  
17 shifted or the configuration of the vehicle can be changed so that  
18 all axles, tandem axle, or groups of axles are within the maximum  
19 permissible limit for such axle, tandem axle, or group of axles, such  
20 shift or change of configuration may be made without penalty;

21           (2) Any motor vehicle, semitrailer, or trailer carrying  
22 only a load of livestock may exceed the maximum load as permitted by  
23 such section on only one axle, only one tandem axle, or only one  
24 group of axles when the distance between the first and last axle of  
25 the group of axles is six feet or less if the excess load on the

1 axle, tandem axle, or group of axles is caused by a shifting of the  
2 weight of the livestock by the livestock and if the vehicle or  
3 combination of vehicles is within the maximum gross load as permitted  
4 by such section;

5 (3) With a permit issued by the Department of Roads or  
6 the Nebraska State Patrol, a truck with an enclosed body and a  
7 compacting mechanism, designed and used exclusively for the  
8 collection and transportation of garbage or refuse, may exceed the  
9 maximum load as permitted by such section by no more than twenty  
10 percent on only one axle, only one tandem axle, or only one group of  
11 axles when the vehicle is laden with garbage or refuse if the vehicle  
12 is within the maximum gross load as permitted by such section. There  
13 shall be a permit fee of ten dollars per month or one hundred dollars  
14 per year. The permit may be issued for one or more months up to one  
15 year, and the term of applicability shall be stated on the permit;

16 (4) Any motor vehicle, semitrailer, or trailer carrying  
17 any kind of a load, including livestock, which exceeds the legal  
18 maximum gross load by five percent or less may proceed on its  
19 itinerary and unload the cargo carried thereon to the maximum legal  
20 gross weight at the first unloading facility on the itinerary where  
21 the cargo can be properly protected. All material so unloaded shall  
22 be cared for by the owner or operator of such vehicle at the risk of  
23 such owner or operator; and

24 (5) Any motor vehicle, semitrailer, or trailer carrying  
25 grain or other seasonally harvested products or livestock may operate

1 from the field where such grain or products are harvested or the  
2 location from where such livestock are loaded to storage, market, or  
3 stockpile in the field or from stockpile to market or factory up to  
4 seventy miles with a load that exceeds the maximum load permitted by  
5 section 60-6,294 by fifteen percent on any tandem axle, group of  
6 axles, and gross weight. Any truck with no more than a single rear  
7 axle carrying grain or other seasonally harvested products or  
8 livestock may operate from the field where such grain or products are  
9 harvested or the location from where such livestock are loaded to  
10 storage, market, or stockpile in the field or from stockpile to  
11 market or factory up to seventy miles with a load that exceeds the  
12 maximum load permitted by section 60-6,294 by fifteen percent on any  
13 single axle and gross weight. The owner or a representative of the  
14 owner of the ~~agricultural product~~ grain, products or livestock shall  
15 furnish the driver of the loaded vehicle a signed statement of origin  
16 and destination.

17           Nothing in this section shall be construed to permit to  
18 be operated on the National System of Interstate and Defense Highways  
19 any vehicle or combination of vehicles which exceeds any of the  
20 weight limitations applicable to such system as contained in section  
21 60-6,294.

22           If the maximum legal gross weight or axle weight of any  
23 vehicle is exceeded by five percent or less and the arresting peace  
24 officer or carrier enforcement officer has reason to believe that  
25 such excessive weight is caused by snow, ice, or rain, the officer

1 may issue a warning citation to the operator.

2                   Sec. 2. Original section 60-6,301, Reissue Revised

3 Statutes of Nebraska, is repealed.