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Martin  
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**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, LeDoux**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

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

(1) the load is

(A) contained or confined to prevent the load from

(i) dropping, [SHIFTING,] leaking, or escaping; or

(ii) shifting on or within the vehicle to the extent that the motor vehicle's stability or maneuverability is adversely affected; or

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

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

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

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

(c) This section does not apply to

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

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

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

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

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

(A) violation results in serious physical injury; or

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

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

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

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

(B) \$300 if the person has not been previously convicted of a 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.