

CS FOR HOUSE BILL NO. 259(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 2/9/18

Referred: Judiciary

Sponsor(s): REPRESENTATIVES STUTES, Tuck, Kito, Drummond, LeDoux

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to containing or confining loads being transported on highways."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 28.35.251(a) is amended to read:

4 (a) A person may not drive or move a motor vehicle loaded with any
5 material [SAND, GRAVEL, ROCK, OR SIMILAR MATERIALS] on a highway
6 unless

7 (1) the load is

8 (A) contained or confined to prevent the load from
9 (i) dropping, [SHIFTING,] leaking, or escaping; or
10 (ii) shifting on or within the vehicle to the extent that
11 the motor vehicle's stability or maneuverability is adversely
12 affected; or

13 (B) [, EXCEPT THAT SAND OR OTHER SUBSTANCES
14 MAY BE DROPPED, SPRINKLED, OR SPRAYED FOR THE PURPOSE
15 OF CLEANING OR MAINTAINING THE HIGHWAY OR PROVIDING

1 TRACTION; AND (2) THE LOAD IS] subjected to treatment by methods,
 2 approved by the commissioner of public safety by regulation, designed to settle
 3 the load or remove loose material before the vehicle is driven **or moved** on the
 4 highway; **or**

5 **(2) at least six inches of freeboard is maintained around the entire**
 6 **perimeter of a load consisting of sand, gravel, dirt, rock, or similar materials or**
 7 **the load is covered and securely fastened to prevent the cover from becoming**
 8 **loose or detached or from being a hazard to other users of the highway.**

9 * **Sec. 2.** AS 28.35.251 is amended by adding new subsections to read:

10 (c) This section does not apply to

11 (1) a vehicle that drops, sprinkles, or sprays sand, liquids, or other
 12 materials for the purpose of cleaning or maintaining the highway or providing or
 13 improving traction;

14 (2) the natural accumulation of snow, ice, mud, dirt, or similar
 15 materials on a motor vehicle; or

16 (3) a vehicle that is removing snow or hauling snow after removal.

17 (d) A person who violates (a) of this section

18 (1) is guilty of a class A misdemeanor and is punishable as provided in
 19 AS 12.55 if the

20 (A) violation results in serious physical injury; or

21 (B) person has been previously convicted three or more times
 22 of a violation under (a) of this section;

23 (2) under circumstances other than in (1) of this subsection, is guilty of
 24 a class B misdemeanor and is punishable as provided in AS 12.55 if the person has
 25 been previously convicted twice of a violation under (a) of this section; or

26 (3) under circumstances other than in (1) or (2) of this subsection, is
 27 guilty of an infraction and upon conviction is punishable by a fine of not more than

28 (A) \$600 if the person has been previously convicted one time
 29 of a violation under (a) of this section; or

30 (B) \$300 if the person has not been previously convicted of a
 31 violation under (a) of this section.

- 1 * **Sec. 3.** AS 28.35.253 is amended by adding a new subsection to read:
- 2 (b) Violation of this section is an infraction.
- 3 * **Sec. 4.** AS 28.35.251(b) and 28.35.255 are repealed.