

CS FOR HOUSE BILL NO. 259()

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

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

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; or

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

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

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

19 (A) violation results in physical injury; or

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

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

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

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

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

31 * **Sec. 3.** AS 28.35.253 is amended by adding a new subsection to read:

(b) Violation of this section is an infraction.

2 * Sec. 4. AS 28.35.251(b) and 28.35.255 are repealed.