BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on its own motion, seeking to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to rewrite the chapter in its entirety.	RULE AND REGULATION NO. 182 ORDER RELEASING FOURTH SET OF PROPOSED RULES FOR COMMENTS AND SCHEDULING HEARING Entered: November 13, 2014

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

By its own motion, the Nebraska Public Service Commission (Commission) seeks to amend Title 291, Chapter 3, Motor Carrier Rules and Regulations, to rewrite the chapter in its entirety. Since the last codification of the Commission's Motor Carrier Rules and Regulations, several changes in state and federal law and policy have occurred. A number of areas previously regulated by the Commission were deregulated while the jurisdiction over other areas previously regulated has been shifted to other Nebraska state agencies. The Commission, therefore, seeks to rewrite the entire chapter to remove portions of the rules which are no longer regulated by the Commission and to add amendments to Commission rules to conform with current state law and Commission practice.

A copy of the first set of proposed rules was released for comment June 1, 2011. A workshop was held on June 29, 2011. The Commission received testimony and written comments on the proposed rules at the workshop. The Commission also received written comments from various entities on the proposed rules.

The second set of proposed rules was released January 7, 2014 and a public hearing held on February 19, 2014 in the Commission Hearing Room, Lincoln. Based on comments received, the Commission released a third set of proposed rules for comment and scheduled an additional public hearing.

The third set of proposed rules was released August 5, 2014 and a public hearing held on September 25, 2014 in the Commission Hearing Room, Lincoln. Based on comments received, the Commission is releasing a fourth set of proposed rules for comment and scheduling an additional public hearing.

The changes as proposed from the third set of rules include the following:

001.02 Matter to Be Set For Hearing: All matters that require a hearing shall be set for hearing at the earliest practicable date and in no event, except for good cause shown, shall the time fixed for hearing be more than six (6) months after the date of the filing of the petition. Any application that is not set for hearing as set forth above shall be dismissed.

001.03 Requirements for an Effective Authority:

001.03A The following requirements must be fulfilled no later than forty-five (45) days following the date an authority is granted by the Commission:

001.03A1 Filing of proposed rates or subscribing to the Household Goods Mover Tariff;

001.03A2 Filing of Commission required insurance documents; and

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001.03A3 Payment of Annual Fees

001.03B An authority issued by the Commission is not effective until the requirements of subsection 001.03A have been ful-fulfilled.

001.03C If after forty-five (45) days an applicant has not fulfilled the requirements of subsection 001.03A above, the Commission's grant of authority shall be considered null and void.

003.02A The Commission, based on the record before it in an application proceeding, restrict the transportation of passengers by type of vehicle, geographic territory, commencement point or termination point, or any other lawful factor which the Commission may determine is necessary or reasonable and in the public interest. Covenants not to compete or similar agreements that restrict the proposed service or the geographic territory of a proposed service that the Commission finds are not in the public interest will not be considered lawful and will not be approved in an application proceeding.

006.02A Carriers that provide transportation for railroad crews shall carry uninsured and underinsured motorist insurance coverage with a minimum limit of Five hundred thousand ($500,000) per person, two million ($2,000,000) aggregate per accident coverage.

007.02 Notification of change of address or contact information. All carriers shall inform the Commission of changes in address or contact information.

Therefore, the fourth set of proposed rules, attached hereto and incorporated herein by this reference, are released for comment. Comments on the proposed amendments shall be filed by interested parties **on or before 3:00 p.m. on December 5, 2014**. Parties filing comments should file one (1) original, five (5) paper copies and one (1) electronic copy in Word format emailed to **kathy.lahman@nebraska.gov** and **mark.breiner@nebraska.gov**.

Hearing on the fourth set of proposed rules is scheduled for **December 16, 2014, at 2:00 p.m.** in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

If auxiliary aids or reasonable accommodations are needed for attendance at the meeting, please call the Commission at (402) 471-3101. For people with hearing/speech impairments, please call the Commission at (402) 471-0213 (TDD) or the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0920 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the fourth set of proposed Rules and Regulations to Title 291, Chapter 3, Motor Carrier Rules and Regulations, should be, and are hereby, open for public comment.

IT IS FURTHER ORDERED that comments on the fourth set of proposed rules and regulations shall be filed by interested parties on or before **3:00 p.m. on December 5, 2014**. Parties filing comments shall file one (1) original, five (5) paper copies and one (1) electronic copy in Word format emailed to **kathy.lahman@nebraska.gov or mark.breiner@nebraska.gov**.

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IT IS FINALLY ORDERED that a hearing on the fourth set of proposed rules and regulations is scheduled for December 16, 2014 at 2:00 p.m. in the Commission Hearing Room, 300 The Atrium, 1200 'N' Street, Lincoln, Nebraska.

MADE AND ENTERED in Lincoln, Nebraska on this 13th day of November, 2014.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Steve Meredith
Executive Director

//s//Frank E. Landis

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APPENDIX

001 GENERAL:

001.01 Definitions: ~~Section 75-302, Reissue and Revised Statutes of Nebraska 1943 sets forth definitions of terms which apply to motor carrier rules. In addition to those definitions, in this chapter,~~ The definitions found in Neb. Rev. Stat. §75-302 (Cum. Supp. 2000) apply to these rules. In addition to those definitions, the following apply to this chapter, unless the context otherwise requires:

001.01A ~~Agent means the Nebraska Interstate Registration Agent.~~ Commission: The Nebraska Public Service Commission.

001.01B ~~Commission means the Nebraska Public Service Commission.~~ Driver: Any person who operates a motor vehicle.

001.01C ~~Driveaway operation means transportation of any vehicle operated singly or in lawful combinations, new or used, not operated by the transporting motor carrier, and in which such vehicle is a commodity being transported.~~ Limousine: A vehicle used to provide limousine service.

001.01D NPSC Plate: A license plate which is issued by the Commission to holders of Commission authority.

001.01E Premium Fare: A rate based on an hourly rental of not less than one (1) hour at a scheduled rate which shall be set, and periodically reviewed, by the Commission and which shall include a minimum rental of not less than one hour. A mileage charge may be assessed for the transportation of the vehicle only for such time before and after the transportation is provided and only in addition to the minimum hourly charged as provided by this definition.

~~001.01D Driver means any person who operates a motor vehicle.~~

~~001.01E ICC means the Interstate Commerce Commission.~~

~~001.01F ICC Exempt Carrier means a for-hire operator, either common or contract carrier who hauls for the general public those commodities which are classified as exempt under ICC rules.~~

~~001.01G ICC Motor Carrier means a motor carrier of passengers or property holding operating authority issued by the ICC or the Commission and includes ICC Exempt Carriers and ICC Private Carriers.~~

~~001.01H ICC Private Carrier means a motor carrier who transports property of which the motor carrier is the owner, lessee or bailee, such transportation being for the purpose of sale, lease, rent, bailment, or in the furtherance of any commercial enterprise other than transportation.~~

~~001.01I Law means constitutional and statutory provisions and rules and regulations adopted by this Commission.~~

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~~001.01J Limousine means a vehicle used to provide limousine service.~~

~~001.01K Motor Carrier Act means Sections 75-301 to 75-322.04, R.R.S. 1943, as amended.~~

~~001.01L NARUC means the National Association of Regulatory Utility Commissioners.~~

~~001.01M NPSC means the Nebraska Public Service Commission.~~

~~001.01N Official means an authorized representative of an applicant.~~

~~001.01O PSC Plate means a license plate which is issued by the Commission to holders of Commission authority.~~

~~001.01P Premium fare means a rate based on an hourly rental at or above a scheduled minimum rate, which shall be established and periodically reviewed by the Commission, and which shall include a minimum rental time of not less than one (1) hour. A mileage charge may be assessed for transportation of the vehicle only for such time before and after the transportation is provided and only in addition to the minimum hourly charge as provided by this definition.~~

~~001.01Q Short Term Lease means a lease with a duration of thirty days or less.~~

~~001.01R Vehicle means a self-propelled or motor driven vehicle operated by a motor carrier.~~

~~001.01S Within the borders means interstate or foreign to, from, within, or traversing this state.~~

~~001.01T R.R.S. means Reissue and Revised Statutes of Nebraska.~~

001.02 Matter to Be Set For Hearing: All matters that require a hearing shall be set for hearing at the earliest practicable date and in no event, except for good cause shown, shall the time fixed for hearing be more than six (6) months after the date of the filing of the petition. Any application that is not set for hearing as set forth above shall be dismissed.

001.03 Requirements for an Effective Authority:

001.03A The following requirements must be fulfilled no later than forty-five (45) days following the date an authority is granted by the Commission:

001.03A1 Filing of proposed rates or subscribing to the Household Goods Mover Tariff;

001.03A2 Filing of Commission required insurance documents; and

001.03A3 Payment of Annual Fees

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001.03B An authority issued by the Commission is not effective until the requirements of subsection 001.03A have been ful-fulfilled.

001.03C If after forty-five (45) days an applicant has not fulfilled the requirements of subsection 001.03A above, the Commission's grant of authority shall be considered null and void.

002 OPERATIONS RULES:

002.01 Unauthorized Operations: Unless specifically exempted by statute, a regulated motor common or contract carrier of ~~property or~~ passengers or household goods shall not operate any motor vehicle ~~for the transportation of property or passengers for hire~~ on any public highway in this state except in accordance with state law ~~Chapter 75, articles 1 and 3 of the Nebraska statutes, as amended,~~ and ~~with the provisions of~~ these rules. A motor common or contract carrier of ~~property~~ household goods or passengers shall not operate upon any public highway without first having obtained from the Commission a certificate or permit of authority and shall not operate except in compliance with the terms and conditions and restrictions of the authority or permit. A motor common or contract carrier does not avoid the jurisdiction of the Commission by engaging in a lease~~, unless so provided for by Commission rule 008~~. No carrier, without first obtaining written Commission approval, shall:

002.01A Fail to operate over its entire certificated route.

002.01B Discontinue, in any part, service authorized.

002.01C Serve any part of its certificated route by interline agreement with another carrier.

002.01D Fail to confine its operations to those authorized under its certificate or permit.

~~002.01E Tack irregular route authorities nor shall it tack irregular and regular route authority. A motor carrier may tack regular route authorities.~~

002.02 Rates: Each regulated motor carrier shall charge and collect rates, issue and deliver freight bills, and obtain receipts showing delivery of shipments carried, as prescribed by the Commission in its effective Motor Vehicle Tariffs, schedule of charges, ~~resolutions,~~ and supplements ~~thereto~~.

002.03 Deviations from Routes: A carrier which has received authority from the Commission to operate only along a designated route may not deviate from their authorized route unless such route has been redesig-nated, relocated or temporarily closed, when such route has been obstructed by any natural or other cause over which the regulated motor carrier has no control, or when a detour has been designated by the Department of Roads, law enforcement, or an authorized agency of a political subdivision of the state. ~~Motor carriers only under the circumstances described in 002.04 through 002.07 may deviate from their authorized routes without obtaining prior Commission approval.~~

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002.04 Schedules: Schedules containing the actual rates or charges of such carrier for the transportation of passengers or household goods ~~property~~ in intra-state commerce shall be filed with and approved by the Commission, published and kept open for public inspection. In the event that such rates are changed after a permit is issued, the carrier shall file a new schedule with the Commission ten (10) days before the effective date of such rates or charges.

~~002.04 Redesignated Highways: A motor carrier who is authorized to operate over a specified highway which is redesignated without relocation may operate over such redesignated highway.~~

~~002.05 Relocated Highways: A motor carrier who is authorized to operate over a specified highway which is relocated, may operate over the relocated highway and may serve as intermediate or off route points those points previously authorized to be served from the previous highway location.~~

~~002.06 Detours: When any government official, in the valid exercise of his or her powers, temporarily prohibits the use of a highway or an overpass or underpass thereon, or when any highway, overpass or underpass is obstructed by any natural or other cause over which the motor carrier has no control, and consequently a detour has become necessary or has been designated by the Department of Roads, a motor carrier may use such detour in lieu of the closed or obstructed highway.~~

~~002.07 Interstate Highway: Any motor carrier may operate over the interstate highway system and all accesses thereto, as an alternate route for operating convenience only.~~

003 CLASSIFICATIONS: Pursuant to Neb. Rev. Stat. §75-304 (Reissue 1996), the Commission determines that the following classifications of motor carriers are necessary or desirable in the public interest. All certificates and permits issued by the Commission shall be construed and interpreted, and the operaions authorized shall be tested and determined in accordance with these classifications.

003.01 Service Classifications: Every applicant for common or contract transportation shall designate the type of transportation service requested from the classifications found in this section and shall further designate whether (1) such service as requested shall be provided as a common carrier or as a contract carrier and, if a contract carrier, the persons or entities contracted with; (2) the service, if granted, shall be provided over (a) a regular route which route shall be described in the application or (b) an irregular route which territory the applicant seeks to provide transportation which shall be described, and (3) any other restrictions shall be applicable. An applicant who desires to transport railroad train crews and their baggage or clients of the Nebraska State Department of Health and Human Services or any contractors of the Department shall make specific application for such authority.

~~003.01 Classification of Motor Carriers: Pursuant to Section 75-304 and 75-352, R.R.S. 1943, as amended, the commission has determined that the following classification of motor carriers is necessary and desirable in the public interest and is just, reasonable and practicable because of the special nature of the different services performed by motor carriers and the specified sub classes thereunder.~~

~~CLASSIFICATION OF CARRIERS~~

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~~PERSONS AND PROPERTY~~

~~EXEMPT CONTRACT COMMON TRANSPORTATION COOPERATIVE~~

~~Irregular Route Irregular Route Regular Route~~
~~Non-Radial Service Radial Service Scheduled Service~~
~~(C) (B) (A)~~

~~1~~
~~Carriers of General Freight~~
~~A1~~
~~A2a~~
~~A2b~~
~~2~~
~~Carriers of Household Goods~~
~~3~~
~~Carriers of Heavy Machinery~~
~~4~~
~~Carrier of liquids in bulk, in tank vehicles~~
~~D1~~
~~D2~~
~~D3~~
~~5~~
~~Carriers engaged in dump trucking~~
~~6~~
~~Carriers of motor vehicles and house trailers~~

~~7~~
~~Carriers engaged in armored truck service~~
~~8~~
~~Carriers of films and associated commodities~~
~~9~~
~~Carriers engaged in retail store delivery service~~
~~10~~
~~Carriers of explosives or hazardous materials~~
~~11~~
~~Carriers of passengers by bus~~
~~K1 - Fifteen passengers or less~~
~~K2 - Sixteen passengers or more~~
~~12~~
~~Carriers of passengers by taxicab or limousine~~
~~13~~
~~Carriers of houses, buildings, and other structures~~
~~14~~
~~Carriers of specific commodities, not sub grouped. (State commodity)~~
~~15~~
~~Non-Nebraska Based Interstate Private Carriers of Grain Operating Farm-Plated Straight Trucks~~

003.01A Bus service shall consist of the following elements: (1) the business of carrying passengers and their baggage (2) by bus or van (3) either by charter or regular route (4) either prearranged or scheduled service (5) at a fare approved and on file with the Commission. Bus service may be hired on a charter or special party basis.

003.01A1 Scheduled service means service by any regulated motor carrier who undertakes to transport passengers and their baggage in intrastate commerce by motor vehicle for compensation between fixed termini and over a specific highway or highways upon an established or fixed schedule.

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003.01A2 Charter service means transportation of groups of seven or more persons who collectively contract for transportation on a particular trip paying one lump sum.

003.01A3 Special party service means the transportation of a group or groups of one or more persons who individually contract for transportation to a common destination with each person paying an individual sum.

003.01B Household goods moving service shall consist of all of the following elements: (1) the business of carrying personal effects and property used, or to be used, in a dwelling when the transportation of such effects or property is (2) arranged and paid for (3) by any party and (4) includes transportation of property from a factory, manufacturer, or store when the property is purchased with the intent to use such property in a dwelling.

003.01C Limousine service shall consist of all of the following elements: (1) the business of carrying passengers for hire by a vehicle (2) along a route under the control of the person who hired the vehicle and not over a defined regular route (3) on prearranged and not on a demand basis (4) at a premium fare.
PREVIOUSLY NUMBERED AS 010.01C

003.01D Open class service shall consist of all of the following elements: (1) the business of carrying passengers for hire by a vehicle (2) along the most direct route between the points of origin and destination or along a route under the control of the person who hired the vehicle and not over a defined regular route (3) at a mileage based or per trip fare.
PREVIOUSLY NUMBERED AS 010.01D

003.01D1 In calculating charges for transportation, a carrier charging a mileage based fare may use only the actual loaded mileage traveled by the vehicle to transport such passengers. Mileage based charges may not be augmented or enhanced through any calculation that does not reflect actual mileage traveled.

003.01E Taxicab service shall consist of all of the following elements: (1) the business of carrying passengers for hire by a vehicle, subject to the provisions of Rule 010.02 (2) along the most direct route between the points of origin and destination or a route under the control of the person who hired the vehicle and not over a defined regular route (3) on a prearranged or demand basis (4) at a metered mileage based or per trip fare according to the provisions of Rule 010.02H (5) commencing within and/or restricted to a defined geographic area.
PREVIOUSLY NUMBERED AS 010.01E

003.02 ~~Classification Chart; Determination of Classification: In determining the nature or character of the operations of any carrier, the pattern of operations involved will be considered in its entirety by the Commission, together with the nature of the commodities transported, and the seasonal or other distinguishing characteristics of such commodities. Since the operations of an individual carrier may come within more than one classification, they will become subject to the applicable rules and regulations of every classification which~~

~~identifies any part of a carrier's operations. The chart preceding 003.02 graphically illustrates the classifications designated by the Commission for the purpose of administering the "Motor Carrier Act". The analytical factors used to determine these classifications are:~~ Restrictions: In addition to the other applicable Motor Carrier Rules in this chapter, the following provisions apply to all classes of service unless otherwise specifically provided in these rules:

~~003.02A The type of carrier;~~

~~003.02B The carrier's type of service; and~~

~~003.02C The type of commodities transported.~~

~~Each class is a composite of these three factors.~~

003.02A The Commission, based on the record before it in an application proceeding, restrict the transportation of passengers by type of vehicle, geographic territory, commencement point or termination point, or any other lawful factor which the Commission may determine is necessary or reasonable and in the public interest. Covenants not to compete or similar agreements that restrict the proposed service or the geographic territory of a proposed service that the Commission finds are not in the public interest will not be considered lawful and will not be approved in an application proceeding. **PREVIOUSLY NUMBERED AS 010.02A**

003.02B No carrier shall transport railroad crews or their baggage absent a special designation from the Commission giving such carrier the authority to transport such crews and their baggage. **PREVIOUSLY NUMBERED AS 010.02B**

003.02C No carrier shall transport passengers under contract with the Nebraska Department of Health and Human Services or any subcontractors of the Department of Health and Human Services absent specific authorization from the Commission. In order to receive such authorization, the applying carrier must demonstrate that such authorization is or shall be required by the present or future convenience and necessity separate and apart from the present or future convenience and necessity demonstrated on the underlying certificate of authority. Authorization to transport HHS clientele shall not be available or granted to carriers that only have limousine service authority. **PREVIOUSLY NUMBERED AS 010.02C**

003.03 ~~Type of Carrier: The first division on the chart identifies four types of carriers:~~ Classifications for Purposes of Required Insurance: The following classifications are established for the purpose of determining insurance requirements for vehicles operated under authority from the Commission. Operators of motor vehicles are required to carry the minimum levels of financial responsibility as prescribed. Operators shall also comply with all applicable insurance regulations as found in Rule 006 of this chapter.

003.03A ~~Common carrier of persons or property;~~ Regulated carriers of household goods are required to carry liability insurance of not less than seven hundred and fifty thousand dollars ($750,000.00) plus cargo insurance of not less than five thousand dollars ($5,000.00) of coverage.

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003.03B ~~Contract carrier of persons or property;~~ Carriers of passengers in vehicles with a rated seating capacity of sixteen (16) passengers or more as originally manufactured or as currently modified are required to carry liability insurance of not less than five million dollars ($5,000,000.00) of coverage.

003.03C ~~Exempt carrier; and~~ Carriers of passengers in vehicles with a rated seating capacity of fifteen (15) passengers or less are required to carry liability insurance of not less than one million, five hundred thousand dollars ($1,500,000.00) of coverage.

003.03D ~~Transportation Cooperative.~~ Regulated motor carrier of passengers by taxicab are required to carry liability insurance of not less than five hundred thousand dollars ($500,000.00) of coverage.

~~003.04 Carrier's Type of Service: The second division on the chart identifies the type of service in which the carrier is engaged as determined by:~~

~~003.04A Regular route, scheduled service (Class A). A regular route scheduled service is service by any motor carrier who undertakes to transport property or passengers in intrastate commerce by motor vehicle for compensation between fixed termini and over a specified highway or highways upon an established or fixed schedule.~~

~~003.04A1 In determining regular route operations, the commission shall consider the following practices and characteristics:~~

~~003.04A1a Operation according to a predetermined plan or outline;~~

~~003.04A1b The movement of significant amounts of particular types of traffic;~~

~~003.04A1c The vigorous solicitation of a particular type of traffic and the offering of particular types of service;~~

~~003.04A1d The maintenance of significant termini devoted to, and designed for, the expeditious handling of certain types of traffic and the conduct of certain types of operation;~~

~~003.04A1e The habitual use of fixed routes;~~

~~003.04A1f Operation between fixed termini;~~

~~003.04A1g A distinct and constant regularity of the service given; and~~

~~003.04A1h The observance of definite or published schedules or their equivalent.~~

~~003.04B Irregular Routes:~~

~~003.04B1 Irregular route, radial service (Class B). An irregular route radial service is service by any motor carrier who undertakes to transport property or passengers in intrastate commerce by motor vehicle for compensation over irregular routes from a fixed base point or points to places located within a radial area or from any place located within such radial area to the carrier's fixed base point or points.~~

~~003.04B2 Irregular route, non-radial service (Class C). An irregular route non-radial service is service by any motor carrier which undertakes to transport property or passengers in intrastate commerce by motor vehicle for compensation over irregular routes between points as defined geographically, and any other points located within the same general territory without respect to a hub community or a fixed base point of operation.~~

~~003.04B3 In determining irregular route operations, the Commission shall consider the following practices and characteristics:~~

~~003.04B3a Operation conducted strictly on a call and demand basis;~~

~~003.04B3b The movement of truckload lots or other substantial shipments;~~

~~003.04B3c The selective solicitation of truckload lots or other substantial shipments;~~

~~003.04B3d The maintenance of terminals primarily at base points;~~

~~003.04B3e The use of unspecified routes; and~~

~~003.04B3f No published schedules or their equivalents.~~

~~003.05 Type of Commodities: The third division on the chart identifies the type of commodities transported by the carrier. Additional groups may be added as the need therefor is shown.~~

~~003.05A Carriers of general freight (Group 1).~~

~~003.05A1 General commodities; and~~

~~003.05A2 General commodities (except those requiring special equipment):~~

~~003.05A2a including explosives and hazardous materials in packages or in bulk; or~~

~~003.05A2b excluding explosives and hazardous materials in packages or in bulk.~~

~~003.05B Carriers of household goods (Group 2).~~

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~~003.05C Carriers of heavy machinery (Group 3).~~

~~003.05D Carriers of liquids in bulk in tank vehicles (Group 4).~~

~~003.05D1 Hazardous substances, as defined in 49 CFR 171.8, transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk, Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.403;~~

~~003.05D2 Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 003.05D1 above or 003.05J below; and~~

~~003.05D3 Nonhazardous liquid commodities.~~

~~003.05E Carriers engaged in dump trucking (Group 5).~~

~~003.05F Carriers of motor vehicles and housetrailers (Group 6).~~

~~003.05G Carriers engaged in armored truck service (Group 7).~~

~~003.05H Carriers of films and associated commodities (Group 8).~~

~~003.05I Carriers engaged in retail store delivery service (Group 9).~~

~~003.05J Carriers of explosives or hazardous materials (Group 10) which include any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.403.~~

~~003.05K Carriers of passengers by bus (Group 11).~~

~~003.05K1 Fifteen passengers or less; or~~

~~003.05K2 Sixteen passengers or more.~~

~~003.05L Carriers of passengers by taxicab or limousine (Group 12).~~

~~003.05M Carriers of houses, buildings, and other structures (Group 13).~~

~~003.05N Carriers of specific commodities not subgrouped (Group 14).~~

~~003.05O Non Nebraska Based Interstate Private Carriers of Grain Operating Straight Trucks With Farm Plates Which Transport Grain to Points in Nebraska Within Five (5) Miles of the Nebraska State Border (Group 15).~~

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~~003.06 Classification by Commodity: Carriers are also classified by types of commodities carried:~~

~~003.06A Carriers of General Freight (Group 1) include:~~

~~003.06A1 General commodities includes all property commodities of every description;~~

~~003.06A2 General commodities (except those requiring special equipment) includes all commodities which do not require transportation by some form of special equipment or service;~~

~~003.06A2a Includes explosive and hazardous materials in packages or in bulk;~~

~~003.06A2b Excludes explosive and hazardous materials, includes only nonhazardous commodities.~~

~~003.06B Carriers of household goods (Group 2) include carriers of household equipment, furnishings, or supplies; furniture, fixtures, equipment, or supplies used in an office, hospital, museum, institution, or other similar establishment; furniture, fixtures, and equipment used in a store; and works of art, musical instruments, display exhibits, and other articles requiring specialized handling with household moving equipment.~~

~~003.06C Carriers of heavy machinery (Group 3) include carriers engaged in the hauling of heavy machinery and equipment, and other commodities requiring special equipment and handling due to their size or weight, including, but not limited to, road and earth moving machinery, structural steel, oilfield rigs, and oilfield equipment.~~

~~003.06D Carriers of liquid in bulk in tank vehicles (Group 4) include:~~

~~003.06D1 Hazardous substances: This group includes but is not limited to (see 003.05D1), carriers of butane, propane, anhydrous ammonia and other compressed gases, poison gas, certain acids, chemicals and pesticides;~~

~~003.06D2 Hazardous materials: This group includes but is not limited to (see 003.05D2), carriers of petroleum products such as gasoline and other liquid motor fuel, heated oil, road oil, crude oil, fuel oil, kerosene, ethyl alcohol or blends thereof, liquid fertilizers and hazardous substances transported in vehicles of less than 3,500 water gallons;~~

~~003.06D3 Nonhazardous Commodities: This group includes, but is not limited to, carriers of water, edible and non-edible oils, eggs, tallow, milk and dairy products, sugar, blood products, and molasses.~~

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~~003.06E Carriers engaged in dump trucking (Group 5). This group includes, but is not limited to, carriers of sand, gravel, crushed rock, dirt, debris, coal, agricultural limestone, and other road and dam construction materials, and similar commodities, by use of dump trucks and similar vehicles.~~

~~003.06F Carriers of motor vehicles and mobile and modular homes (Group 6). This group includes carriers of housetrailers, new and used motor vehicles, including, but not limited to, automobiles, trucks, tractors, trailers, chassis, bodies and automotive display vehicles, wholly or partially assembled.~~

~~003.06G Carriers engaged in armored truck service (Group 7). This group includes carriers of gold, silver, currency, valuable securities, jewels, and other property of high value, either in specially constructed armored trucks, or in ordinary equipment with armed guards.~~

~~003.06H Carriers of films and associated commodities (Group 8). This group includes, but is not limited to, carriers of motion picture and sound reproducing films, recording, reproducing and amplifying devices; supplies and accessories for the operation of motion picture theaters or places of exhibition, including the transportation of tickets, advertising matter, displays, and exhibits such as are found in lobbies of motion-picture theaters; and furnishings and supplies necessary in the maintenance and operation of the theaters.~~

~~003.06I Carriers engaged in retail store delivery service (Group 9). This group includes carriers who render a specialized delivery service for retail store establishments.~~

~~003.06J Carriers of explosives or hazardous materials (Group 10). This group includes, but is not limited to, carriers of explosives, fuses, cartridge cases, dummy cartridges, inflammable oxidizing materials, non liquid compressed gases, and other poisonous and hazardous materials, but does not include inflammable liquids as described in 003.06D or films as described in 003.06H.~~

~~003.06K Carriers of passengers by bus (Group 11). This group includes carriers of passengers, baggage of passengers, and express by bus.~~

~~003.06L Carriers of passengers by taxicab or limousine (Group 12). This group includes carriers of passengers, and baggage of passengers by taxicab or limousine.~~

~~003.06M Carriers of houses, buildings and other structures (Group 13). This group includes carriers of houses, buildings, and other structures, but does not include carriers of trailers or other mobile-type homes.~~

~~003.06N Carriers of specific commodities not subgrouped (Group 14). This group includes carriers of a specific commodity or commodities not otherwise specified in the preceding groups.~~

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~~003.06O Non-Nebraska Based Interstate Private Carriers of Grain Operating Straight Trucks with Farm Plates Which Transport Grain to Points in Nebraska Within Five (5) Miles of the Nebraska State Border (Group 15).~~

~~003.07 Transportation Cooperatives:~~

~~003.07A Pursuant to Section 75-309.03, R.R.S. 1943, as amended, a transportation cooperative consisting of cooperative associations as defined in 12 U.S.C §1141j, as amended, may provide transportation service solely to its member cooperative associations without applying for or receiving a certificate or permit from the commission to provide such service if it meets the following requirements:~~

~~003.07A1 The transportation cooperative has no greater power or purpose other than to provide service to its member cooperative associations;~~

~~003.07A2 The transportation cooperative has its principal place of business in the State of Nebraska and has been incorporated under the laws of the State of Nebraska;~~

~~003.07A3 Each member cooperative association has its principal place of business in the State of Nebraska and has been incorporated under the laws of the state of Nebraska;~~

~~003.07A4 The voting control and all other indicia of ownership of the transportation cooperative is vested in the member cooperative associations.~~

~~003.07A4a Indicia of ownership means: that the member cooperative associations have a definite responsibility for the operations of transportation undertaken by the transportation cooperative. The members shall share proportionately on the basis of patronage the obligations of operating a transportation cooperative, including, but not limited to, the obligations for the cost of insurance, the rent or the cost of purchasing equipment and buildings, and shall bear a share of any legal liabilities of the transportation cooperative. A cooperative association, if it wishes to have the services of such a transportation cooperative, must also share in the responsibilities and burdens that go with the operation of a transportation cooperative. Pursuant to the intent of Section 75-309.03 R.R.S. 1943, as amended, a cooperative association cannot obtain membership and, consequently, service, from a transportation cooperative unless a proportional share, based on patronage, of the obligations listed above are shared by the cooperative association;~~

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~~003.07A5 The transportation cooperative provides transportation service solely to its member cooperative associations;~~

~~003.07A6 The transportation cooperative files a notice with the commission identifying a new member cooperative association at least thirty (30) days prior to the provision of service to the new member;~~

~~003.07A7 The transportation cooperative maintains insurance coverage consistent with the commission's requirements;~~

~~003.07A8 Employees and Leasing: Notwithstanding the provisions of 008.04:~~

~~003.07A8a Each driver utilized by the transportation cooperative is exclusively the employee of the transportation cooperative;~~

~~003.07A8b The transportation cooperative does not directly or indirectly lease equipment from any employee of the transportation cooperative;~~

~~003.07A8c The transportation cooperative owns or has long-term leases for all equipment used by it to provide service and a copy of each such lease is filed with the Commission.~~

~~003.07A8 The transportation cooperative files an annual report for the preceding year with the commission. The report shall be filed on October 15, 1989, and by April 30 each year thereafter. The report shall identify the transportation cooperative's members, the power units it owns, and the liability insurance coverage it maintains.~~

~~003.07B Each transportation cooperative formed after the effective date of this act shall file with the commission a report containing all the information required to be filed under 003.07A8 at least thirty (30) days prior to the commencement of service to its member cooperative associations.~~

~~003.07C A cooperative association comprised of other cooperative associations may not qualify as a member of a transportation cooperative for the purpose of this section.~~

~~003.07D If a transportation cooperative operates as a for hire carrier in violation of this rule and Section 75-309.03 R.R.S. 1943, as amended, the transportation cooperative shall no longer qualify to furnish transportation service and shall be subject to the penalties provided in Section 75-155 and Section 75-322.02 R.R.S. 1943, as amended for operating as a common or contract carrier without a certificate or permit.~~

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004 FEES AND IDENTIFICATION:

004.01 Application Fee: An application fee approved annually by the Commission shall be payable by the applicant at the time of filing an application. This application fee shall not apply to any person who contracts for transportation services with the Nebraska Department of Health and Human Services or any agency organized under the Nebraska Community Aging Services Act who is not required to hold a certificate from the Commission pursuant to the provisions of Neb. Rev. Stat. sections 75-303.01 and 75-303.02 (Cum. Supp. 2000).

PREVIOUS SECTIONS 004.01 THROUGH 004.04 RENUMBERED AS 004.02 THROUGH 004.05:

004.02 Annual Fees: An annual fee ~~of twenty-five dollars~~ approved annually by the Commission shall be remitted for each motor vehicle operated by each regulated motor carrier. ~~or forty dollars~~ A fee approved annually by the Commission shall be remitted by each regulated motor carrier for each truck-trailer or tractor-trailer combination operated. ~~as provided by Section 75-305, R.R.S. 1943, is due and payable by every carrier subject to Commission jurisdiction on the first day of January each year, and is delinquent on the first day of March each year.~~ Such annual fees are due and payable by every regulated motor carrier on the first day of January of each year, and is delinquent on the first day of March of that year. If the initial certificate or permit is issued to a motor carrier on or after July 1, the fee shall be fifty percent of the annual fee.

004.03 Identification Cards: The following provisions concerning identification cards apply to all motor carriers:

004.03A Issuance: The Commission shall issue annually, without additional charge, an identification card for each motor vehicle, upon payment of an annual fee, and upon compliance with all statutory requirements and rules and regulations of the Commission. The card ~~will~~ shall contain the certificate or permit number issued by the Commission, the name and address of the holder, and other information as the Commission may require. Upon replacement or addition of any vehicle, a new identification card ~~will~~ shall be obtained by the regulated motor carrier by application to the Commission and the previously issued identification card ~~will~~ shall be surrendered to the Commission.

004.03B Display: No motor vehicle subject to Commission jurisdiction ~~will~~ shall be operated without an identification card, protected from defacement, in the driver's cab.

004.04 PSC Plates: The following provisions concerning PSC plates shall apply to all regulated motor carriers:

004.04A Issuance: The Commission shall issue PSC plates to motor carriers who have complied with all statutory requirements and rules and regulations of the Commission, and who have completed and filed a copy ~~copies~~ of the forms furnished by the Commission ~~in duplicate~~ to provide a detailed description for each unit for which a PSC plate is required.

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004.04B Display: No vehicle ~~will~~ shall be operated without the secure attachment of its PSC plate in the following manner:

004.04B1 On passenger carrying units, at the rear of the vehicle, and easily legible from the rear.

004.04B2 On power units on any portion of the front part, preferably to the regular vehicle license so as to be easily read from the front.

004.04B3 On straight trucks and vehicles with no more than two axles on either the front or rear so as to be easily legible.

004.04C Transfer: A transferee or lessee of a certificate or permit may use the PSC plates of the transferor or lessor for the remainder of the calendar year, without payment of an additional fee for use of the plates, upon approval in writing by the Commission after the transferee or lessee has applied to the Commission for the approval, and has given the Commission a full, written description of the equipment or vehicle to which the PSC plates are to be transferred and any other relevant information requested by the Commission. The plates ~~will~~ shall be used only on the specific equipment or vehicle to which they are assigned.

004.04D Loss: If a plate is lost or destroyed, such loss or destruction ~~will~~ shall be reported to the Commission within forty-eight (48) hours after the discovery of such loss or destruction. A substitute plate may be obtained upon making request ~~therefor,~~ for such plate, upon filing an affidavit with the Commission setting forth the time, place and circumstances surrounding the loss or destruction, and upon payment of a fee approved annually by the Commission $~~1.00~~.

004.04E ~~Revocation~~ Return of Plates: Upon suspension, cancellation, or revocation of a certificate or permit, or upon sale, transfer, or other disposition of equipment or vehicles to which a PSC plate has been assigned, the plates ~~will~~ shall be returned to the Commission within ten ~~10~~ days, except ~~as provided in Section 004.03C~~ if such plate has been transferred to a transferee or lessee in accordance with these rules.

004.05 Door Displays: The following provisions concerning door displays shall apply to all regulated motor carriers ~~subject to the jurisdiction of the Commission:~~ except to those carriers providing limousine service.

004.05A Contents: The name, or trade name, of the carrier under whose authority the vehicle is being operated, and the Commission application number assigned to the operating authority, excluding supplement numbers, ~~will~~ shall be displayed on both doors or sides of each powered vehicle. If the name of any person other than the operating carrier appears on a vehicle, the name of the operating carrier ~~will~~ shall be followed by the information required in this section and be preceded by the words "operated by". Additional identification may be displayed if it is consistent with the above requirements.

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004.05B Size and Color: Each door display ~~will~~ shall be legible at all times. The application number ~~will be at least 3" inches high~~ shall be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the vehicle is stationary. The color scheme of the display ~~will~~ shall be in distinct contrast to the background color of the ~~cab door~~ vehicle.

004.05C Removal: Any numeral or letter painted on equipment in accordance with this section ~~will~~ shall be removed by the carrier when possession or ownership changes, or when a different carrier operates such equipment.

005 SAFETY REGULATIONS:

005.01 Minimum Qualifications: Each person driving a motor vehicle subject to the Commission jurisdiction shall possess the following minimum qualifications~~, except as provided in Section 005.19:~~

005.01A Sound physical and mental condition with no mental, nervous, organic, or functional disease or structural defect or limitation likely to interfere with safe driving.

005.01B Adequate sight which shall include vision with visual acuity of at least 20/40 (Snellen) in each eye either without corrective lenses, or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, ~~glasses or by correction with glasses; form~~ field of vision of at least 70 degrees in the horizontal meridian in each eye, ~~in the horizontal meridian of not less than a total of 140 degrees;~~ and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber. ~~distinguish colors of red, green, and yellow and correct glasses, when required, while driving.~~ Persons who require corrective lenses to meet the minimum sight requirement must wear such lenses while operating the motor vehicle.

005.01C Adequate hearing which includes hearing of not less than 10/20 in the better ear for conversational tone without a hearing aid.

005.01D ~~No addiction to~~ Freedom from the use of narcotics or ~~habit-forming drugs nor the excessive use of alcoholic beverages or liquors~~ illegal drugs.

005.01D1 Pre-employment drug and alcohol testing shall be required of all drivers transporting railroad personnel. The testing shall be done for alcohol and controlled substances as provided by 49 CFR Parts 40 and 382 as such regulations existed on January 1, 2013.

005.01D2 A driver shall be qualified to drive if the alcohol test results indicate an alcohol concentration of zero (0) and the controlled substance test results indicate a verified negative result.

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005.01D3 A driver shall be disqualified to drive if the alcohol and controlled substance test results are not in compliance with 49 CFR Parts 40 and 383; or if the driver refuses to provide a specimen for testing; or if the driver submits an adulterated, diluted or substituted sample for the tests to be performed.

005.01E ~~Not less than~~ Eighteen 18 years of age. ~~, except as otherwise provided by statute~~.

005.01F ~~Obtain and be in~~ Possession of a valid operator's license appropriate for the vehicle being operated.

005.01G Ability to read, speak and understand the English language.

005.02 Medical Certificate: Each motor carrier shall have ~~in its~~ on file~~s~~ a certificate of physical examination signed by a licensed physician or a licensed physician's assistant for every driver in its employment, attesting that the physician or licensed physician's assistant has examined the driver ~~and found him~~ to meet the requirements in 005.01 ~~of this article~~. Such ~~certificate will~~ certification shall be renewed ~~at least~~ no less than every two ~~four~~ years. Physical certificates obtained pursuant to federal regulations ~~of the Interstate Commerce Commission~~ shall meet the requirements of this section.

005.03 Background Check: Each operator of a motor vehicle subject to the Commission's jurisdiction shall be subject to a criminal background check submitted to the Commission.

005.0~~3~~4 Impaired Alertness: No ~~driver~~ person shall ~~drive~~ operate a motor vehicle while ~~his or her~~ such operator's alertness is impaired ~~through~~ by fatigue, illness, or ~~any~~ other causes.

005.045 ~~Alcohol and Drugs: No driver shall drink alcoholic beverages while on duty nor drive while under the influence of alcohol or drugs, or any combination thereof.~~ No motor carrier shall permit or require any driver employed by such motor carrier to drive nor shall any such driver drive (1) more than ten (10) hours following eight (8) consecutive hours off duty or (2) for any period after having been on duty fifteen (15) hours following eight (8) consecutive hours off duty.

~~005.05 Hours of Service: No driver shall drive a motor vehicle for more than 10 aggregate hours in any consecutive 24 hour period, unless such driver be off duty for 8 consecutive hours immediately following the 10 hours aggregate driving. In an unforeseen emergency, a driver may drive a vehicle to complete a run, if the run could have been completed within 12 aggregate hours under normal conditions.~~

005.06 ~~Form:~~ A logbook, ~~in the~~ (Form MCS-59), as required by the United States Department of Transportation in Section 395.8 of the Federal Motor Carrier Safety Regulations, ~~will~~ shall be maintained by each driver traveling more than one hundred (100) air road miles from the garage or terminus at which ~~he or she~~ such driver reports for work.

005.07 Filing: The original copy of each day's logbook sheet for each over-the-road driver ~~will~~ shall be kept on record at the home office or base of operations of each motor carrier in the State of Nebraska for not less than one year. The copies ~~will~~ shall be filed according to the date of the logbook sheet. ~~and all filings will be available for~~

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~~examination by an Inspector of this Commission, upon proper identification.~~ All filings shall be available for examination by the Commission.

005.08 ~~Maintenance By Driver: Each over the road driver shall:~~ Inspection of Vehicles: The Commission may at any time, but at least annually, inspect or cause to be inspected any vehicle subject to its jurisdiction. The inspections may be conducted at any place except that inspections of passenger carrying vehicles shall not impede or delay the schedule upon which the vehicle is operating. The Commission may at any time enter the operating premises of the carrier or into such vehicles as may be operated by the carrier to ascertain whether any statute, rule, or regulation has been violated.

~~005.08A Maintain a logbook within the vehicle that he or she drives;~~

~~005.08B Enter each required entry within a reasonable amount of time not exceeding four hours;~~

~~005.08C Maintain each sheet in duplicate with the original turned in to the proper company official and the duplicate retained in the book;~~

~~005.08D Retain duplicate copies for not less than the preceding 10 days in his or her possession while on duty, subject to inspection by a Commission inspector.~~

005.09 ~~Operation; Rules of the Road: Every motor vehicle within the jurisdiction of the Commission will be equipped, repaired, maintained and operated as required by the Nebraska laws pertaining to the rules of the road as prescribed in Chapter 39, Article 6 R.R.S. 1943, and the amendments thereto.~~ Minor Defects in Equipment: Minor defects in equipment that are not likely to endanger life or property may be corrected by maintenance staff of the carrier. When the defects have been corrected, the carrier, or its agent, shall notify the Commission that corrections have been made.

005.10 Major Defects: If the Commission finds that a motor vehicle under its jurisdiction is unsafe or poses a significant risk to public safety, it may order the carrier to take the vehicle out of service and marked as out of service until repairs have been made and the vehicle had been re-inspected by ~~the~~ Commission ~~or Carrier Enforcement~~ personnel.

~~005.10 Inspection: Each motor carrier shall systematically inspect and maintain all motor vehicles used for hire and the accessories and safety appliances mounted thereon to ensure that the motor vehicles and accessories are in safe and proper operating condition.~~

~~005.11 Driver Responsibilities: No driver or any employee of a motor carrier shall:~~

~~005.11A Fuel a motor vehicle with the engine running, except when it is necessary to run the engine to fuel the vehicle;~~

~~005.11B Smoke, or expose any open flame in the vicinity of a vehicle being fueled;~~

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~~005.11C Fuel a motor vehicle unless the nozzle of the fuel hose is continuously in contact with the intake pipe of the fuel tank;~~

~~005.11D Permit, insofar as practicable, any other person to engage in such activities as would be likely to result in fire or explosion.~~

~~005.12 Inspection of Equipment: The Commission may at any time inspect, or cause to be inspected, any vehicle subject to its jurisdiction. The inspections may be conducted either at the motor carrier's base of operations, or at any point or place, on or along any roadway in this state; provided, that inspections of passenger carrying vehicles will not impede, hinder, or delay the schedule upon which such vehicle is operating. During the conduct of such investigation the person inspecting may examine the driver's credentials, manifests and bills.~~

~~005.13 Vehicles "OUT OF SERVICE": Any person duly authorized by the Commission may mark "OUT OF SERVICE" with the prescribed sticker, any vehicle which in his or her judgment is unsafe to operate because of defective parts and accessories, as set out in 005.13A through 005.13J4. Such vehicles will not be operated until the required repairs have been satisfactorily completed and such sticker removed. No person shall remove an "OUT OF SERVICE" sticker from a vehicle prior to the completion of the required repairs. When such repairs have been made, the carrier shall so certify to the Commission. The following conditions will warrant application of an "OUT OF SERVICE" sticker:~~

~~005.13A Engine: The vehicle cannot start operating within 10 minutes without the use of equipment or materials not normally carried on the vehicle, unless such failure is caused by a faulty battery.~~

~~005.13B Steering Mechanism:~~

~~005.13B1 Turning: The steering wheels are incapable of being turned from full right to full left because of interference by parts of the steering mechanism.~~

~~005.13B2 Steering Wheel Play: The steering wheel turns more than 40 degrees without associated movement of the front wheels.~~

~~005.13B3 Steering Column: Any absence or looseness of bolts or positioning parts so as to permit motion of the steering column from its normal position.~~

~~005.13B4 Steering Box Attachment: Any absence or looseness of bolts or other parts so as to permit motion of the steering box at the point of attachment to the vehicle frame.~~

~~005.13B5 Ball and Socket Joints: Any looseness at any ball and socket joint in the steering linkage in excess of one-half inch measured in alignment with the shank or neck of the ball.~~

~~005.13B6 Fastening or Locking Parts: Any absence or looseness of fastening or locking parts in any part of the steering mechanism.~~

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~~005.13B7 Front Wheel Play: The play about either a horizontal or vertical axis of either front wheel exceeds one inch measured at the tread surface of the tire.~~

~~005.13C Brake Systems:~~

~~005.13C1 Stopping: The vehicle or combination fails to meet the requirements of Section 39-6,113 and 39-6,134(1) R.R.S. 1943.~~

~~005.13C2 Missing or Inoperative Brakes: Brakes missing or not operating on any wheel of any vehicle except the front wheels of trucks or truck tractors having three or more axles and except wheels of one steerable axle of trucks or truck tractors equipped with two or more steerable axles.~~

~~005.13C3 Equalization: The braking force developed on any wheel is less than one half the braking force developed on the opposite wheel of the same axle.~~

~~005.13C4 Hoses, Tubing, Piping, and Connections:~~

~~05.13C4a Any brake hose is worn, charred, cut or cracked through the outer casing and through one ply of fabric.~~

~~005.13C4b Any brake hose or brake tubing, or brake piping has an audible leak, bulge, or restriction.~~

~~005.13C4c Any brake system connection has an audible leak.~~

~~005.13C5 Lining: Any service brake lining is missing, cracked through across the face or pulling away from the brake shoe.~~

~~005.13C6 Drums: Any crack is visible on the exterior of any brake drum extending more than one half the width of the frame.~~

~~005.13C7 Reservoir Pressure: Beginning at governor cut in pressure, with the engine running at idling speed and all air service brakes fully applied, the reservoir pressure drops more than 10 pounds per square inch at the end of three minutes, or with emergency line disconnected, a trailer brake air system leaks audibly.~~

~~005.13C8 Vacuum System:~~

~~005.13C8a Beginning with the vacuum braking system of the towing vehicle or single vehicle at atmospheric pressure and the trailer brake connections, if any, closed, the engine is started while moderate pressure is maintained on the brake pedal, and the brake pedal fails to move giving an~~

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~~indication that the vacuum system is not in working order.~~

~~005.13C8b With all vacuum brakes fully applied, and the trailer brake connections open (if a trailer is connected) and the engine operated long enough to reach constant vacuum, and then stopped, the brake application cannot then be maintained for at least five minutes without brakes releasing.~~

~~005.13C9 Brake Chamber Leaks: Any brake chamber leaks or is not securely mounted.~~

~~005.13C10 Hydraulic System:~~

~~005.13C10a On mechanical or hydraulic brake systems, the pedal continues to move forward and downward when applied with uniform foot pressure; or~~

~~005.13C10b The service brake pedal first meets firm resistance at a point closer to the floorboard or other fixed obstruction to pedal travel less than 20% of the total pedal travel from released position when measured in a straight line.~~

~~005.13C11 Parking Brake:~~

~~005.13C11a Any mechanical part of the parking brake missing, broken, or disconnected.~~

~~005.13C11b Parking brake is not capable of locking the rear driving wheels and is not adequate under all conditions of loading to hold the vehicle or combination to the limit of traction of such braked wheels on the grade on which it is tested.~~

~~005.13C11c Parking brake mechanism, when fully applied, does not hold in the applied position without manual effort.~~

~~005.13D Lighting Devices, Reflectors, and Electrical Equipment: During the period of one half hour after sunset to one half hour before sunrise or during any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet:~~

~~005.13D1 Headlamps: More than one filament in the headlight system is inoperative.~~

~~005.13D2 Lamps on Rear: There are not at least two lighted red lamps, other than stop lamps, and at least one operative stop lamp on the rear of the vehicle visible from a distance of 500 feet.~~

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~~005.13D3 Lamps on Projecting Loads: There are not at least two lighted red lamps, or reflectors on the rear of loads projecting four or more feet beyond the vehicle body.~~

~~005.13D4 Reflectors on Rear: There is not at least one red reflector on the rear of the vehicle mounted at a height of not less than 24 inches or more than 60 inches above the ground or as near thereto as the configuration of the vehicle permits.~~

~~005.13D5 Electrical Wiring:~~

~~005.13D5a Electrical connections made by twisting wiring together, or~~

~~005.13D5b Wiring not protected by non-metallic tape, braid, or other covering capable of withstanding abrasion, or~~

~~005.13D5c Wiring not sufficiently supported, located, or protected from entanglement or excessive heat.~~

~~005.13E Tires:~~

~~005.13E1 Wear:~~

~~005.13E1a Wear of any tire exceeding four outer textile plies, or~~

~~005.13E1b More than one tire on any dual tire installation having one or more plies showing, or~~

~~005.13E1c Any tire containing an unvulcanized blowout patch or boot.~~

~~005.13E2 Cuts: Any single tire or both tires on a pair of duals cut through three or more layers of fabric, the cut being four inches or more long at the third layer.~~

~~005.13E3 Flats: Any tire on any wheel flat or having an audible leak.~~

~~005.13E4 Steering Axle: Any tire on any steering axle of a single vehicle or towing vehicle in which any part of a carcass ply is showing in the tread, or the sidewall.~~

~~005.13F Wheels and Rims:~~

~~005.13F1 Loose or Cracked: Any rim, wheel, or wheel flange that is loose or cracked.~~

~~005.13F2 Bolts, Nuts, and Lugs: More than one-fourth of the bolts, or the nuts, or the lugs for attaching the wheels to the hub or the rim to the wheel are missing, loose or defective.~~

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~~005.13G Exhaust Systems: Exhaust system is not securely fastened or has visible or audible leaks to a point near or above the passenger or driver compartment.~~

~~005.13H Fuel Systems: Gasoline or liquefied petroleum gas fuel system has a leak at any point.~~

~~005.13I Coupling Devices and Adjustable Axle Assemblies:~~

~~005.13I1 Tow-bars, Adjustable Fifth Wheel, and Adjustable Axle Assembly, Locking Devices: Tow bars, adjustable fifth wheels, or adjustable axle assemblies lack one or more locking devices, or any such locking devices are not properly fitted.~~

~~005.13I2 Fifth Wheel, Tow Bar and Axle Play:~~

~~005.13I2a Play lengthwise the vehicle exceeds one inch between the upper and lower fifth wheel halves.~~

~~005.13I2b Where provision is made for adjustment of a fifth wheel lower half, tow-bar, axle or tandem axle, or tandem axle assembly, relative to the vehicle frame, there is more than one half inch of play lengthwise of the vehicle in any adjustment when locked or latched in position.~~

~~005.13I3 Fifth Wheel Mounting: Fifth wheel mountings include bolts, nuts and brackets, but not including adjustable features, which are loose, worn, or broken so as to permit observable relative motion between the fifth wheel mounting and the frame of the vehicle.~~

~~005.13I4 Fifth Wheel and Tow-bar Cracks or Breaks: Cracks or breaks are in the tow-bar or the fifth wheel, except the horns.~~

~~005.13J Suspension:~~

~~005.13J1 Axle Positioning Parts: Torque arms, U-bolts, spring hangers or other axle positioning parts are cracked, broken, loose, or missing so as to permit displacement of an axle from its normal position.~~

~~005.13J2 Leaf Spring Assembly: One fourth or more of the leaves in leaf spring assemblies are broken or missing, or the main leaf depended upon for positioning the axle is broken.~~

~~005.13J3 Torsion Bar Assembly: Any part of the torsion bar assembly or any part used for attaching the torsion bar to the vehicle frame or axle is cracked, broken or missing.~~

~~005.13J4 Torsion Bar: Any torsion bar is broken or has a crack extending cross wise on the bar, either directly or inclined, to an extent of one half its diameter or more.~~

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~~005.14 Minor Defects: Minor defects, not likely to endanger any life, limb or property, may be corrected by the maintenance staff of the carrier, the vehicle being allowed to continue to its destination and such corrections or defects being verified as corrected by the carrier, manager, or agent, on the reverse side of the original inspection form, where such provision is made. Such inspection form will be mailed to the Commission within the allotted time given on the face of the inspection form.~~

005.1~~5~~1 Appeal By Carrier: A carrier, when notified by ~~a commissioner, examiner or inspector, in writing,~~ the Commission that a motor vehicle has been declared and marked "Out Of Service" under the provisions of subsection ~~005.13~~ 005.10 may, before the close of the first business day following the date of such notice, appeal by ~~telegraph to the Commission,~~ sending notice, by facsimile or in person to the Commission. ~~and~~ Upon receipt of such appeal notice, the Director of the ~~Motor~~ Transportation Department of the Commission shall arrange for the assignment of an inspector to ~~reexamine and inspect said~~ re-inspect or cause to have re-inspected such vehicle within twenty-four (24) hours from date of receipt of the appeal which shall include only those normal hours of operation for the Commission. If upon ~~reexamination~~ re-inspection, the motor vehicle is found in ~~serviceable~~ safe condition and to pose no significant risk to public safety, the Commission shall ~~immediately~~ notify the carrier~~, at the carrier's expense, by telegraph,~~ by telephone or facsimile that the vehicle is no longer out of service and that the ~~whereupon~~ the motor vehicle may be put into service without further delay. If ~~the reexamination~~, upon re-inspection, the vehicle is found to be in an unsafe condition or that the vehicle still poses a significant risk to public safety, the Commission ~~and inspection of the motor vehicle sustains the decision of the commissioner, examiner or inspector, the Director~~ shall ~~at once~~ notify the carrier ~~owning or operating~~ who owns and operates the vehicle that the appeal ~~from the commissioner, examiner or inspector~~ of the finding placing the vehicle out of service is dismissed. The vehicle may not be placed back into service until ~~and upon receipt of the notice the carrier shall immediately make~~ the necessary repairs have been made and an inspection finds that the vehicle is no longer unsafe or poses a significant risk to public safety and the Commission certifies in writing that the vehicle can be placed back into service. ~~as to warrant removal of the "OUT OF SERVICE" sticker, and shall certify the repair to the Commission.~~

~~005.16 Explosives or Other Hazardous Materials. The following provisions shall apply only to carriers of explosives or other hazardous materials:~~

~~005.16A Leaving Vehicle Unattended: Motor vehicles transporting hazardous materials and explosives will not be left unattended upon any public street or highway except when the driver is engaged in performing normal operations incident to his or her duties as the operator of the vehicle to which he or she is assigned.~~

~~005.16B Congested Areas: Motor vehicles transporting explosives or other hazardous materials will be driven so as to avoid so far as practicable and, where feasible, by prearrangement of routes, congested thoroughfares, places where crowds are assembled, street car tracks, underpasses, viaducts and dangerous crossings. Except where the necessities of operation make impractical the application of this rule, no motor vehicle transporting explosives will be parked, even though attended, on any public street, adjacent to or in proximity to any bridge,~~

~~tunnel, dwelling, building, or place where persons congregate, work or assemble.~~

~~005.16C Fueling: Except for fuel containers for diesel engine fuels, the fuel tank on any motor vehicle in which is to be transported explosives, flammable liquids, flammable compressed gases or poisonous gases will be suitably filled prior to commencement of transportation and subsequent refuelings will be reduced to the minimum number necessary. If the engine is provided with an electric ignition system, it will be turned off and the engine stopped during the refueling process.~~

~~005.16D Fires Along Highway: Motor vehicles transporting explosives or other hazardous materials will not be driven past fires of any kind burning on or near the highway or street until after having taken due caution to ascertain that passing can be safely made.~~

~~005.16E Equipment: Each motor vehicle transporting explosives will carry the following equipment:~~

~~005.16E1 Two fire extinguishers of the kind and type prescribed by the Nebraska State Fire Marshal.~~

~~005.16E2 Fireproof gloves and a fireproof blanket for use in combating tire fires.~~

~~005.16E3 Suitable tools such as a jack and handle and lug wrench to enable the driver to remove a wheel from the loaded vehicle.~~

~~005.16F Distance on Highway: Motor vehicles transporting explosives and other hazardous materials will not be driven closer than 600 feet behind another moving vehicle; however, this rule will not be construed to prevent overtaking and passing another vehicle provided caution is used in such passing.~~

~~005.17 Passenger Carriers. The following provisions apply only to Group II carriers:~~

~~005.17A Refusal to Carry: No driver of any vehicle transporting passengers shall refuse to carry any person offering himself or herself for carriage at any time at any regular stopping place, who tenders the regular fare to any regular stopping place on the route of said carrier, or between the termini thereof, unless at the time of such offer the vehicle is fully occupied, or unless the person refused is intoxicated, diseased, or acting in a boisterous or disorderly manner.~~

~~005.17B Trailers: Unless authorized specially by the Commission, no carrier transporting passengers shall operate a vehicle with any trailer or other vehicle attached thereto, except in case a vehicle becomes disabled while on a trip and unable to run by its own power, such disabled vehicle may be towed to the nearest point where repair facilities are available.~~

~~005.17C Aisles: Drivers shall at all times keep the aisles, from front to rear, of their buses free from obstructions of any kind, and shall not permit passengers to ride on any part of the vehicle other than the seats, except when an emergency occurs and the driver deems it necessary to seat or stand passengers in the aisles. Such passengers shall not be allowed to stand in~~

~~front of a two inch wide white line which shall be painted on the floor of each vehicle immediately behind the driver's seat. Each vehicle will have a notice visible at the front of the vehicle that passengers must remain behind the white line.~~

~~005.17D Heating: Vehicles used to transport passengers will be equipped with a heating system sufficient to keep the vehicle comfortable for its passengers, and not less than 60 degrees Fahrenheit at all times.~~

~~005.17E Lighting: Vehicles will be equipped with lights of not less than two candle power within the vehicle and so arranged as to light up the whole of the interior, except that portion occupied by the driver.~~

~~005.17F Emergency Exit Doors: All buses with a seating capacity of eight or more passengers will have emergency exits either in the form of push out windows, or a door on the opposite side from the regular entry, or at the rear of the vehicle. The door will be equipped with a latch which may be readily operated in an emergency. There will be no obstructions, either inside or outside which would prevent the door being opened. The exits will be easily accessible to passengers.~~

~~005.17G Emergency Equipment:~~

~~005.17G1 An intercity bus may voluntarily carry a first aid kit.~~

~~005.17H Recapped Tires: Intercity vehicles will not be equipped with recapped tires on the front wheels.~~

~~005.17I Hazardous Materials: No motor carrier, its agents, officers, or employees, shall suffer or permit any explosives, volatile, other materials hereinafter specified, to be carried by any passenger carrying motor vehicle in such quantities so as to in any way increase the risk or safety of any passengers, liquid nitrogen, dynamite, nitrocellulose, fulminate of mercury, fireworks, firecrackers, torpedoes, high explosives, black, brown or smokeless powders, ammunition, explosive projectiles, blasting caps, detonating fuses, primers, time fuses, hydrochloric acid, nitrating acid, sulphuric acid, liquefied petroleum gas, matches in commercial quantities, burnt cotton, calcium, phosphide, carbon bisulphide, cellulloid scraps, chloride of sulphur, distillate in packages, naphtha in packages, gas, oil, petroleum oil in packages, phosphorous, picric acid, metallic and sulphide potassium, proxylin solution, metallic peroxide, and sulphide sodium, liquid bichloride of tin, trinitretuluol, provided sufficient reserves of gasoline and oil will be permitted to be carried for the proper operation of the motor vehicle.~~

~~005.17J Power of Attorney: Each carrier who transports passengers shall have on file with the Commission, a power of attorney in the prescribed form, appointing the Executive Secretary of the Commission as attorney in fact for such carrier, authorizing service on him of summons to such carrier in any case in any court in Nebraska, either state or federal, in connection with accidents arising out of the operation of the motor vehicles of the carrier, the service will be made on the Executive Secretary in person or by registered or certified mail, return receipt requested, and have the same force and effect as though made personally on the carrier.~~

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~~005.17K Timetables: Each carrier who transports passengers shall file with the Commission prior to commencing operations, a timetable or schedule showing the time of arrival and departure of its vehicles at each point on the route, and the number of trips made daily. When any change is made in the table, or schedule, a new table or schedule shall be filed with the Commission. All time schedules or revisions therefor will be filed with the Commission not less than ten days prior to the proposed effective date, unless otherwise specifically authorized by the Commission. No time schedule or revision thereof will be effective until approved by the Commission, except that schedules filed by interstate carriers will become effective according to the rules of the ICC.~~

~~005.18 Voluntary Safety Inspection.~~

~~005.18A Voluntary Safety Inspection Program: To supplement the Commission's inspections and pursuant to the provisions of 005.12 above, motor carriers may subject their vehicles to a voluntary safety inspection program conducted by authorized voluntary safety inspection stations. Each vehicle inspected under this program will be issued a Commission safety inspection sticker valid for 12 months. The term vehicle as used herein shall mean and include straight trucks, truck tractors, and trailers.~~

~~005.18B Application for Designation as Voluntary Safety Inspection Station. Upon written application to the Commission all vehicle maintenance facilities that have been inspected and found to be in compliance with the criteria set forth below will be designated by permit as voluntary safety inspection stations and will be authorized for 12 months to conduct voluntary safety inspections and issue Commission safety inspection stickers. The inspection station will:~~

~~005.18B1 Submit a written application to the Commission on a Commission issued form.~~

~~005.18B2 Maintain adequate maintenance facilities in accordance with 005.18E Space Requirements.~~

~~005.18B3 Maintain adequate equipment and tools to conduct an inspection to ensure that defects specified in 005.13 - 005.14 do not exist in a vehicle.~~

~~005.18B4 Employ and utilize only trained personnel as provided in 005.18M5 and who can identify the defects specified in 005.13 - 005.14 and who are also cognizant of all other vehicle safety and equipment requirements of the State of Nebraska and the United States Department of Transportation.~~

~~005.18B5 Complete and maintain complete records of all safety inspections conducted for a period of 12 months thereafter utilizing Commission issued forms.~~

~~005.18B6 Issue and attach the Commission safety inspection sticker to a vehicle after it has been found to be free of all defects specified in 005.13 - 005.14. The sticker shall be affixed to the lower inside of the left corner of the windshield or on the back of the rear view mirror of trucks and truck tractors and to~~

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~~the left front corner of each trailer. Duplicate stickers will be issued for stickers lost, defaced, or for windshield replacement. Request for replacement may be made to the original issuing station or the Commission. Application shall be made in duplicate on a form, the original to be mailed to the Commission, the duplicate to be retained in the vehicle as proof to law enforcement officials of having applied for duplicate sticker.~~

~~005.18B7 Advise the vehicle operator before the inspection if an inspection charge is to be made. A maximum charge of $5.00 per vehicle may be made to cover inspection costs.~~

~~005.18B8 Permit access to all pertinent records, personnel, and facilities and submit to inspections by the Commission to ensure compliance with the criteria set forth herein.~~

~~005.18B9 Comply with all applicable directives and instructions issued by the Commission.~~

~~005.18B10 Upon going out of business or upon revocation, immediately return to the Commission the permit with all unused inspection stickers, final reports of inspections, and all other forms issued by the Commission.~~

~~005.18B11 Report changes in name, ownership, or location of any official inspection station.~~

~~005.18C Renewal of Permit as Voluntary Safety Inspection Station: Proprietors of voluntary safety inspection stations may renew permits for additional 12-month periods by application to the Commission and by compliance with the other requirements of the Commission for such renewal.~~

~~005.18D Non-Exemption: Submission by a vehicle owner or operator of a vehicle to this voluntary safety inspection shall not exempt such vehicle from Commission inspection pursuant to 005.12.~~

~~005.18E Space Requirements: Each inspection station shall:~~

~~005.18E1 Provide space 30 feet long when using head lamp tester and 26 feet plus length of vehicle when using a head lamp testing screen.~~

~~005.18E2 Be in a permanent-type building with at least two permanent walls and permanent roof. Temporary expedients such as tents, arbors, or sheds are not acceptable.~~

~~005.18E3 Have an inspection area which is level, hard-surfaced, and of any material except dirt or hot mix. A wood floor which sags under the vehicle weight is not acceptable.~~

~~005.18E4 Provide the floor space required in addition to space used for washing. A lubrication area and lift may be used if approved.~~

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~~005.18E5 Not be tied up with repairs and should be readily available to an operator desiring to have a vehicle inspection.~~

~~005.18E6 Be free of all obstructions that would interfere with inspections.~~

~~005.18E7 Be kept reasonably clean at all times and required painted lines or track must be maintained.~~

~~005.18E8 Provide a headlight aiming area marked as required.~~

~~005.18E9 Keep equipment and tools which are to be used in the inspection in the approved inspection area.~~

~~005.18F Equipment Requirements: Selection of brand name of tools to be used in performing the required inspection will be left to the inspection station manager; however, the Commission inspector may refuse to approve any equipment that, in his opinion, will not fulfill the requirements of the inspection program. All literature supplied by the equipment manufacturer pertaining to the calibration, repair, care, and instruction for use, shall be retained and supplied upon request of the inspector. Calibration equipment shall be purchased by the inspection station operator.~~

~~005.18G Headlights:~~

~~005.18G1 The headlight aimer screen will be of approved type. The area will be marked by a 4 inch by 8 feet line, over which vehicle head lamps will be positioned for aiming, 25 feet from the screen.~~

~~005.18G2 Mechanical aimer area will be marked with a 4 inch by 8 feet line, over which the vehicle head lamps must be positioned for aiming. The aimer will be calibrated for this specific area. The degrees of floor slope will be written in the front of the inspection manual so that the local inspector may refer to it readily. Headlight aimers will be calibrated to that degree of slope. Aiming or testing will be done in that area only.~~

~~005.18G3 Photometric aimers will be track type, and the track shall be securely attached to floor and level. Aimers will be calibrated for the area in which they are installed.~~

~~005.18G4 When an inspection is made on a lubrication rack, drive-on type, the rack will be marked so that the vehicle is positioned properly each time. Stations equipped with frame or suspension engaging type lifts will have positioning marks clearly designated and the vehicle will be properly positioned on marks for testing or aiming. Frame or suspension-type lifts utilizing positioning pads securely attached to floor will not be required to have position line painted on the floor; however, care will be taken to properly position the vehicle on positioning pads before aiming or testing head lamps. Aimers will be calibrated to the exact position.~~

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~~005.18H Ball Joints:~~

~~005.18H1 A ball joint checker and a suitable type floor jack shall be used to properly unload all ball joints.~~

~~005.18H2 A dial indicator will be required for more accurate checking of ball joints.~~

~~005.18I Tread: A tire tread depth measuring device will be used to check tire treads.~~

~~005.18J Ink: A ball point pen or indelible ink pen will be used to complete the information on each sticker certificate. Pencil shall not be used.~~

~~005.18K Sticker Removal: Expired stickers will be removed from windshield.~~

~~005.18L Hand Tools: All necessary hand tools and equipment for making tests, repairs, and adjustments ordinarily encountered in making vehicle inspections shall be provided by the station.~~

~~005.18M Manager: A voluntary safety inspection station manager shall:~~

~~005.18M1 Be at least 17 years of age.~~

~~005.18M2 Have successfully managed for at least one year a motor vehicle service business, and held during that time a reputation for sound business ethics and integrity.~~

~~005.18M3 Possess high standards and respect for law and order in full compliance with the rules and regulations governing the Voluntary Safety Inspection Program.~~

~~005.18M4 Upon application for designation as an official voluntary safety inspection station, pledge as follows:~~

~~005.18M4a Will act as directed by the Commission in inspecting vehicles in accordance with the rules and regulations.~~

~~005.18M4b Will see that employees are thoroughly familiar with the rules and regulations governing the inspection program and related state and federal rules.~~

~~005.18M4c Will use only employees in doing inspection that have performed a complete and thorough inspection for a Commission inspector.~~

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~~005.18M4d To maintain in good working order all required tools and equipment prescribed in the minimum requirements. To cease operation immediately when this condition is not met.~~

~~005.18M4e To keep an up-to date set of inspection records legibly and properly filled out at the inspection station which can be examined by the authorized inspector of the Commission at any time for at least one year from the date recorded.~~

~~005.18M4f If the voluntary safety inspection station fails to comply with any of the above listed responsibilities it may lose its station permit.~~

~~005.18M5 Assign only competent personnel to perform vehicle safety inspections who shall:~~

~~005.18M5a Be at least 17 years of age.~~

~~005.18M5b Possess a valid driver's license.~~

~~005.18M5c Have at least one year of practical mechanical experience, be a graduate of an automotive technical school.~~

~~005.18M5d Have respect for law and order and full compliance with the rules and regulations of the inspection program.~~

~~005.18M6 Maintain an inspection manual in an up to date condition at all times which will be available to personnel performing inspections.~~

~~005.18M7 Maintain inspection equipment grouped or displayed at the approved inspection area at all times.~~

~~005.18N Station Approval: No application will be approved or renewed for an official inspection station until all permit and minimum station requirements have been met. A Commission inspector will make the follow up checks of the premises and equipment, and at the inspector's discretion, will require inspections to be performed in their presence to prove that the station has competent personnel to perform inspections.~~

~~005.18O Vehicle Destruction: Each vehicle which is dismantled or junked will have its stickers removed and destroyed at the time subject vehicle is removed from service. The last registered owner shall be responsible for the destruction of the inspection sticker.~~

~~005.19 Department of Social Services Transportation Providers: A Department of Social Services (hereinafter referred to as "Department") contractor who is not certificated or otherwise exempt, providing transportation for Department clients must certify on a form provided by the Commission that they meet the minimum driver standards, insurance requirements, and equipment standards prescribed by the Commission.~~

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~~005.19A Driver Requirements: A Department transportation provider must certify that:~~

~~005.19A1 The person is the individual who will personally drive the vehicle in question.~~

~~005.19A2 The person is at least 19 years of age or an emancipated minor.~~

~~005.19A3 The person possesses a current driver's license issued by any state.~~

~~005.19A4 The person has knowledge of Nebraska state and local traffic rules and rules of the road as prescribed in Chapter 39, Article 6, R.R.S. 1943.~~

~~005.19A5 The person has no more than three points assigned against their driver's license.~~

~~005.19A6 The person will not smoke while transporting passengers, except with their permission.~~

~~005.19A7 The person is competent to conduct the service carefully and dependably.~~

~~005.19A8 The person has no addiction to the use of narcotics or habit forming drugs, nor the excessive use of alcoholic beverages or liquors.~~

~~005.19A9 The person is of sound physical and mental condition, with no mental, nervous, organic, or functional disease or limitation likely to interfere with safe driving, or communicable disease which may pose a threat to the health and well-being of the passengers.~~

~~005.19B Insurance Requirements: A Department transportation provider must maintain the minimum automobile liability and medical insurance coverage as required by state law.~~

~~005.19C Equipment Standards: A Department transportation provider must certify that:~~

~~005.19C1 The person has current plates and registration in Nebraska or another state.~~

~~005.19C2 The person will ensure that each vehicle shall, at all times, be kept in proper physical and mechanical condition so as to provide safe and comfortable service, including, but not limited to, operable seat belts, turn signals, lights, and horn; child passenger restraint devices as required by law; and comfortable temperature and ventilation conditions.~~

~~005.19D Self-Certification: All such self-certification filings shall be made with the Commission and filed for record and be available for public inspection during the regular business hours of the Commission. Such filings shall be continuous in nature unless cancelled by the Department.~~

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~~005.19E Vehicles "Out of Service": If a driver or vehicle is found to be in violation of any of the requirements and standards enumerated above, the vehicle may be ordered out of service for deficiency correction by any person duly authorized by the Commission to so act; and the vehicle shall not resume operation until the deficiency is corrected. Any deficiencies found in the driver's qualifications or equipment shall be immediately referred to the attention of the Department for further disposition.~~

~~005.19F Service Determination: The Commission shall, upon application of any certificated motor carrier or the Department, hear any dispute between the same with regard to the contested ability of the motor carrier to provide a specific service in a given case. The parties may agree to an informal conference between the carrier, Department, and the Commission's Transportation Department to facilitate a mutually agreeable resolution. If the parties cannot come to an agreement, either party may file a formal complaint with the Commission in the manner provided by law.~~

006 ~~LIABILITY~~ INSURANCE COVERAGE:

006.01 Minimum Amounts of Coverage: Unless otherwise provided in a certificate of public convenience and necessity or permit issued by the Commission, each motor carrier shall have liability coverage at any time for any one accident, by insurance, surety bond, self insurance, or a combination thereof, in the minimum amounts ~~shown in the following table; except, only common carriers shall be required to carry cargo insurance:~~ as required by Rule 003.03.

~~SCHEDULE OF MINIMUM LIABILITY COVERAGE FOR ANY ONE ACCIDENT~~

~~Classification~~	~~Combined Single Limit of Liability~~	~~Cargo~~
~~Group 1~~		
~~A1~~	~~$5,000,000.00~~	~~$5,000.00~~
~~A2a~~	~~5,000,000.00~~	~~5,000.00~~
~~A2b~~	~~1,000,000.00~~	~~5,000.00~~
~~Group 2~~	~~750,000.00~~	~~5,000.00~~
~~Group 3~~	~~750,000.00~~	~~5,000.00~~
Group 4		
~~D1~~	~~5,000,000.00~~	~~5,000.00~~
~~D2~~	~~1,000,000.00~~	~~5,000.00~~
~~D3~~	~~750,000.00~~	~~5,000.00~~
~~Group 5~~	~~500,000.00~~	~~0~~
~~Group 6~~	~~500,000.00~~	~~5,000.00~~
~~Group 7~~	~~500,000.00~~	~~5,000.00~~
~~Group 8~~	~~500,000.00~~	~~5,000.00~~
~~Group 9~~	~~500,000.00~~	~~5,000.00~~
~~Group 10~~	~~5,000,000.00~~	~~5,000.00~~
~~Group 11~~		
~~K1~~	~~1,500,000.00~~	~~0~~
~~K2~~	~~5,000,000.00~~	~~0~~
~~Group 12~~	~~500,000.00~~	~~0~~
~~Group 13~~	~~500,000.00~~	~~5,000.00~~
~~Group 14~~	~~750,000.00*~~	~~5,000.00~~
~~Group 15~~	~~**~~	~~0~~

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~~* Depending on commodity~~
~~** Minimum Liability Requirement for Licensing of Motor Vehicles in Nebraska~~

006.02 In addition to the requirements for minimum insurance as provided in Rule 003.03, all carriers of passengers shall also carry uninsured and underinsured motorist coverage pursuant to the Uninsured and Underinsured Motorist Insurance Coverage Act.

006.02A Carriers that provide transportation for railroad crews shall carry uninsured and underinsured motorist insurance coverage with a minimum limit of five hundred thousand ($500,000) per person, two million ($2,000,000) aggregate per accident coverage.

PREVIOUS SECTIONS 006.02 THROUGH 006.13 RENUMBERED AS 006.03 THROUGH 006.14 AS WELL AS ALL SUBSECTIONS:

006.03 ~~Type of Insurance:~~ All motor carrier insurance required to be filed with the Commission ~~will~~ shall be continuous in nature, subject to cancellation by the insurer or the insured within thirty (30) days written notice to the Commission. Insurance for a specified term (e.g. six months or one year) ~~will~~ shall not be acceptable to meet the motor carrier insurance ~~filing~~ requirements of these ~~Commission~~ Rules.

006.04 ~~Insurance and Surety Bonds: Proof of coverage.~~ Proof of adequate coverage by insurance or bond ~~as required by 006.01~~ ~~will~~ shall be made by filing~~, in triplicate,~~ a uniform motor carrier insurance filing or a uniform motor carrier surety bond filing in lieu of the policy of insurance or surety bond. Such filing may be made electronically in a manner designated by the Director of Transportation of the Commission. Upon receipt by the Commission~~, the original and two copies will be stamped "Received",~~ of a paper filing, which shall be in triplicate, one copy ~~will~~ shall be returned to the home office of the insurance or surety company, one copy ~~will~~ shall be forwarded to the insured, and the original will ~~remain in the Commission files~~ be retained by the Commission.

006.05 Types of Filings: Insurance filings shall be made on the following designated forms unless the Director of Transportation shall specifically authorize another type of filing: **PREVIOUSLY 006.03A**

006.05A All liability insurance filings ~~will~~ shall be either Form E, entitled: Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance. **PREVIOUSLY 006.03A1**

006.05B All liability surety bond filings ~~will~~ shall be Form G, entitled: Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond. **PREVIOUSLY 006.03A2**

006.05C All cargo insurance filings ~~will~~ shall be Form H, entitled: Uniform Motor Carrier Cargo Certificate of Insurance. **PREVIOUSLY 006.03A3**

006.05D All cargo surety bond filings ~~will~~ shall be Form J, entitled: Uniform Motor Carrier Cargo Surety Bond. **PREVIOUSLY 006.03A4**

006.05E All insurance cancellation filings ~~will~~ shall be Form K, entitled: Uniform Notice of Cancellation of Motor Carrier Insurance Policies. **PREVIOUSLY 006.03A5**

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006.05F All surety bond cancellations filings ~~will~~ shall be Form L, entitled: Uniform Notice of Cancellation of Motor Carrier Surety Bonds. **PREVIOUSLY 006.03A6**

006.06 ~~Name of Insured:~~ Each insurance policy or bond ~~will~~ shall be written in the full and correct name of the individual, partnership, corporation, limited liability company or other person as shown on the insured's certificate or permit. All partners in a partnership ~~will~~ shall be named in the policy or bond.

006.07 ~~Liability of Insurance Company:~~ Motor carrier insurance required under ~~this article will~~ these rules shall provide:

006.07A The liability of the insurance company ~~will~~ shall extend only to the insured named in the policy and ~~his~~ its employees or lessees notwithstanding any clause in the policy providing for additional insured. **PREVIOUSLY 006.05A**

006.07B The liability of the insurance company ~~will~~ shall not be affected by any provision in the policy or the endorsement thereon or violation thereof by the insured, or by the financial condition of the insured. **PREVIOUSLY 006.05B**

006.07C The insurance company ~~will~~ shall be liable whether the loss, damage, injury or death occurs on the route or in the territory authorized to be served by the insured or elsewhere in ~~Nebraska~~ the state. **PREVIOUSLY 006.035C**

006.07D The insurance company ~~will~~ shall be liable within the limits of liability as set out in section ~~006.01~~ 003.03 and its subsections of these rules, regardless of whether the motor vehicles or termini, warehouses or other facilities used in connection with the transportation of the cargo are specifically described in the policy or not. **PREVIOUSLY 006.05D**

006.07E The insurance company ~~will~~ shall pay, within the limits of liability set out in ~~006.01~~ section 003.03 and its subsections of these rules, any final judgment recovered against the insured for bodily injury to, or death of, any person, ~~(~~except employees of insured while engaged in the course of their employment~~)~~, or loss or damage to property of others, ~~(~~except property leased or rented by the insured~~)~~, which results from negligent operation, maintenance, or use of motor vehicles under the certificates of public convenience and necessity, or permit issued to the insured by the Commission. **PREVIOUSLY 006.05E**

006.07F The liability of the insurance company on each vehicle ~~will~~ shall be a continuing one notwithstanding any recovery under the schedule of limits set out in section ~~006.01~~ 006.05. **PREVIOUSLY 006.05F**

006.07G No provision contained in the policy or endorsement thereon, or violation thereof by the insured, ~~will~~ shall affect in any way the right of any shipper or consignee to relieve the insurance company from liability for the payment of any claim for which the insured may be held legally liable to compensate shippers or consignees, irrespective of the financial condition of the insured. **PREVIOUSLY 006.05G**

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006.08 ~~Endorsement:~~ Each policy of insurance or surety bond issued pursuant to these regulations ~~will~~ shall be endorsed by authorized personnel of such company.

006.09 ~~Cancellation:~~ Policies of insurance, surety bonds, and the certificates and endorsements thereof ~~will~~ shall not be ~~cancelled~~ canceled and liability ~~will~~ shall not cease until after thirty (30) days written notice by the insurer has been given to the Commission. Such thirty (30) day period ~~will~~ shall commence on the date the cancellation filing, as set out in section ~~006.03A,~~ 006.05 is received by the Commission.

~~006.08 Size: All insurance or surety bond filings will be on 8" x 5" stock.~~

006.10 ~~Authorized Companies:~~ No insurance policy or surety bond ~~will~~ shall be accepted by the Commission unless written by a company which has been granted a certificate of authority by the Department of Insurance of the State of Nebraska; or which is a properly registered risk retention group as authorized under the federal Liability Risk Retention Act and the state's Risk Retention Act, ~~(15 U.S.C. sec. 3901, et seq.) as amended, and Neb. Rev. Stat. §44-4401, et. seq.;~~ provided that when a carrier is, after diligent effort, unable to obtain an insurance policy or surety bond from an authorized company, ~~or a registered risk retention group,~~ such carrier may obtain a policy or bond from a non-admitted company ~~within the provisions of Neb. Rev. Stat. §§44-139 to 44-147, R.R.S., 1943.~~ pursuant to the Surplus Insurance Act.

006.11 ~~Self-Insurance; Qualification:~~ A carrier may apply to qualify as a self-insurer ~~upon~~ by furnishing the Commission a true and accurate statement of its financial condition and any other evidence required by the Commission which ~~will~~ shall establish to the Commission's satisfaction, the ability of the carrier to meet the requirements ~~imposed by~~ of section ~~006.01~~ 003.03 and its subsections without adversely affecting the carrier's financial stability. Such self-insurance shall become effective only upon the written approval of the Commission and shall be subject to review at the Commission's discretion.

006.12 ~~Deposit of Securities:~~ The Commission may require any carrier qualifying as a self-insurer to deposit securities, in any amount up to the requirements ~~of~~ set by section 003.03 and its subsections, ~~006.01~~ with any financial institution within this state.

006.13 ~~Withdrawal:~~ Any carrier may withdraw its qualifications as self-insurer, upon written notice to the Commission and compliance with the provisions of ~~006.03.~~ section 006.04.

006.14 ~~Commission Revocation:~~ The Commission may revoke its approval of any insurance policy, surety bond, or qualification as a self-insurer, if, in its judgment, such security no longer complies with these regulations, or fails to provide satisfactory or adequate protection for the public.

007 ACCOUNTING AND STATISTICAL INFORMATION:

007.01 Business Records Retention and Inspection: Each carrier shall, for a period of one (1) year, maintain copies of records related to the movement of passengers or household goods. All such records shall be available to the Commission for inspection.

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007.02 Notification of change of address or contact information: All carriers shall inform the Commission of changes in address or contact information.

~~007.01 Scope: Common and contract motor carriers of property and passengers shall file annual accounting information with the Commission as hereinafter prescribed. Interstate and intrastate motor carriers shall file a report only on motor carrier operations. All motor carriers with total motor carrier operating revenues of less than $250,000 are exempt from filing, except that new applicants shall be required to file for three consecutive years.~~

~~007.02 Filing: One verified copy of the report will be filed with the Commission, on or before April 30 of each year. All motor carriers required to file an annual accounting report with the Interstate Commerce Commission, will furnish the Commission a copy of annual reports furnished the ICC.~~

~~007.03 Compliance: Carriers whose reports are not acceptable remain liable for submitting revised reports the submission of a revised report. Willful failure to file a satisfactory and timely report constitutes grounds for the institution of revocation or other proceedings against non-compliant carriers.~~

008 LEASING AND INTERCHANGE OF EQUIPMENT:

008.01 Scope: Common or contract carriers may engage in leasing only as provided by these rules. ~~Single source leasing of equipment and driver(s) of which the lessee is not the owner is permitted only in accordance with these leasing rules.~~ Failure to observe the provisions of a lease ~~and/~~or its preparation shall be a violation of these rules. Leases filed with the Commission ~~pursuant to the provisions of 008~~ in accordance with these rules shall be retained by the Commission, the Lessor, and the Lessee for not less than three years after cancellation of such lease. ~~and then discarded. The following rules and regulations will apply to: Leasing of equipment by common or contract carriers with or without drivers (008.02); Interchange of equipment between authorized common or contract carriers (008.03); Standards for single source leasing (008.04).~~

008.02 Leasing Equipment: Common or contract carriers may lease equipment which they do not own to augment their existing equipment, other than that exchanged between motor carriers in interchange service, only under the following conditions:

008.02A Each lease for the use of equipment shall:

008.02A1 Be made between the lessor and lessee.

008.02A2 Be in writing and signed by the parties thereto, or their duly authorized agents.

008.02A3 Specify the time period for which the lease applies and the time, date, or circumstance on which the lease begins and ends, the duration of which ~~will~~ shall coincide with the time for giving receipts for the equipment or the vehicles as required by ~~008.02B,~~ these rules.

008.02A4 Specify the compensation to be paid by the lessee for the equipment or vehicle.

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008.02A5 Provide for the exclusive possession, control, and use of the equipment or vehicle, and for the complete assumption of responsibility in respect thereto by the lessee for the duration of the lease, or otherwise may be assigned by the lessee, in writing, to an independent contractor who shall operate equipment under the lessee's authority .

~~008.02A6 Notwithstanding the provision of 008.02A5, a common or contract carrier lessee of equipment may subsequently lease that leased equipment to another common or contract carrier without being in violation of these rules if the subsequent lease also conforms to the provisions of 008.02;~~

008.02A~~76~~ Provide that the lessee shall be responsible for carrying the insurance required by the ~~NPSC~~ Commission not withstanding any agreement between the parties that the lessor shall hold the lessee harmless and provide certain insurance covering the lessee.

008.02A~~87~~ Be approved by the Commission.

008.02A~~98~~ Be executed in quadruplicate, with all copies filed with the Commission to be stamped for approval. One copy ~~will~~ shall be retained by the Commission and the other three returned to the lessee of which the lessee shall retain one, ~~copy for itself~~, carry one copy on the equipment or vehicle and send the remaining copy to the lessor for retention.

008.02B Notwithstanding the provision of rule 008.02E, a common or contract carrier lessee of equipment or vehicles may subsequently lease that leased equipment or vehicle to another common or contract carrier without being in violation of these rules if the subsequent lease also conforms to the provisions of this section.

PREVIOUS SECTIONS 008.02B THROUGH 008.02F RENUMBERED AS 008.02C THROUGH 008.02G:

008.02C When possession of equipment is taken by lessee, the lessee shall give to the lessor a receipt specifically identifying the equipment and stating the date and time of day possession ~~thereof~~ is taken. When the possession by the lessee ends, the lessee shall obtain from the lessor a receipt specifically identifying the equipment and stating the date and time of day possession ~~thereof~~ is taken.

008.02D It ~~will~~ shall be the duty of the lessee before taking possession of equipment or vehicle, to inspect the same in order to ~~insure~~ ensure that ~~said~~ the equipment complies with ~~005~~ the safety regulations of section 005 of these rules. The person making the inspection ~~will~~ shall certify the results thereof in a report which shall be retained by the lessee for the duration of the lease. When equipment other than a power unit is leased, any form of report applicable to such equipment or vehicle may be used. If the inspection discloses that the equipment or vehicle does not comply with the requirements of section 005 of these rules, possession ~~thereof will~~ shall not be taken. In all instances in which ~~this~~ inspection is made, the lessee shall certify on the report that the person making the inspection is

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competent and qualified to make such inspection as a representative of the lessee.

008.02E The lessee shall identify the leased equipment or vehicle during the duration of the lease ~~in accordance with 004~~. Before relinquishing possession of the equipment or vehicle to the lessor, the lessee shall remove any ~~legend,~~ PSC plates or other signs displayed on such equipment or vehicle showing it as the operating carrier. ~~If a removable device is used to identify the lessee as the operating carrier, such device shall be on durable material such as wood, metal, or plastic.~~ When a power unit owned by a lessor holding operating authority from the Commission is leased, the PSC plates and the cab card belonging to the lessor may remain on~~/~~or in the power unit.

008.02F Before any person other than a regular employee of the lessee is assigned to drive the equipment or vehicle operated under these rules, the lessee shall make certain that the driver is familiar with, and that employment does not result in any violation of ~~the provisions of~~ section 005 of these rules. The driver shall furnish to the lessee a certificate of physical examination in accordance with section ~~005.02~~ 005.03 of these rules.

008.02G Each lessee who ~~utilizes~~ uses equipment or vehicle under these rules shall prepare and retain for one year, a document covering each trip for which the equipment or vehicle is used. This document ~~will~~ shall contain the name and address of the lessor, the point of origin, the commodity carried, if any, the time and date of departure, the point of final destination, and the lessee's certificate or permit number which has been affixed to the equipment or vehicle. Bills of lading, way-bills, freight-bills, manifests, or other paper identifying the lading ~~will~~ shall be carried on the equipment or vehicle during use. ~~These documents will clearly indicate that the property carried is under lessee's responsibility.~~ Copies of these documents ~~will~~ shall be kept by the lessee for not less than three (3) years.

002.08H The use of leased equipment shall not change operations or the relations of the parties involved as they relate to the jurisdiction and control of the Commission. The lessee shall continue to remain responsible to the Commission and shall answer to the Commission for the performance of its common or contract carrier's responsibilities and for the conduct of any of the drivers with whom it has a lease.

008.03 Interchange of Equipment: For the purposes of this section, the common or contract carrier leasing the equipment to another common or contract carrier is referred to as the transferor, and the common or contract carrier which takes possession of the equipment ~~in the interchange is~~ shall be referred to as the transferee. Common or contract carriers may interchange equipment with one or more ~~other~~ common or contract carriers only under the following conditions:

008.03A Written Agreement: The written contract, lease or other arrangement providing for interchange, hereinafter, ~~referred to as~~ the written agreement, shall specify in a readily apparent manner that it is an interchange agreement and shall:

008.03A1 Describe specifically the equipment to be interchanged and specify the point or points at which the interchange is ~~to take place,~~ to occur.

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008.03A2 Specify the use to be made of the equipment and the consideration for the use.

008.03A3 Be signed by the parties to the written agreement or their duly authorized agents. ~~and~~

008.03A4 Be executed in quadruplicate, with all copies filed with the Commission to be stamped for approval. One copy ~~will~~ shall be retained by the Commission and the other three returned to the transferee. The transferee shall retain one copy for itself, carry one copy on the equipment and send the remaining copy to the transferor for retention.

008.03B In order to engage in the interchange of equipment, the certificates or permits held by transferee and transferor must authorize the transportation of the commodities proposed to be transported ~~in the movement,~~ and must authorize service from and to the point where the physical interchange occurs.

008.03C Traffic transported under interchange service ~~will~~ shall move by means of through bills of lading issued by the originating carrier, and the rates charged and revenues collected must be accounted for in the same manner as if there had been no interchange of equipment. Charges for the use of the equipment ~~will~~ shall be kept separate and distinct from the divisions of the joint rates or the proportions thereof accruing to the carriers.

008.03D The transferee shall have the equipment inspected in the manner provided for in section 008.02D of these rules. Equipment which does not comply with the safety regulations ~~will~~ shall not be operated until the defects have been corrected.

008.03E A common or contract carrier which operates a power unit in interchange service as the transferee shall identify such equipment in accordance with ~~004~~ these rules. Upon completion of the interchange agreement, the transferee shall remove any PSC plate, legend, or signs showing the transferee as the operating carrier before relinquishing possession of the equipment.

008.03F A PSC plate need not be purchased by the transferee if the PSC plate purchased for the power unit by the transferor remains on the power unit.

008.03G The transferee of equipment on a through movement involving two or more carriers ~~will~~ shall be considered the owner of the equipment for the purpose of leasing the equipment for movement to destination or return to the originating carrier.

~~008.04 Single Source Leasing: A regulated lessor or unregulated lessor may lease equipment and driver(s) to a shipper which is not a motor carrier without being in violation of Chapter 75, articles 1 and 3 of the Nebraska statutes, as amended, and the provisions of these rules, provided the lessor leases its equipment and driver(s) in accordance with the following criteria which the commission has established to determine whether a shipper is a private carrier bearing the characteristic burdens of transportation and is operating without violating the Motor Carrier Act. These minimum criteria must be met in a lease of equipment and driver(s) to a shipper in order to have the arrangement viewed as private carriage conducted by the shipper lessee. If actual operations conducted under the lease accurately reflect the established criteria, a~~

~~presumption will arise that the transportation being performed is private carriage controlled by the shipper. This presumption may be rebutted with a showing that actual operations, in any respect, tend to weaken the control and responsibility required of a shipper lessee when conducting transportation operations with equipment and driver(s) leased from a single source.~~

~~008.04A The lease must be in writing;~~

~~008.04B The term of the lease must be at least 30 days;~~

~~008.04C The lease agreement must provide, and the surrounding facts must reflect, that the leased equipment and driver(s) are exclusively committed to the lessee's use for the term of the lease and for any purpose consistent with the provisions of the lease;~~

~~008.04D The lease agreement must provide, and the surrounding facts and actual operations must show, that the lessee:~~

~~008.04D1 Accepts, possesses and exercises exclusive dominion and control over the transportation service;~~

~~008.04D2 Assumes responsibility for the operation of the equipment during the term of the lease; and~~

~~008.04D3 Displays identification on the leased equipment showing the lessee to be the operator. If a removable device is used to identify the lessee as the operating carrier, such device shall be on durable material such as wood, metal, or plastic.~~

~~008.04E The lessor or lessee shall maintain public liability insurance in amounts required by law and, in the absence of such insurance coverage, the lessee shall accept responsibility to the public for any injury to persons or damage to property sustained during the performance of any transportation with leased equipment and drivers;~~

~~008.04E1 The lessor or lessee must make a Form E insurance filing, a Form G surety bond filing with the commission, or provide the commission with proof of self insurance satisfying the provisions of 006 prior to any operation.~~

~~008.04F The lessee must accept responsibility for, and bear the cost of, compliance with safety regulations and other requirements imposed by federal, state and local agencies during performance by it of any transportation service.~~

~~008.04G The lessor or lessee agrees to maintain in effect, throughout the period of the lease, adequate cargo loss and damage insurance coverage covering the property being transported and, in the absence of such insurance coverage, the lessee remains liable for such cargo damage and/or loss.~~

~~008.04H The parties to the lease must comply with the applicable Nebraska Sales Tax/Use Tax statutes and Department of Revenue regulations.~~

~~008.04I The following language, inserted into a lease of equipment and driver(s) between a lessor and a shipper or private carrier, meets the criteria specified in this rule for the~~

~~performance of private carriage by a shipper or private carrier utilizing unregulated equipment and drivers from a single source, and raises a rebuttable presumption of private carriage, exempt from commission jurisdiction.~~

~~008.04I1 The period for which the lease applies shall be for 30 days or more;~~

~~008.04I2 The equipment and driver(s) subject to the lease shall be exclusively committed to the Lessee's use for the term of the lease;~~

~~008.04I3 During the term of the lease, the Lessee shall accept, possess, and exercise exclusive dominion and control over the leased equipment and driver(s). The Lessee shall further assume complete responsibility for the operation of the equipment;~~

~~008.04I4 The Lessor or Lessee shall maintain public liability insurance, in amounts required by law and, in the absence of such insurance coverage, the Lessee shall otherwise accept responsibility to the public for any injury to persons or damage to property sustained during the performance by it of any transportation with leased equipment and drivers;~~

~~008.04I5 The Lessee agrees to display appropriate identification on all equipment leased by it, showing operation by the Lessee during the performance of such transportation;~~

~~008.04I6 During performance by it of transportation, the Lessee shall accept responsibility for, and bear the cost of, compliance with safety and other requirements imposed by federal, state and local agencies. This includes, but shall not be limited to, compliance with driver's hours-of-service rules, driver licensing, acquisition of applicable permits, and length and weight requirements;~~

~~008.04I7 The Lessor or Lessee agrees to maintain in effect, throughout the period of the lease, adequate cargo loss and damage insurance coverage covering the property being transported and, in the absence of such insurance coverage, the Lessee shall remain liable for such cargo damage and/or loss; and~~

~~008.04I8 The parties to the lease shall comply with the applicable Nebraska Sales Tax/Use Tax statutes and Department of Revenue regulations.~~

~~008.04J The lease shall be:~~

~~008.04J1 Executed in quadruplicate, with all copies filed with the commission to be stamped for approval; one copy will be retained by the commission and the other three returned to the lessee; the lessee shall retain one copy for itself, carry one copy on the equipment and send the remaining copy to the lessor for retention;~~

~~008.04J2 The parties to a single source lease may specify the compensation for the lease arrangement in an appendix to which the lease makes reference. The appendix need not be filed with commission. However, the commission reserves the opportunity to examine the appendix upon demand.~~

~~008.04K The commission shall examine all surrounding facts and circumstances and the actual conduct of operations under the lease to ascertain if the true substance of the arrangement is in accord with that recited in the formal lease.~~

~~009 C.O.D. REGULATIONS AND FORMS:~~

~~009.01 Bond Required: A bond in the amount of $2,500 protecting the shipper, the originating and the intermediate carriers will be required of all common carriers of property intrastate in Nebraska handling C.O.D. shipments and a certificate signed by the authorized representative of the bonding company will be filed with the Commission.~~

~~009.02 Monthly Reports: Monthly reports will be made to the Commission pertaining to C.O.D. collections which have not been remitted within the ten day period allowed and said reports shall contain the following information as to each such unremitted collection:~~

~~009.02A Date of Bill of Lading.~~

~~009.02B Name and address of shipper or other person designated as payee.~~

~~009.02C Name and address of consignee.~~

~~009.02D Amount of C.O.D. collection.~~

~~009.02E Date collected by delivering carrier.~~

~~009.02F Reason for failure to remit within ten days after collection.~~

~~009.03 Manner of C.O.D. Payment: All C.O.D. collections will be made only in cash, certified check, postal or express money order, bank draft or cashier's check, for the amount designated on the bill of lading or other shipping papers and will be made payable to the shipper or party entitled to receive the returns as determined from bills of lading. If shipment is handled in an interline movement, such certified check, postal or express money order, bank draft, or cashier's check will be forwarded directly to the shipper, consignor, or other person designated payee. The recipient will notify the originating carrier of the remittance so that the carrier may properly clear its records.~~

~~009.04 Forms: The surety company will file with the commission the Certificate of Motor Carrier C.O.D. Remittance Bond on Form M 16. One copy will be retained by the commission, one copy will be sent to the principal, and one copy will be returned to the surety company.~~

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009 BUSES: The following provisions pertain only to carriers providing bus service as defined in rule 003.01A et seq.:

009.01 Refusal to Carry: No driver of any vehicle which transports passengers shall refuse to carry any person offering himself or herself for carriage at any time at any regular stopping place who tenders the regular fare to any regular stopping place on the route of such carrier, or between the termini of the route, unless at the same time of such offer the vehicle is fully occupied or unless the person tendering such fare is intoxicated or acting in a disorderly manner.

009.02 Trailers: Unless specifically authorized in writing by the Commission, no carrier shall transport passengers in a vehicle with any trailer or other vehicle attached, except in a case where a vehicle has become disabled while on a trip and is unable to run on its own power, such disabled vehicle may be towed to a point where repair facilities are available.

009.03 Aisles: Drivers shall at all times keep the aisles from front to rear of their buses free from obstructions of any kind, and shall not permit passengers to ride on any other part of the vehicle other than the seats while the vehicle is in motion except in an emergency. Passengers shall not be allowed in front of a two inch (2") wide white line which shall be painted on the floor of each vehicle immediately behind the driver's seat. Each vehicle shall have a notice visible at the front of the vehicle that passengers must remain behind the white line.

009.04 Heat: Vehicles used to transport passengers shall be equipped with a heating system sufficient to keep the vehicle comfortable for its passengers.

009.05 Lighting: Vehicles shall be equipped with lights of not less than two candle power within the vehicle and so arranged as to light up the whole of the interior except that portion occupied by the driver.

009.06 Emergency Exit Doors: All vehicles with a seating capacity of eight (8) or more passengers shall have emergency exits either in the form of push out windows, or a door on the opposite side of the vehicle entry or at the rear of the vehicle. The door shall be equipped with a latch which may be readily operated in an emergency. There shall be no obstructions, either inside or outside, which would prevent the door from being opened. The exits shall be easily accessible to passengers.

009.07 Timetables: Each carrier who transports passengers in regular scheduled service shall file with the Commission prior to commencing operations, a timetable or schedule showing the time of arrival or departure of its vehicles at each point of the route and the number of trips made daily. When any change is made in the table or schedule, a new table or schedule shall be filed with the Commission. All time schedules and revisions shall be filed with the Commission not less than ten (10) days prior to the proposed effective date unless otherwise authorized by the Commission. No time schedule or revision shall be effective until approved by the Commission.

009.08 Charter Service and Special Party Service: The following provisions apply only to charter service and special party service as designated.

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009.08A No charter or special party service shall be conducted between the same points or over the same route so frequently as to be construed as a regular or scheduled service.

009.08B Special party service shall not be conducted between points on the route of another route so frequently as to be construed as a regular or scheduled service.

009.08C Carriers holding certificates restricted to charter service or sightseeing operations shall be prohibited from conducting special party operations.

009.08D Each vehicle used in charter or special party service shall be so designated by a sign on the front of the vehicle used for such service.

009.08E Each carrier conducting charter or special party service shall file with the Commission a tariff of rates for the transportation of parties and charges for dead head mileage which shall be approved by the Commission prior to implementation. The tariff shall also indicate at which points the carrier has equipment available for charter party service. No equipment shall be held out as available at any non-authorized point.

010 ~~TAXICABS AND LIMOUSINES~~ PROVISIONS APPLICABLE TO TRANSPORTATION OF PASSENGERS: The following provisions shall be applicable to the transportation of passengers as designated within this section.

~~010.01 Taxi, Limousine and Open Class Services: For purposes of these rules:~~

~~010.01A Taxi service shall consist of all of the following elements: (i) the business of carrying passengers for hire by a vehicle, subject to the provisions of Rule 011.01D, (ii) along the most direct route between the points of origin and destination or a route under the control of the person who hired the vehicle and not over a defined regular route, (iii) on a prearranged or demand basis, (iv) at a metered, mileage based or per trip fare according to the provisions of 011.01F, (v) commencing within, and/or restricted to, a defined geographic area.~~ THIS RULE NOW NUMBERED AS 003.01E.

~~010.01B Limousine service shall consist of all of the following elements: (i) the business of carrying passengers for hire by a vehicle, (ii) along a route under the control of the person who hired the vehicle and not over a defined regular route, (iii) on a prearranged and not on a demand basis, (iv) at a premium fare.~~ THIS RULE NOW NUMBERED AS 003.01C.

~~010.01C Open class service shall consist of all of the following elements: (i) the business of carrying passengers for hire by a vehicle, (ii) along the most direct route between the points of origin and destination or along a route under the control of the person who hired the vehicle and not over a defined regular route, (iii) at a mileage based or per trip fare.~~ THIS RULE NOW NUMBERED AS 003.01D.

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~~010.02 In addition to the other applicable Motor Carrier Rules in Chapter 3, the following provisions apply to the provision of taxi, limousine and open class service, unless otherwise specified:~~

010.01 Provisions applicable to all classifications of passenger transportation: In addition to the other applicable Motor Carrier rules in this chapter, the following provisions shall be applicable to all classifications of service for the transportation of passengers:

~~010.02A The Commission may, based on the record before it in an application proceeding, restrict the authority granted by type of vehicle, geographic territory, commencement point or termination point, or on any other lawful factor which the Commission may determine is necessary and reasonable and in the public interest.~~ THIS RULE NOW NUMBERED AS 003.02A.

~~010.02B No carrier shall transport railroad crews or their baggage absent a special designation from the Commission giving such carrier the authority to transport such crews and their baggage.~~ THIS RULE NOW NUMBERED AS 003.02B.

~~010.02C No carrier shall transport passengers under contract with the Nebraska Department of Health and Human Services ("HHS") or any contractors of HHS absent specific authorization from the Commission. In order to receive such authorization, the applying carrier must demonstrate that such authorization is or will be required by the present or future convenience and necessity separate and apart from the present or future convenience and necessity demonstrated on the underlying certificate of authority. Authorization to transport HHS clientele shall not be available or granted to carriers that only have Limousine Service authority.~~ THIS RULE NOW NUMBERED AS 003.02C.

010.01A ~~010.02D~~ Vehicle Title: All ~~taxicabs and limousines~~ vehicles shall be owned by, and registered in, the name of the certificate holder, except that the certificate holder may engage in equipment leasing as provided by these rules. ~~008.02.~~

010.01B ~~010.02E~~ If a person applies for carriage and is willing and able to tender the fare, each operator shall convey such person to ~~his or her~~ the person's destination~~,~~ unless:

~~010.02E1 The vehicle is already engaged;~~

010.01B1 ~~010.02E2~~ The passenger is in such condition of ~~health or~~ uncleanliness that carriage in ~~such~~ the vehicle would be a violation of any law.

010.01B2 ~~010.02E3~~ The ~~sobriety or~~ behavior of the passenger is such that ~~he or she~~ the person poses a safety risk to the operator, other passengers, or the vehicle is in danger of being damaged~~; or~~.

010.01B3 ~~010.02E4~~ The point of origin or destination or immediate approach ~~thereto~~ is impassable or dangerous. ~~by reason of any major unforeseen eventuality~~.

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010.01C ~~010.02F Operators may solicit passengers only at city established taxicab stands, while seated in the drivers seat, or while standing beside the vehicle. Passengers will not be solicited by outcries or hawking.~~ In addition to complying with the minimum qualifications for driving a motor vehicle subject to Commission jurisdiction, all operators shall:

010.01C1 Be competent to conduct the applicable transportation service safely and courteously.

010.01C2 Not smoke inside the vehicle.

010.01C3 Shall be within the ages of twenty-one (21) and seventy (70) except that the Commission may waive the maximum age limit for an operator who is over seventy (70) if the carrier desiring to employ the operator can show that the operator is insurable, has no medical or other disability which prevents him or her from safely operating the vehicle and has a satisfactory driving record. Any such waiver shall be in writing and renewed annually. Any application for waiver or renewal shall be accompanied by a medical certificate required by rule 005.02.

~~010.02G Hours of Service: Notwithstanding 005.05, no driver of a taxicab or limousine shall operate one or more vehicles for a period of more than twelve (12) hours during each twenty four (24) hour period, except when such vehicle is employed to transport a passenger to a point outside the local community.~~

~~010.02H In addition to complying with the minimum qualifications for driving a motor vehicle subject to commission jurisdiction required by 005.01, all operators shall:~~

~~010.02H1 Be competent to conduct the service carefully and courteously;~~

~~010.02H2 Not smoke while transporting passengers, except with their permission;~~

~~010.02H3 Notwithstanding 005.01E, be within the ages of twenty-one (21) and seventy (70); except that the Commission may waive this provision for an operator who has reached his or her seventy first (71) birth date if the taxicab or limousine carrier desiring to employ the operator can show that such operator is insurable, has no medical or other disability which prevents him or her from safely and effectively operating the taxicab or limousine, and has a driving record satisfactory to the commission. Any such waiver obtained shall be renewed annually thereafter and shall be accompanied by an annual medical certificate complying with the provisions of 005.02; and~~

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~~010.02H4 Comply with all applicable municipal ordinances relating to the qualification of taxicab operators, which are not in conflict with the provisions herein.~~

~~010.02I Both taxicabs and limousines shall be operated with a PSC plate attached to each vehicle in compliance with 004.03B1.~~

~~010.02J Each vehicle at all times shall be kept in proper physical and mechanical condition so as to render safe and comfortable public service, as may be determined by the commission.~~

010.01D ~~010.02K~~ Lost articles: Each ~~taxicab and limousine~~ carrier shall retain articles left in vehicles by passengers for not less than thirty (30) days. Upon request from any passenger, the carrier shall make a reasonable search for any article believed to have been left in a vehicle.

~~010.02L Taxicab and Limousine carriers shall institute aggressive safety programs and regularly instruct all operators on applicable safety ordinances and statutes.~~

~~010.02M Representatives of the Commission, upon displaying identification, may at any time enter the carrier's operating premises or into or upon such vehicle to ascertain whether any statute, rule, or regulation has been violated.~~

~~010.02M1 If a vehicle is found to be in violation, the vehicle may be ordered out of service for deficiency correction and the vehicle shall not resume operation until the deficiency is corrected.~~

~~010.02N Regardless of whether a limousine or taxicab carrier must file with the Commission the Accounting and Statistical Information required by 007, the carrier shall, at the end of each calendar year, prepare and retain at its operating premises an annual report showing the revenues and expenses for the year, and the property owned, including leased motor vehicle equipment, together with the other information required by the commission in 007.~~

010.01E ~~010.02O~~ Trip Log: ~~Limousine~~ All carriers shall maintain a trip log~~.~~ which shall contain the information prescribed in this section. Such log shall be completed following the delivery of the passenger to his or her destination and signed by the driver. The Commission may, upon application and written approval, allow for electronic filing and storing of the information required in this section provided that all of the information herein prescribed is included except that the full name of the driver may be filed in place of the signature. All records required by this section shall be retained by the carrier for a period of two (2) years from the date of the transportation of the passenger.

~~010.02O1 The log shall contain the following information:~~

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010.01E1 ~~010.02O1a~~ The name of the individual engaging ~~the limousine~~ or hiring the vehicle and his or her address.

010.01E2 ~~010.02O1b~~ The address of the point where the passenger was picked up ~~of pickup~~ and the point of destination and the times they occurred.

~~010.02O1c The hours of service contracted for; and~~

010.01E3 ~~010.02O1d~~ The amount charged and collected.

~~010.02O2 All entries shall be made legibly and shall be signed by the driver at the conclusion of the carriage service. Such records shall be retained by the limousine carrier for two (2) years from the date they are made.~~

~~010.02O3 Upon proper application or petition from a limousine carrier, the Commission may waive the provisions of 010.01L provided the limousine carrier keeps records of a similar nature showing the points of origin and destination, the date and time the limousine was dispatched, and the name and address of the individual engaging the limousine.~~

010.01F Receipt: Upon demand of any passenger, a receipt for services shall be given at the time of payment. Such receipt shall contain the name of the company, the name of the operator, the vehicle fleet number, the total amount paid, and the date of payment.

~~010.02P Each vehicle used as a limousine shall be a closed sedan; except that upon showing that a different vehicle will serve as well or better, the commission may waive this requirement and issue an PSC plate.~~

~~010.02Q The provisions of 004.04 do not apply to limousine carriers.~~

010.01G Complaints: Every vehicle shall have a notice posted, clearly legible and visible from the passenger compartment, which reads:

"DIRECT COMPLAINTS REGARDING THE OPERATION
OF THIS VEHICLE TO:
The Nebraska Public Service Commission
300 The Atrium, 1200 N Street
Lincoln, Nebraska 68508
1-800-526-0017 (Nebraska)
1-402-471-3101 (Lincoln)"

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010.02 Provisions Applicable Only to Those Carriers Providing Taxicab Service: The following provisions apply only to those carriers who are authorized to provide taxicab service:

010.02A If a person applies for carriage and is willing and able to tender the fare, the operator shall convey such person to his or her destination subject to rule 010.01B, or unless the vehicle is already engaged.

010.02B Operators may solicit passengers only at taxicab stands established by the city, while seated in the driver's seat, or while standing beside the vehicle. Passengers shall not be solicited by outcries or hawking.

010.02C Carriers shall comply with all applicable municipal ordinances relating to the qualification of taxicab operators which are not in conflict with these rules.

010.02D The number of passengers carried by a vehicle shall not exceed seven persons, including the driver, or the rated capacity of such vehicle as prescribed by the maker of the vehicle, whichever is smaller. Whenever any vehicle is occupied by a fare-paying passenger, the operator shall not permit any other person to occupy the vehicle except with the consent of the fare-paying passenger. Passengers shall be informed of this provision by a card, posted inside the vehicle, stating the schedule of rates and charges for the vicinity in which the vehicle is operated and in the following form:

~~011 PROVISOINS FOR TAXICABS ONLY:~~

~~011.01 The following provisions apply to the operations of taxicabs only:~~

~~011.01A No more than seven persons, including the driver, will be carried in any vehicle. Whenever any vehicle is occupied by a fare-paying passenger, the operator shall permit no other person to occupy the vehicle except with the consent of the fare-paying passenger. Passengers will be informed of this provision by a card, posted inside the vehicle, stating the schedule of rates and charges for that vicinity, and in the following form:~~

"FOR YOUR PROTECTION:

You, as the first passenger in this taxicab, are the one to decide who ~~will~~ shall ride with you. Unless it is at your request or with your consent, this cab driver is prohibited by law from accepting additional passengers. Schedule of rates authorized for taxicabs operating in (Name of Town) is (Copy from commission order setting rates for that vicinity).

(Name of Company)."

~~011.01B~~ 010.02E Each vehicle ~~will~~ shall be operated over the most direct ~~and reasonable~~ route from point of ~~pickup of passengers~~ passenger pickup to the point of destination of passengers.

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~~011.01C~~ 010.02F ~~Notwithstanding the provisions of 004.04, each taxicab~~ Each carrier shall have its full or trade name and assigned ~~"B"~~ application number permanently placed on each side of the ~~taxicab~~ vehicle in letters at least two inches (2") high. The word "taxicab" shall also appear conspicuously on the sides of the vehicle unless the word "cab", "taxi" or "taxicab" is included within the name of the carrier. The fleet number of each vehicle shall be displayed in figures not less than two inches (2") high in the forward part of the passenger compartment and also on the sides and rear of each vehicle. None of the markings described in this ~~subdivision~~ rule shall be placed on any glass or on the bumper of the ~~taxicab~~ vehicle.

~~011.01D Each vehicle used as a taxicab shall be a four door, closed sedan; except, that upon showing that a different vehicle will serve as well or better, the Commission may waive this requirement.~~

~~011.01E~~ 010.02G Each vehicle shall be equipped with:

~~011.01E1~~ 010.02G1 A dome light within the passenger compartment of the vehicle capable of being turned on or off by passengers, or controlled by operation of the doors~~; and~~.

~~011.01E2~~ 010.02G2 An identity light attached to the top of the vehicle. The light shall be in one unit consisting of an illuminated plate or cylinder upon which is printed the word "taxicab", "taxi", "cab", "for hire", or the owner's trade name. The size of such light shall not exceed eight inches (8") in height nor twenty-three inches (23") in length. ~~Loading~~ Loaded or bug lights may be attached to the upper portion of a vehicle. If used, such lights shall be smaller than the identity light and shall be illuminated when the vehicle is engaged.

~~011.01F~~ 010.02H A carrier which operates in municipalities of fifteen thousand (15,000) persons or more, as determined by the official U.S. Census, or between municipalities not more than five (5) miles apart, whose aggregate population exceeds fifteen thousand (15,000) persons, shall equip its vehicles with taximeters ~~satisfactory to the Commission~~. The Commission may, at any time, require any carrier operating in any community of less than fifteen thousand (15,000) persons ~~population~~ to equip its vehicles with taximeters. Taximeters are subject to the following specifications:

~~011.01F1~~ 010.02H1 No taximeter shall be operated without first having been inspected, tested, approved and sealed by ~~a representative of the Commission~~ the Commission or a duly authorized representative of the taxicab company.

~~011.01F2~~ 010.02H2 Each meter shall be sealed during the time the vehicle is in the service of the taxicab carrier. Each meter shall be sealed with either a wire and lead seal bearing the letters "NPSC," or, at the

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discretion of the Commission representative, with a sticker bearing the letters "NPSC." This seal ~~will~~ shall be affixed only by a person duly authorized by the Commission.

~~011.01F3~~ 010.02H3 Taximeters shall be mounted and connected to the transmission or speedometer in an approved manner. ~~In case of dashboard mounting,~~ Where mounted on the dashboard of a vehicle, the meter shall be located so as not to obstruct the view of the operator or cause undue hazard to passengers. All taximeters shall be placed so that the dial or faceplate showing the amount charged is well lighted and readily visible to passengers riding in the vehicle.

~~011.01F4~~ 010.02H4 Periodic tests of meters shall be made by ~~representatives of~~ the Commission. A meter with an error in registration not exceeding three percent (3%) of the distance covered by each meter drop shall be considered correct and accurate. Otherwise, the requirements for approval of, and methods for, testing the taximeters ~~will~~ shall conform to ~~"Specifications and Tolerances of Taximeters" as set out in~~ specifications established by the National Bureau of Standards. ~~Handbook, H44, 2nd Ed., 1955, as amended~~.

~~011.01F5~~ 010.02H5 After a meter has been tested, approved and sealed, a different tire size shall not be affixed to the vehicle without re-testing the meter.

~~011.01F6~~ 010.02I Each ~~taxicab~~ vehicle shall be equipped with a device ~~or devices:~~ visible to the public from the outside of the vehicle which indicates whether it is in service or for hire and a device visible to a passenger inside which indicates whether the taximeter is in position to record a fare.

~~011.01F6a Visible to the public from the outside of the taxicab which indicates whether it is in service or for hire; and~~

~~011.01F6b Visible to a passenger inside the taxicab which indicates whether the taximeter is in position to record a fare.~~

010.02J Each operator shall be identified by a card, displayed in full view of the passengers, bearing the name and photograph of the operator and the taxicab carrier's address.

010.02K No vehicle shall be equipped with shades, curtains, or window-tinting which shields the occupants or the operator from observation.

010.03 Provisions That Apply to the Transportation Contractors of the Department of Health and Human Services and Like Agencies: A contractor of the Nebraska Department of Health and Human Services, hereinafter, the Department, or any of the agencies contracting with the Department, or for any agency organized under the Nebraska Community Aging Services Act, who is not certificated or permitted by the Commission providing

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transportation for the Department or such agencies shall certify on a form provided by the Commission that the provider meets the minimum operator standards, insurance requirements and equipment standards prescribed by the Commission in these rules.

010.03A Driver requirements: A Department transportation provider must certify that:

010.03A1 The person is the individual who shall personally drive the vehicle in question.

010.03A2 The person is at least nineteen (19) years of age or an emancipated minor.

010.03A3 The person possesses a current operator's permit issued by any state.

010.03A4 The person has knowledge of Nebraska state and local traffic rules and the rules of the road.

010.03A5 The person has no more than three (3) points assigned against their driver's license.

010.03A6 The person shall not smoke in the vehicle.

010.03A7 The person is competent to conduct the service carefully and dependably.

010.03A8 The person does not use illegal drugs.

010.03A9 The person is not aware of any mental or physical limitation which would impose a threat to the health or well-being of the passengers.

010.03B Insurance: A Department provider must maintain the minimum automobile liability insurance coverage as required by these rules and state law.

010.03C Equipment Standards: A Department transportation provider must certify that:

010.03C1 The person has current and valid plates and registration.

010.03C2 The person shall ensure that each vehicle shall, at all times, be kept in proper physical and mechanical condition including, but not limited to, operable seat belts, turn signals, lights and horn, child passenger restraint devices as required by law, and comfortable temperature and ventilation conditions.

010.03D Self-Certification: All such self-certification filings shall be made with the Commission and filed for record and be available for public inspection during the regular business hours of the Commission. Such filings shall be continuous in nature unless canceled by the Department.

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010.03E The Commission shall, upon application of any certificated motor carrier or the Department, hear any dispute between the same with regard to the contested ability of the motor carrier to provide a specific service in a given case. The parties may agree to an informal conference between the carrier, the Department, and the Commission to facilitate a mutually agreeable resolution. If the parties cannot come to an agreement, either party may file a formal complaint with the Commission in a manner provided for in the rules of Commission procedure.

011 VOLUNTARY SUSPENSIONS: Certificated motor carriers seeking to suspend service pursuant to Neb. Rev. Stat. §75-316, must apply for and obtain Commission approval of such suspension. The certificated motor carrier must provide the Commission with an application identifying the certificate of public convenience and necessity held by said motor carrier and setting forth the length of time the carrier wishes to place its authority under voluntary suspension. The Commission may approve the carrier's request for the time period requested for a period not exceeding a twelve (12) month increment. In no event shall the carrier's authority be suspended for more than twenty-four (24) consecutive months.

~~011.01G Trip Sheets.~~

~~011.01G1 The operator of each taxicab shall keep a trip sheet upon which the driver shall enter for each engagement the points of origin and destination, the time of beginning and completion, the fare collected, the number of passengers, and the fleet number of the taxicab being operated. The trip sheet shall be immediately completed after each engagement. All entries will be made legibly and the trip sheet will be signed by the driver.~~

~~011.01G2 Such records shall be retained for two years from the date they are made. However, upon proper application or petition from a taxicab carrier, the Commission may waive this provision provided the taxicab carrier keeps records of a similar nature showing the points of origin and destination, the time the taxicab was dispatched, the fleet number of the taxicab being operated, and such records are maintained for a period of two years from the date they are made.~~

~~011.01H Each operator shall be identified by a card, displayed in full view of the passengers, bearing the operator's name and photograph and the taxicab carrier's address; and be further identified by some distinguishing article of uniform. Such uniform design is left to the discretion of the carrier.~~

~~011.01I No taxicab will be equipped with shades, curtains, or window tinting which shields the occupants or the operator from observation.~~

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~~011.01J Upon demand of any passenger, a receipt for services will be delivered at the time of payment. Such receipt will contain the name of the company, the name of the operator, the vehicle fleet number, the total amount paid and the date of payment.~~

~~011.01K Every taxicab shall have a notice posted, clearly legible and visible from inside the passenger compartment, which reads:~~

~~"DIRECT COMPLAINTS REGARDING THE OPERATION OF THIS TAXICAB TO:~~
~~Nebraska Public Service Commission~~
~~300 The Atrium, 1200 N Street~~
~~Lincoln, Nebraska 68508~~
~~1-800-526-0017 (Nebraska Only)~~
~~1 402 471 3101 (Lincoln)~~

~~012 CONTRACT AND CHARTER SERVICE:~~

~~012.01 The provisions of 012 will apply to all charter and special party carriers or contract carriers of property or passengers.~~

~~012.02 Contract Carriers: The provisions of this sub-section will apply only to carriers transporting property or passengers under contract agreements with a single or limited number of shippers for a series of transportation services over a period of time rather than a single shipment. These carriers are those who do not hold themselves out to serve the public generally.~~

~~012.02A A true copy of every contract for transportation services by a carrier subject to the provisions of this subsection will be filed with the Commission before any transportation begins thereunder. Contracts will be preserved by the carriers so long as such contracts are in force, and for at least one year thereafter.~~

~~012.02B The contract will be between the carrier and the person who pays the transportation charges, who must be either the consignor or consignee.~~

~~012.02C The contract will:~~

~~012.02C1 Be in writing;~~

~~012.02C2 Provide for transportation for a particular shipper or shippers;~~

~~012.02C3 Cover a series of shipments during a stated period of time in contrast to contracts of carriage governing individual shipments; and~~

~~012.02C4 Be bilateral and impose specific obligations upon both carrier and shipper or shippers.~~

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~~012.02D Schedules:~~

~~012.02D1 Schedules containing the actual rates or charges of such carrier for the transportation of passengers or property in intrastate commerce will be filed with and approved by the Commission, published, posted, and kept open for public inspection. In the event such rates are changed after a permit is issued, the carrier shall file a new schedule with the Commission 10 days before the effective date of such rates or charges.~~

~~012.02D2 Each contract carrier shall maintain a document covering each shipment, and shall cause to be shown on the face of each document (be it freight bill, bill of lading, shipping manifest, or other document) the following:~~

~~012.02D2a The names of the consignor and consignee;~~

~~012.02D2b The date of the shipment;~~

~~012.02D2c The number of packages, description of the articles, and weight, volume or measurement of the property (if the lawfully applicable rates or charges are published to apply per unit of weight, volume or measurement);~~

~~012.02D2d The exact rate or rates assessed; and,~~

~~012.02D2e The total charges to be collected including a statement of the nature and amount of any charges for special service and the points at which the special service was rendered.~~

~~012.03 Charter and Special Party Service: The provisions of this section will apply only to carriers of charter parties (groups of seven or more persons who collectively contract for transportation on a particular trip, paying one lump sum) and special parties (groups of persons who individually contract for transportation to a common destination, each person paying an individual sum).~~

~~012.03A A common carrier may originate charter service at any point on its regular route, and at any point not served by another carrier within five miles of its regular route. Points more than five miles from the regular route of any other carrier will be open territory for the purpose of originating charter service.~~

~~012.03B Charter or special parties may be transported to any point in this state; except that carriers authorized to transport passengers wholly within a five mile radius of the limits of any city shall be prohibited from conducting parties to points beyond a 15 mile radius of such city limits.~~

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~~012.03C No charter or special party operations will be conducted between the same points or over the same route so frequently as to constitute a regular or scheduled service.~~

~~012.03D Special party operations will not be conducted:~~

~~012.03D1 Between points on the route of another route carrier unless such route is also authorized in the certificate of the first carrier;~~

~~012.03D2 Within five miles of the corporate limits of any municipality if there is a certified carrier operating within that municipality.~~

~~012.03E Carriers holding certificates restricted to charter party or sightseeing operations will be prohibited from performing special party operations.~~

~~012.03F Each vehicle used in a charter or special party operation will be so designated by a sign on the front of such vehicle.~~

~~012.03G Each carrier shall file with the Commission a tariff of rates for the transportation of parties, and charges for dead head mileage which shall be approved by the Commission before it is implemented. The tariff will also indicate at what points the carrier has equipment available for charter party service. No equipment will be held out as available at any non-authorized point.~~

~~012.03H Each carrier shall prepare a report with the following contents, and file two copies of the same with the Commission; provided that a report in the form required by the Interstate Commerce Commission will satisfy the requirements of this section:~~

~~012.03H1 Name of carrier;~~

~~012.03H2 Business address;~~

~~012.03H3 Application Number;~~

~~012.03H4 B .....;~~

~~012.03H5 Service performed (charter, special);~~

~~012.03H6 Dates of trip;~~

~~012.03H7 Group or party served;~~

~~012.03H8 Route traveled (give full address or description);~~

~~012.03H9 Mileage (governed by National Mileage Guide A-251-C or successive issued thereof);~~

~~012.03H10 Fare or charge (itemize);~~

~~012.03H11 Public transportation available between the points served.~~

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~~013 INTERSTATE MOTOR CARRIER OPERATIONS:~~

~~013.01 Registration: The purpose of this section is to require motor carriers who conduct multi-state operations to register with the Commission the nature and extent of their operation in Nebraska.~~

~~013.02 Who Is Required to Register: Each ICC common or contract, private and exempt carrier who operates within Nebraska and who does not hold operating authority from the Commission must register with the Commission. Any common or contract carrier who operates within Nebraska in intrastate commerce and holds operating authority from this Commission will be exempt from the registration fee provided in Subsection 013.08C, but must pay the per vehicle fee prescribed for credentials on vehicles which do not display a PSC plate.~~

~~013.03 Registration Required: Each motor carrier required to register under Subsection 013.02 shall not operate within the borders of this state unless a current record of its authority issued by the ICC permitting operation within this state, or the nature and extent of its exempt or private carriage operations, is on file with this Commission. Each carrier must be in compliance with all other requirements of Section 013.~~

~~013.04 Authority Required: A motor carrier is required only to file that portion of its ICC authority, or nature and extent of its operations affecting this state, and must file a supplemental application reporting any change in name or scope of operation which affects this state.~~

~~013.05 Temporary and Emergency Authority: An ICC motor carrier will not be required to file with this Commission an emergency or temporary operating authority having a duration of 30 consecutive days or less if the carrier has registered its other authority and identified its vehicle or driveaway operation under the provisions of Subsection 013.03.~~

~~013.06 Temporary Permission: A carrier who did not anticipate passage through this state may make one trip and return, but such carrier will not be given additional authority until all the requirements of Section 013 have been met.~~

~~013.07 Duplicate Applications Required: Each application for interstate registration will be filed in duplicate with the agent.~~

~~013.08 Application Form and Fees:~~

~~013.08A The application for registration of operation and any supplemental applications must be filed on forms provided by the Commission.~~

~~013.08B The application must be duly completed and executed by an official of the motor carrier.~~

~~013.08C The original or supplemental application for registration must be accompanied by a fee of $25.00, unless the carrier is registered through a base state program which provides for an exemption from a registration fee.~~

~~013.08D An ICC regulated motor carrier must also submit, with its application for registration, a copy of its ICC operating authority.~~

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~~013.09 Vehicle Registration and Identification Credentials: An ICC motor carrier shall not operate a vehicle or engage in driveaway operations within this state unless the vehicle or driveaway operation has been registered and is in compliance with all other requirements of Section 013.~~

~~013.10 When Carrier Must Register: On or before the 31st day of December of each calendar year, but not earlier than the preceding first day of October, the motor carrier must apply to the agent for identification credentials for registration and identification of each vehicle it intends to operate, or driveaway operation it intends to conduct, within this state during the ensuing year. Credentials must be in the vehicle by February first for each vehicle operated prior to December 31st of the previous year.~~

~~013.11 Issuance of Credentials: At the time of registration, and thereafter at the time of annual renewal of the credentials, the appropriate amount will be billed to each carrier. The amount charged will depend upon the state of domicile of the carrier from the address shown on its application.~~

~~013.12 Credentials as Identification: An identification credential issued or assigned under the provisions of Subsection 013.10 will be used or the purpose of registering and identifying a vehicle or driveaway as being operated or conducted by an ICC motor carrier and will not be used to distinguish between a vehicle operated by the same motor carrier. A motor carrier who receives an identification credential under the provisions of Subsection 013.10 shall not knowingly permit the use of same by any other person or organization.~~

~~013.13 Leased Vehicles: Each unit leased for more than 30 days must have proof of the existence of a valid lease with the vehicle for which the lease exists.~~

~~013.14 Termination: The registration and identification of the vehicle or driveaway operation under the provisions of this section and the identification credential will become void on the first day of February in the succeeding calendar year unless such registration is terminated prior thereto.~~

~~013.15 Form and Fees: The application for an identification credential for an ICC regulated carrier and for an exempt or private carrier must be filed on the form provided by the Commission.~~

~~013.16 Identification Credential: The identification credential issued will bear its name or symbol and other distinctive markings or information as the Commission may deem appropriate.~~

~~013.17 Presentation of Credential: The identification credential will, upon demand, be presented by the driver to any authorized government personnel for inspection.~~

~~013.18 Interim Operation: Interim operations may be conducted by an applicant if the Commission fails to act upon any filing under any section of this article within 30 days after receipt of its application, proper forms, and appropriate fees due. The motor carrier, for whose benefit such filing was made, may begin operations within this state in such manner as would have been otherwise authorized if the filing had been acted upon favorably by the Commission within such 30 day period and such motor carrier may continue such operation under the provisions of~~

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~~this section until such time as the Commission acts upon such filing.~~

~~013.19 Insurance: Each ICC common or contract, private and exempt carrier shall comply with Section 006 of these rules and regulations or those included sections which apply to them and shall file the proper forms with their application, except no proof of cargo insurance need be submitted to qualify under the provisions of this section.~~

~~013.20 Nebraska Interstate Registration Agent: The agent may:~~

~~013.20A Collect an additional fee not to exceed fifty cents per motor vehicle registered.~~

~~013.20B Withdraw from the capacity and duties assigned to such agent upon 60 days written notice to the Commission; otherwise, the Commission may withdraw its approval of the agent upon 60 days written notice.~~

~~The agent shall:~~

~~013.20C Tender all Nebraska domiciled carrier applications to the Commission immediately upon receipt.~~

~~013.20D See that each application from non-Nebraska domiciled carriers tendered to the Commission is in proper form.~~

~~013.20E Deliver to the Commission offices immediately such applications as have reached the agent.~~

~~013.20F Submit to the Commission the fees which properly accompany non-Nebraska domiciled applications. Such fees shall be due at the time the application is tendered to the Commission for its approval.~~

~~013.21 Violations; Violations Declared Unlawful; Criminal Penalties; Civil Remedies: Any person knowingly and willfully violating any provision of the Nebraska State Statutes Sections 75-348 to 75-358, any rule or regulation of the Commission, or any term or condition of any registration, will be guilty of a Class IV misdemeanor and will also be subject to the provisions of the Nebraska State Statutes Sections 75-322.02 to 75-322.04. Each day of such violation shall constitute a separate offense.~~

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