

"Nebraska - Trailer Brakes (10,000 lb. vehicles)" - Oct. 2004

By Denny Rasmussen, Nebraska Legislative Director

It has recently been brought to my attention that there have started to be problems with the delivery of farm equipment exceeding 10,000 lbs. gross weight. This means that the truck, trailer and load cannot exceed 10,000 pounds on a delivery trailer unless brakes and turn signals are part of the trailer chassis. Of course, according to Nebraska lawmakers' opinions through the years, all farmers and other agriculture-oriented producers remain exempt.

Following are three sections of law that are on the books here in Nebraska.

60-625

Implement of husbandry, defined.

Implement of husbandry shall mean every vehicle or implement designed and adapted exclusively for agricultural, horticultural or livestock-raising operations, or for lifting or carrying an implement of husbandry and used primarily off any highway.

60-6,226

Brake and turn signal light requirements; exceptions; signaling requirements.

- 1) Any motor vehicle having four or more wheels which is manufactured or assembled, whether from a kit or otherwise, after January 1, 1954, designed or used for the purpose of carrying passengers or freight, or any trailer, in use on a highway, shall be equipped with brake and turn signal lights in good working order.
- 2) Motorcycles, motor-driven cycles, motor scooters, bicycles, electric personal assistive mobility devices, vehicles used solely for agricultural purposes, vehicles not designed and intended primarily for use on a highway, and, during daylight hours, fertilizer trailers as defined in section 60-301 and implements of husbandry designed primarily or exclusively for use in agricultural operations shall not be required to have or maintain in working order sign lights required by this section but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing such signal lights if the vehicle is so equipped.

75-363

Federal Motor Carrier Safety Regulations; provisions adopted; exceptions.

- (1) The parts of the federal Motor Carrier Safety Regulations, 49 C.F.R., as modified in this section and any other parts referred to by such parts, in existence and effective as of January 4, 2004, are adopted as Nebraska law. Except as otherwise provided in this section, the regulations shall be applicable to all carriers, drivers, and vehicles to which the federal regulations apply, to all vehicles of intrastate

motor carriers with a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight over 10,000 pounds.

The big hang up on the 10,000-pound limit comes from the federal rules and regulations for roads that are uniformly adopted across the country. This, unfortunately, is coerced by the feds threatening to withhold highway funds for our many roads.

I had a lengthy and cordial meeting with Carrier Enforcement personnel and it appears that according to a law that came about by federal rules of the road this must be enforced. Anything delivered that amounts to less than 10,000 pounds (including the truck, trailer and load) can be done under state statutes without brakes and turn signals on the delivery trailer. I would presume that if a member sold the equipment or attachments and had a customer pick them up at the business, this would be legal. But, on the other hand, this 10,000-pound limit will not be going away at any time soon. You will note in section 75-363, the word "all." This, of course, means all carriers, drivers and vehicles except people involved in agriculture, horticulture or livestock raising operations.

Again, I want to thank Carrier Enforcement for the in-depth talk we had on this subject.