

HB

689

# Alaska State Legislature

## Senate Transportation Committee



Sen. John B. (Jack) Coghill, Chairman  
Sen. Paul Fischer, Vice-chairman  
Sen. Mitch Abood  
Sen. Jan Fuks  
Sen. Joe Josephson

Douch V  
Juneau, Alaska 99811

April 18, 1986

TO: Committee Members  
Senate Transportation

FROM: Committee Staff

RE: ~~SB~~ 689 Relating to required equipment on, and the  
transportation of certain loads by, motor vehicles

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The committee will be taking up House Bill 689 on Monday, April 21st. This bill adds new sections to Title 28.35 of the Alaska Statutes, the miscellaneous provisions of the Department of Public Safety, that would require persons hauling gravel and like loads keep the loads from spilling.

Below are copies of both versions of the bill and a report by House Research on methods of lowering the danger of flying debris, opposite are copies of the present DOT regulations dealing with gravel haulers, the penalty that violators of this bill would face, a public safety opinion paper on the original bill and a zero fiscal note with analysis.

The department of public safety has informed staff that they are in favor of the bill as it is written and feel that it is sufficiently "air tight" to deal with the problem of gravel spillage. The Department of Commerce and Economic Development, Division of Measurement Standards (the weigh stations) has told staff that they have no problem with the bill, but, without the passage of Senate Bill 82 they will have no enforcement capabilities. The Alaska Association of General Contractors has worked closely with Representative Cotten on this bill and supports the present language.

Offered: 3/21/86  
Referred: Finance

Original sponsor: Cotten

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 689 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - SECOND SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to required equipment on and the  
7 transportation of certain loads by, motor vehicles."

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

9 \* Section 1. AS 28.35 is amended by adding new sections to read:

10 Sec. 28.35.251. CONTAINED OR CONFINED LOADS. (a) A person may  
11 not drive a motor vehicle loaded with sand, gravel, rock, or similar  
12 materials on a highway unless

13 (1) the load is contained or confined to prevent the load  
14 from dropping, shifting, leaking, or escaping, except that sand or  
15 other substances may be dropped, sprinkled, or sprayed for the purpose  
16 of cleaning or maintaining the highway or providing traction; and

17 (2) the load is subjected to treatment by methods, approved  
18 by the commissioner by regulation, designed to settle the load or  
19 remove loose material before the vehicle is driven on the highway.

20 (b) If a cover is used to contain or confine a load being driven  
21 on a highway, the cover shall be securely fastened to prevent the  
22 cover from becoming loose or detached, or from being a hazard to other  
23 users of the highway.

24 Sec. 28.35.253. ANTI-SPRAY DEVICES REQUIRED. A person may not  
25 drive a motor vehicle on a highway unless the vehicle is equipped with  
26 fenders, mud flaps, or other anti-spray devices adequate to prevent  
27 the vehicle from being a hazard to other users of the highway.

28 Sec. 28.35.255. PENALTY. A person convicted of violating  
29 AS 28.35.251 or 28.35.253 is guilty of an infraction.

Introduced: 2/17/86  
Referred: Transportation  
Judiciary and Finance

1 IN THE HOUSE

BY COTTEN

2 HOUSE BILL NO. 689

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to motor vehicles."

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

8 \* Section 1. AS 28.35 is amended by adding a new section to read:

9 sec. 28.35.165. MOTOR VEHICLE OPERATING RESTRICTIONS. (a) A  
10 person may not drive a loaded motor vehicle on a highway unless

11 (1) the load is contained or confined to prevent the load  
12 from dropping, shifting, leaking, or escaping, except that sand may be  
13 dropped for the purpose of securing traction, and water or another  
14 substance may be sprinkled in cleaning or maintaining a roadway;

15 (2) a cover used to contain or confine the load is securely  
16 fastened to prevent the cover from becoming loose or detached, or  
17 being a hazard to other users of the highway;

18 (3) a load consisting of gravel, sand, or other loose  
19 material is subjected to treatment by methods, approved by the commis-  
20 sioner by regulation, designed to settle the load or remove loose  
21 material before the vehicle is driven on the highway.

22 (b) A person may not drive a motor vehicle on a highway unless  
23 the vehicle is equipped with fenders, mud flaps, or other anti-spray  
24 devices adequate to prevent the vehicle from being a hazard to other  
25 users of the highway.

26 (c) A person charged with violating this section shall appear in  
27 court to enter a plea to the offense. A person convicted of violating  
28 this section may be punished by a fine of not more than \$500.



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

May 25, 1984

MEMORANDUM

TO: Representative Barbara Lacher  
FROM: Gretchen *G. Keiser*, Legislative Analyst  
RE: Hazardous Debris from Commercial Vehicles  
Research Request No. 84-116

Ann Plunkett of your staff requested this agency to investigate options for reducing the hazard of debris and construction materials, particularly gravel, which fly off commercial vehicles traveling on Alaska's roads. We were also asked to consider the practicality of enforcing the various options presented.

In summary, options for minimizing the problem of debris/gravel flying off commercial vehicles appear to be rather straightforward. As practical solutions, the truck driver can: 1) ensure that the truck is properly loaded; 2) secure the load in the bed of the truck; 3) ensure that tailgates, or bottom gates in the case of belly dump gravel trucks, are properly functioning and engaged; 4) clear the ledge around the bed of the truck; and 5) maintain proper anti-spray devices, or "mud flaps", behind the rear wheels. Furthermore, officials could increase enforcement of existing laws and regulations which address several of the above measures; however, this would likely divert enforcement effort from other priorities. Finally, the driver of a vehicle following the truck can: 1) allow for a greater distance between vehicles; and 2) seek compensation from the truck owner for damages caused by flying debris.

Truck Operator Measures

The uncontrolled release of gravel from a truck while in transit stems primarily from loose gravel falling off the ledges, spinning-off the top of the load in the bed, or leaking from partially sprung tailgates or bottomgates which no longer engage properly. In addition, gravel entrained in the tire treads can be sprayed toward the rear if the truck is not equipped with mud flaps. Making sure that a truck is not overloaded and cleaning the rig at the pit are reasonable measures to pursue. According to Bill Synder of the Association of General Contractors (AGC), AGC is aware of the problem and has conducted an educational campaign this spring in its weekly bulletin to its members urging

Representative Lacher  
May 25, 1984  
Page 2

gravel haulers to clean their rigs before leaving the pit. AGC has also called gravel pit operators and urged them to load trucks properly and to level the loads. Requiring gravel haulers to cover their loads, however, would be time-consuming and costly, and AGC would oppose such efforts.

In the case of construction material scraps being hauled, debris hazards would be reduced if the driver: 1) limited the size of the load; and 2) secured the load properly.

#### Enforcement Measures

If self-policing by the truck operators is not effective, there are statutes and regulations which could be enforced more strenuously. The State Troopers, the primary enforcement agency, would have to divert staff effort from other duties in order to increase truck inspections. The statutes and the condition they address are summarized below:

| <u>Condition</u>                                   | <u>Statute/Regulation</u>         | <u>Enforcement Agency</u>                                 |
|--|-----------------------------------|---|
| Unsafe/defective equipment (e.g. sprung tailgates) | AS 28.05.011(3)<br>13 AAC 04.007  | State Troopers  |
| Lack of mud flaps                                  | AS 28.05.011(2)<br>13 AAC 04.265  | State Troopers  |
| Unsecured load                                     | AS 44.33.020(25)<br>17 AAC 25.040 | State Troopers<br>Commerce & Ec. Dev.<br>(Weigh Stations) |
| Littering/<br>Unsecured load                       | AS 46.06.080(b)                   | State Troopers<br>Environmental Cons.                     |

The State Troopers have the authority to inspect vehicles for safe operating conditions and typically issue "fix it" citations which require repair of defective/unsafe equipment within a specified period of time (13 AAC 04.007). Similarly, mud flaps are required on all trucks under 13 AAC 04.265 and the regulation is enforced by the Troopers.

In 1982, operation of the State's weigh stations was transferred from the Department of Public Safety (State Troopers) to the Department of Commerce and Economic Development (Division of Measurement Standards). DCED maintains that it was not given the authority to issue citations in the case of unsecured load violations (under 17 AAC 25.040; attached). However, under authority delegated to DCED in the Imminent

Representative Lacher  
May 25, 1984  
Page 3

Safety Hazard Program by the Alaska Transportation Commission, the weigh station inspectors can pull over vehicles until the condition is corrected.<sup>1</sup> Mr. Aves Thompson, Chief of Permits and Weigh Stations in DCED, interpreted a sprung tailgate or bottomgate on a gravel truck as an unsecured load that would be a violation covered under this program. Mr. Thompson stated that he receives complaints regarding the gravel hazard. His division recently cooperated with the State Troopers in an inspection operation between Palmer and Anchorage. The Troopers used the weigh station for inspection of trucks and noted problems with tailgates and gravel on ledges. In general, the State Troopers enforce the vehicle laws and regulations as much as they are able during their highway patrols, given their staffing and other responsibilities of higher priority.<sup>2</sup>

The Department of Environmental Conservation (DEC) has anti-littering enforcement authority under the Recycling and Reduction of Litter Law (AS 46.06; attached).<sup>3</sup> DEC routinely applies the secured load provision of the law in the issuance of warnings and citations to drivers of trucks carrying loads of construction material scraps [AS 46.06.080(b)]: However, the statute is somewhat ambiguous with respect to gravel loads because it exempts "mining products" from the secured load provision but fails to define mining products. DEC has not sought a legal opinion on this point. The department has focused primarily on the problem of litter in its common form (i.e., refuse) and has chosen not to enforce the gravel situation because of the ambiguity.

To our knowledge, the Municipality of Anchorage is the only local government to address the litter/debris situation with a local ordinance.<sup>4</sup> The "covered load ordinance" enacted in the fall of 1983 has been very successful in tackling the problem of unsecured loads

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<sup>1</sup>CSSB 491 would give the department the authority to issue citations under AS 45.75.130. The bill is awaiting action in the House Labor and Commerce Committee.

<sup>2</sup>1st Sergeant Young, Alaska State Troopers Headquarters, Anchorage. Personal Communication, May 23, 1984.

<sup>3</sup>A bill (CSSB 500) to extend the litter law, which terminates on July 1, 1984, is currently in House Rules awaiting scheduling for floor action.

<sup>4</sup>The Fairbanks North Star Borough Assembly is considering a revision to its solid waste ordinance which would require covered or secured loads.

Representative Lacher

May 25, 1984

Page 4

releasing trash and scrap construction materials enroute to the land-fill. Once again, this ordinance has not been applied to gravel trucks. Attempts by municipal officials in Anchorage, Fairbanks North Star and the Mat-Su Boroughs to urge contractors and trucking firms to reduce their uncontrolled release of gravel from trucks have met with moderate success, at best.

Judging by the extent of the problem, it appears that greater educational efforts by the trucking industry itself are warranted. In addition, the State Troopers could be encouraged to enforce existing vehicular laws to the maximum extent possible and especially in areas where local governments have no policing powers, such as the Mat-Su and Fairbanks North Star Boroughs. A clarification of the application of the State's litter law to improperly loaded gravel trucks could be sought through the Department of Law. This might expand DEC's enforcement actions as well.

#### Passenger Vehicle Measures

Enforcement aside, the driver of passenger vehicles following trucks loaded with gravel appear to have two immediate remedies at their disposal. They can drive defensively and allow for greater distance between themselves and the loaded truck and potential hazard. Secondly, they can seek compensation from the trucking firm or contractor if their vehicle, or its windshield as is often the case, is damaged. If the driving public continually demands compensation and brings the situation to the attention of the firms' owners, there might very well be greater incentive for self-policing on the part of the firms.

We hope that this information will be of use to you.

GK

Attachment

ATTACHMENT A  
Statutes and Regulations Addressing Litter and  
Confinement of Vehicular Loads

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Editor's notes. — The repealed article derived from ch. 117, SLA 1949; ch. 129, SLA 1970.

Article 2. Prohibited Acts and Penalties.

Section

160 — 220. (Repealed)

Cross references. — For present provisions as to prohibited acts and penalties, see AS 46.03.710 et seq.

Secs. 46.05.160 — 46.05.220.  
Repealed by § 4 ch 120 SLA 1971.

Editor's notes. — The repealed article derived from ch. 117, SLA 1949; ch. 109, SLA 1968; ch. 244, SLA 1970; ch. 62, SLA 1971.

Article 3. General Provisions.

Section

225 — 240. (Repealed)

Secs. 46.05.225 — 46.05.240.  
Repealed by § 4 ch 120 SLA 1971.

Editor's notes. — The repealed article derived from ch. 117, SLA 1949; ch. 109, SLA 1968; ch. 145, SLA 1970.

Chapter 06. Recycling and Reduction of Litter.

Section

- 10. Powers and duties of the department
- 20. Annual report
- 30. Advisory council
- 40. Public awareness; motivation
- 50. Litter receptacles and anti-litter symbol
- 60. Litter bags
- 70. Litter patrol

Section

- 80. Littering prohibited
- 90. Prohibited beverage containers
- 100. Notice to public
- 110. Enforcement authority
- 120. Grants
- 130. Conditions for grants
- 140. Federal requirements
- 150. Definitions

Revisor's notes. This chapter was enacted as AS 41.21.010 — 41.21.150 but was renumbered by the revisor of statutes pursuant to AS 01.05.031(b).

Termination date of chapter. — Section 5, ch. 149, SLA 1980, provides: "This Act terminates July 1, 1984."

Editor's notes. — As to intent of 1980 legislation enacting AS 46.06.010 — 46.06.150, see § 1, ch. 149, SLA 1980, in Temporary and Special Acts and Resolves.

Collateral references. — 39 Am. Jur. 2d, Highways, Streets and Bridges, §§ 466, 467; 40 Am. Jur. 2d, Highways,

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Streets and Bridges, § 608; 56 Am. Jur. 2d, Municipal Corporations, Counties, and Other Political Subdivisions, §§ 455, 456; 61A Am. Jur. 2d, Pollution Control, §§ 46-49.  
 39A C.J.S., Health and Environment, §§ 44, 125-128.

Validity and construction of statute or ordinance requiring return deposits on soft drink or similar containers. 73 ALR3d 1105.

**Sec. 46.06.010. Powers and duties of the department [Terminates July 1, 1984].** The department shall

- (1) serve as the coordinating agency among the various government and private organizations in the state which are involved in litter control and reduction and the recovery of energy or materials from litter;
- (2) assist local governments in the adoption and amendment of ordinances relating to litter control and reduction;
- (3) encourage, organize and coordinate voluntary local information campaigns which seek to focus the attention of the public on the reduction of litter and the recovery of materials and energy from litter;
- (4) encourage, organize and coordinate voluntary or nonprofit local programs for the recovery of materials or energy from litter;
- (5) encourage federal, state and local agencies to aid programs for the recovery of materials and energy from litter by providing publicity which encourages those programs and by allowing the use of publicly owned land, buildings, or equipment for those programs whenever possible;
- (6) investigate the availability of, apply for, receive, and expend grants, loans or other funds available from any source, and, if it is appropriate and feasible, accept nonmonetary assistance in the form of services or equipment for use in programs established under this chapter;
- (7) determine the types of materials or energy which may be profitably recovered from litter, and adopt regulations under the Administrative Procedure Act (AS 44.62) which require the recovery of the materials or energy;
- (8) adopt other regulations under the Administrative Procedure Act (AS 44.62) necessary to implement this chapter; and
- (9) develop methods for the measurement of litter in the state and encourage competition between municipalities to establish which municipality has the least litter. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.020. Annual report [Terminates July 1, 1984].** Not later than six months after the end of each fiscal year, the department shall prepare a detailed report describing and evaluating the actions taken and programs established under this chapter for submission to the governor and the legislature. The report must include

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- (1) the status and results of all grants made under this chap.
- (2) an evaluation of the progress achieved by litter control and reduction programs; and
- (3) an evaluation of the resources and energy recovered from litter in the state. (§ 2 ch 149 SLA 1980)

Sec. 46.06.030. Advisory council [Terminates July 1, 1984]. (a) There is created an advisory council to the department, which shall advise the department concerning the litter control and reduction, source separation and other programs for the recovery of energy and materials from litter under this chapter. The council may encourage the participation of industry, labor, municipalities, and the public in the programs administered by the department.

(b) The council consists of seven members appointed by the governor who are aware of and concerned with achieving the goals of this chapter. The members serve at the pleasure of the governor.

(c) The council shall meet annually, and may meet more frequently if necessary or desired. The members of the council serve without compensation but are entitled to per diem and travel expenses authorized by law for boards and commissions. (§ 2 ch 149 SLA 1980)

Sec. 46.06.040. Public awareness; motivation [Terminates July 1, 1984]. The department shall establish, provide advice concerning, and coordinate programs designed to

- (1) encourage the public to recover material and energy from litter;
- (2) use existing, and develop new, techniques and programs to reduce litter and littering;
- (3) encourage the public not to litter and to engage in cleanup efforts; and
- (4) advise the public of the state's anti-litter laws and regulations and encourage enforcement of those laws and regulations. (§ 2 ch 149 SLA 1980)

Sec. 46.06.050. Litter receptacles and anti-litter symbol [Terminates July 1, 1984]. (a) The department shall designate one or more types and sizes of litter receptacles for use in the state. The department shall make available for distribution throughout the state an anti-litter symbol of a uniform color and design adopted by the department. This anti-litter symbol must bear a statement of the penalties for littering, and the department shall design the anti-litter symbol so that it may be attached to litter receptacles. To aid public recognition and use of litter receptacles, the department may adopt an anti-litter symbol used in another state. The anti-litter symbol designed by the department must be attached to litter receptacles located in the public places of the state by the person or agency responsible for the placement of those receptacles.

(b) Litter receptacles designated for use in the state by the department shall be placed at public places in the state unless the public place

is specifically exempted by regulations adopted by the commissioner under the Administrative Procedure Act (AS 44.62). The number of receptacles required to be placed in each public place shall be determined by a formula related to the need for those receptacles. The requirements of this subsection are satisfied by the use of a litter receptacle which was in use before July 1, 1980, if the anti-litter symbol of the state is attached to the receptacle.

(c) A person owning or operating a privately owned public place at which litter receptacles are required under (b) of this section shall place litter receptacles at the public place at his own expense.

(d) Compliance with this section requires proper upkeep, maintenance and repair of a litter receptacle sufficient to permit the receptacle to serve the function for which it was designed and to prevent the receptacle from becoming unsightly.

(e) Responsibility for the placement of litter receptacles at publicly owned public places and for the removal of litter from those litter receptacles remains with the municipality or other public agency performing litter removal. Removal of litter from litter receptacles placed at privately owned public places remains the responsibility of the owner or operator of the privately owned public place.

(f) A person may not damage, deface, abuse or misuse a litter receptacle not owned by him so as to interfere with its proper function or to detract from its appearance.

(g) A person may not deposit leaves, clippings, prunings, garden refuse or household waste materials in a litter receptacle unless he has the permission of the owner of that receptacle.

(h) Except as provided in (i) of this section, a person who violates the provisions of (b) — (g) of this section is guilty of a violation and in addition to the punishment imposed by AS 12.55.035(b)(5), the court may order a person who violates this section to gather and dispose of litter in an area and for a length of time determined by the court.

(i) If a municipality of the state adopts an ordinance which prohibits the same conduct prohibited by (b) — (g) of this section, a violation of (b) — (g) of this section which occurs in the municipality is punishable under the provisions of the municipal ordinance if the punishment imposed under the ordinance is equal to or greater than the punishment imposed by AS 12.55.035(b)(5). (§ 2 ch 149 SLA 1980)

**Sec. 46.06.060. Litter bags [Terminates July 1, 1984].** The department shall design and have produced a biodegradable litter bag bearing the state anti-litter symbol and a statement of the penalties for littering in the state. The department shall make litter bags available to the division of motor vehicles in the Department of Public Safety for this purpose. To the greatest extent practicable, the division of motor vehicles shall distribute one litter bag to each person who applies for registration or reregistration of his motor vehicle and shall notify the person of his responsibilities under the law. The department shall

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make litter bags available to all vessel owners and persons entering state by automobile. The commissioner shall designate distribution points for the broadest possible distribution of litter bags to persons entering the state by automobile or vessel. (§ 2 ch 149 SLA 1980)

Sec. 46.06.070. Litter patrol [Terminates July 1, 1984]. (a) The department shall establish a youth litter patrol program for the employment of young people on a seasonal basis. The department shall cooperate with federal, state or municipal programs that either employ young people or encourage their employment. The department may contract with other state agencies to provide administration and other support for the youth litter patrol established by this section.

(b) The department may adopt regulations under the Administrative Procedure Act (AS 44.62) which are necessary to implement this section. (§ 2 ch 149 SLA 1980)

Sec. 46.06.080. Littering prohibited [Terminates July 1, 1984]. (a) A person may not throw, drop, deposit, discard or otherwise dispose of litter from a vehicle or otherwise, on public or private property in the state or in waters in the state or under state jurisdiction unless

(1) the property is designated by a state agency or municipality as a site for the sanitary disposal of garbage or refuse, and the person is authorized to use the site for that purpose; or

(2) litter is placed in a litter receptacle so that the litter is prevented from being carried away or deposited by the elements upon public or private property or waters in the state or under state jurisdiction.

(b) A vehicle may not be driven or moved on a public highway or right-of-way unless it is constructed, loaded or covered to prevent its load from dropping, sifting, leaking or otherwise escaping from the vehicle. This subsection does not apply to a vehicle used (1) to deposit salt or sand to secure traction, (2) by a public agency to clean or maintain highways, or (3) to transport agricultural, mining or timber products. A person who operates a vehicle from which an object has fallen or escaped which obstructs or endangers travel upon a public highway or right-of-way shall immediately remove the object at his own expense or pay the cost of removal incurred by the state or by a person.

(c) A person who violates this section is guilty of a class B misdemeanor, and in addition to the punishment imposed by AS 12.55.035(b)(4) and 12.55.135(b), the court may order the person to gather and dispose of litter in an area and for a length of time determined by the court. (§ 2 ch 149 SLA 1980)

Sec. 46.06.090. Prohibited beverage containers [Terminates July 1, 1984]. (a) Beginning October 1, 1981, a person may not sell or offer to sell a nonglass beverage container which is designed and constructed so that the container is opened by detaching a metal ring or tab. This section does not apply to a beverage container which is opened by a detachable piece of tape, foil, or other soft material.

(b) Beginning October 1, 1981, a person may not sell or offer to sell beverage containers which are held together by plastic rings or similar plastic devices which are not degradable.

(c) A person who violates this section is guilty of a violation. Each sale or offer to sell is a separate offense. (§ 2 ch 149 SLA 1980)

Cross references. -- As to fines for violations, see AS 12.55.035(b)(5).

Sec. 46.06.100. Notice to public [Terminates July 1, 1984]. The penalties imposed for littering shall be posted along the public highways of the state, at visitor centers, at entrances to state parks and recreational areas, at public beaches, and other publicly owned public places the commissioner determines necessary to accomplish the purposes of this chapter. The state agency or municipality responsible for litter removal from a public place shall post the notice required by this section. (§ 2 ch 149 SLA 1980)

Sec. 46.06.110. Enforcement authority [Terminates July 1, 1984]. (a) The following persons are authorized to enforce the provisions of this chapter:

- (1) a state employee authorized by the commissioner; and
- (2) a peace officer.

(b) The department shall prescribe a citation form which shall be used by all peace officers and persons in the state who are authorized to enforce the provisions of this chapter. (§ 2 ch 149 SLA 1980)

Sec. 46.06.120. Grants [Terminates July 1, 1984]. The department may make grants to state agencies, to municipalities, and to private organizations including nonprofit organizations for the establishment and operation of programs authorized under this chapter. A grant under this section may not exceed 18 months. A program qualifying for a grant under this section may include

- (1) courses of instruction at, or the distribution of informative materials to, elementary and secondary schools;
- (2) purchase and erection of roadside signs;
- (3) organization and operation of litter removal activities conducted by municipalities, private organizations or service groups using volunteer help;
- (4) a public information program to inform the public concerning the reduction of litter using the media including use of the electronic media;
- (5) expansion of existing, and planning, design and construction of new, facilities for the recovery of materials and energy from litter;
- (6) research and evaluation of markets for the materials and energy recovered from litter;
- (7) advice and assistance, including information and consultation on available technology, operating procedures, organizational arrange-

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ments, markets for materials or energy obtained from litter, tra-  
tation alternatives, and publicity techniques;

(8) surveys by public agencies or recognized research organizations  
to assess the amount and composition of litter, and rates of littering;

(9) the purchase of litter receptacles;

(10) the creation or expansion of litter law enforcement programs;

(11) the initial purchase or lease of recycling equipment, the cost of  
operating that equipment, and the cost of storing and transporting  
materials before and after those materials are recycled. (§ 2 ch 149  
SLA 1980)

**Sec. 46.06.130. Conditions for grants [Terminates July 1, 1984].**

(a) The department shall adopt regulations under the Administrative  
Procedure Act (AS 44.62) which establish

(1) eligibility requirements for applicants for a grant under AS  
46.06.120;

(2) standards for the evaluation of proposals submitted by applicants  
for grants under AS 46.06.120; and

(3) other conditions for the receipt of a grant under AS 46.06.120  
which are necessary to achieve the purposes of this chapter.

(b) The regulations adopted by the department under (a) of this  
section must meet the following criteria:

(1) if there is not enough money for grants to all eligible applicants,  
the following shall receive priority:

(A) a proposed program or project which most efficiently recovers  
materials or energy from litter;

(B) the proposed program or project which creates the greatest num-  
ber of new jobs;

(2) the maximum amount for a single grant shall be established so  
that available money is distributed to a variety of programs;

(3) a grant may be made for new programs or for improvements to  
or additions to existing programs which were not previously financed  
by other existing resources of financing. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.140. Federal requirements [Terminates July 1,  
1984].** If a federal department or agency issues a formal ruling that a  
section of this chapter will prevent the state from receiving federal  
financial participation in a program or activity established under this  
chapter, the section does not apply to the extent that it causes the  
program or activity to lose federal funding. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.150. Definitions [Terminates July 1, 1984].** In this  
chapter,

(1) "beverage container" means the individual, separate, sealed  
glass, metal or plastic bottle, can, jar or carton containing beer or other  
malt beverages or carbonated soft drinks, in liquid form;

(2) "commissioner" means the commissioner of environmental con-  
servation;

(3) "department" means the Department of Environmental Conservation;

(4) "litter" means all waste materials susceptible to being dropped, deposited, discarded or otherwise disposed of upon property in the state or in waters under state jurisdiction; "litter" does not include the waste of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing;

(5) "litter bag" means a bag, sack or other container made of any material which is large enough and suitable to serve as a receptacle for litter inside a vehicle or vessel;

(6) "public place" means public or private property that is used or held out for use by the public, including but not limited to highways or other roads upon which vehicles are moved, parks, campgrounds, trailer parks, drive-in and fast food restaurants, gasoline service stations, parking lots for taverns, shopping centers and grocery stores and other parking lots which have a capacity for more than 50 vehicles, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches, bathing areas, school grounds, sporting event sites with seating capacity for more than 200 spectators, and business district sidewalks;

(7) "vehicle" means a mechanically driven device of any kind which is used for the transportation of a person or property on a public highway, trail or path;

(8) "vessel" means all descriptions of watercraft used or capable of being used as a means of transportation on the water. (§ 2 ch 149 SLA 1980)

### Chapter 07. Village Safe Water Act.

|                                       |   |
|---------------------------------------|---|
| Section                               | Section                                   |
| 10. Statement of purpose              | 60. Educational and informational program |
| 20. Provision of facilities           | 70. Economy of administration             |
| 30. Nature and location of facilities | 80. Definitions                           |
| 40. Construction of facilities        |   |
| 50. Operation of facilities           |   |

Collateral references. — 39 Am. Jur. 2d, Health, § 22; 61A Am. Jur. 2d, Pollution Control, §§ 134, 135; 78 Am. Jur. 2d, Waterworks and Water Companies, §§ 31-46.

39A C.J.S., Health and Environment, § 46; 93 C.J.S., Waters, §§ 43-57.

Validity of statute prescribing standard of purity of water furnished for human consumption. 6 ALR 475.

Power of board of health to prescribe means or methods of keeping water supply free of impurities. 23 ALR 228.

Constitutionality and construction of statutes and ordinances for protection of municipal water supply. 72 ALR 673.

Wrongful pollution of stream by municipality as creating single cause of action or successive causes of action. 75 ALR 529.

When statute of limitations commences to run as to action against municipality for damages to riparian premises by pollution of stream by discharge of sewage. 122 ALR 1509.

Measure and elements of damages for pollution of well, cistern, or spring. 19 ALR2d 769.

Liability for water, or the ALR2d 1033.

Validity, con- ute, ordinance, chemical treat: 13 ALR2d 453.

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(b) The le determined body of the appropriate State Hous maximum affecting th SLA 1970;

Sec. 46.0 shall provic grants to othe wise. facility ma



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

March 7, 1986

MEMORANDUM

TO: Representative Sam Cotten

FROM: Jay Livey *JL*  
Legislative Analyst

RE: Other States Regulations Concerning the Transportation of  
Loose Fill Material  
Research Request 86-124

You asked that we provide you with a summary of how other states regulate the operation of gravel trucks, particularly with regard to the covering of loads. The American Automobile Association (AAA) is providing us with a summary of state motor carrier laws compiled by the Canvas Products Association International. We will forward a copy of this summary to you upon its receipt.

Mr. Tom Kube of the AAA noted that this summary groups state laws relating to the transportation of loose fill material into several categories, the strictest of which includes states that require loads to be covered in most instances. Mr. Kube identified eight states that were assigned to this category: Florida, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire and New York.

Florida and New Hampshire require all loads of loose fill to be covered in all circumstances. Mississippi, New York and Michigan require the load to be covered if the load is less than six inches below the top of the sides, front and back of the truck bed. Massachusetts law requires the load to be covered if it is not loaded in a way to prevent it from escaping. Nebraska requires a load to be covered if the material protrudes above the truck sides and Missouri requires a cover if the load can reasonably be expected to blow out of the truck. Copies of statutes from these states are attached.

We also contacted the motor carrier regulatory agencies of several states. Wyoming, Vermont and Pennsylvania all require loose fill loads to be loaded so that they do not spill out of the truck. If a cover is necessary to assure this, the driver will be cited if a cover is not used and the load spills. Tennessee requires a load to be covered if the top of the load is within four inches from the top of the truck sides. Colorado, Montana, Iowa, California and Arizona have laws that

Representative Cotten  
March 7, 1986  
Page Two

allow peace officers to cite drivers if a spill occurs, but there are no requirements that the load be covered.

Enforcement within these states varies, although generally, any peace officer with the authority to enforce state laws can issue citations if material is spilled on the road. Enforcement officers of several states noted that laws directed toward spills on the roadway are not very effective in controlling material blowing out of a truck unless the quantity of material lost is significant. Most of the states we contacted also had vehicle inspection programs which periodically checked commercial trucks for safety hazards. This inspection includes mudflaps, tailgates and truck beds which can all cause loose fill loads to fly off the truck if in disrepair.

We have also attached a copy of House Research Memorandum 84-116, "Hazardous Debris from Commercial Vehicles."

I hope this information will be helpful. If you require additional information, please contact us.

JL

Attachments

DUMP TRUCK COVERING LAW DIRECTORY

United States and Canada - 1977 1983 with addl. -

This directory lists the applicable laws of all states and provinces which require the covering of dump trucks with a tarpaulin or restrict the spillage of loads on the highways. This directory is the result of a survey conducted by CPAI in the summer of 1976 and has been updated during the fall of 1977.

The general classification of each law appears next to the name of each state or province. These laws have been divided into four general categories by CPAI.

- A - Laws which require covering in most instances.
- B - Laws which require covering in limited instances.
- C - Laws which restrict spillage and require the secure fastenings of loads and covers.
- D - Laws which restrict spillage only.

There are nine states with category A laws. These are the strictest existing laws and are generally suitable as models for the other forty-one states. Florida's law is probably the clearest and most direct, while the New Hampshire law covers reasonable exceptions in the fullest detail. Ten states have laws which fall into category B, requiring covering in some instances, but the majority of the laws fall into category C or D. These laws quote part of the Uniform Vehicle Code, which is the model followed by many states for all their traffic laws. The 13 states in category C and the 17 states in category D are the prime candidates for stricter regulations since their current laws are unenforceable for most practical purposes.

In Canada, all ten provinces have some form of spillage law. Ontario has a strictly enforced law (category A). Quebec's law falls into category B, and there are four provinces with category C laws and four more with category D regulations.

Effective enforcement is the key to increased highway safety through dump truck covering. A strict law is sometimes not enough. In Missouri (category A) the law uses words like "shall have a protective cover," but the state police only enforce the requirement in extreme cases. In Connecticut and Georgia, on the other hand, strict enforcement of "C" type laws as a matter of state police policy has caused most dump trucks to be covered. The motoring public in these two states is fortunate to have police who are concerned about the spillage problem. In most states, "C" and "D" type laws are rarely enforced since the officer has to witness spillage before issuing a ticket. Effective enforcement is necessary with the strictest laws, but in the 30 states with "C" or "D" laws, the police need clear guidance from the legislature if the public is to be protected legally, instead of just luckily. For information on how each law is enforced in actual practice, the state or provincial police should be contacted. Most officers are very cooperative in telling how and when spillage tickets are issued.

ALABAMA (D)

Section 58 (45a)

58 (45a) Spilling Loads

Whoever willfully and knowingly operates, owns, or causes to be operated on any public highway, road, or street a motor vehicle so loaded with gravel, rock, slag, bricks, sawdust, chips, wood products, or other like substances, in such manner or in such condition that the contents of the vehicle spill out and endanger the safety of the persons or property of motorists and pedestrians, is guilty of a misdemeanor and upon conviction shall be fined not more than \$100.00.

ALASKA

No Law

ARIZONA (C)

Section 28-1006

28-1006. Loads on Vehicles

a. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

b. No person shall operate on any highway a vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

ARKANSAS (D)

Section 75-805

75-805. Spilling Loads on highways prohibited - Exceptions.

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

CALIFORNIA (B)

Section 23114 and 23115

Spilling Loads on Highways

23114. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, covered, or loaded as to prevent any of its contents or load other than clear water or feathers from live birds from dropping, sifting, leaking, blowing, spilling, or otherwise escaping therefrom.

23115. No vehicle loaded with garbage, swill, cans, bottles, waste papers, ashes, refuse, trash, or rubbish, or any other noisome, nauseous, or offensive matter shall be driven or moved upon any highway unless the load is covered with a cover sufficient to prevent the load or any part of the load spilling upon the highway. This section does not prohibit a rubbish vehicle from being without cover while in the process of acquiring its load in circumstances

CALIFORNIA (B) cont.

wherein no law, administrative regulation, or local ordinance requires such cover.

This section does not apply to any vehicle engaged in transporting wet waste fruit or vegetable matter, or waste products from a food processing establishment.

COLORADO (D)

Section 42-4-1208

42-4-1208. Spilling Loads on Highways Prohibited.

No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

CONNECTICUT (C)

Section 14-271

14-271. Securing of Loads

a. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom in such manner or quantity as to constitute a hazard or nuisance to other users of the highway, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

b. No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

c. The provisions of this section shall not apply to motor vehicles registered as farm motor vehicles or vehicles used for farming purposes.

d. Any person who violates any provision of this section shall be fined not more than one hundred dollars for each offense.

DELAWARE (D)

Section 4371

4371. Construction of Vehicles to Prevent Escape of Contents

a. No vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

b. Whoever violates subsection (a) of this section shall be fined not less than \$5, nor more than \$25, or imprisoned not less than 2 nor more than 10 days, or both. For each subsequent like offense within one year, he shall be fined not less than \$25, nor more than \$50 or imprisoned not less than 2 nor more than 15 days, or both.

DISTRICT OF COLUMBIA (B)

Section 153 d and  
153 f

Sec. 1531 (d) Spilling loads. No vehicle other than a streetcar shall be driven or moved on any street or highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on the roadway in cleaning or maintaining such roadway.

(f) Load limits - securing of loads. The weight of the load carried on any truck, tractor, trailer, or combination thereof, shall not exceed the manufacturer's rated load capacity of such truck, tractor, trailer, or combination thereof, and loads carried on such vehicles shall be adequately secured to prevent shifting or toppling or in any other manner becoming a hazard. Any tarpaulin or other covering used to protect the load carried on any such vehicles shall be securely fastened so as to prevent its detachment.

FLORIDA (A)

Section 316.198

316.198. Loads on Vehicles

(1) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, or any similar material which could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover is required.

GEORGIA (C)

Section 95A-955

95A-955. Securing Loads on Vehicles

a. No vehicle shall be driven or moved on any public road unless such vehicle is constructed or loaded or covered so as to prevent any of its load from dropping, escaping, or shifting in such a manner as to create a safety hazard, provided that this section shall not prohibit the necessary spreading of any substance in public road maintenance or construction operations.

b. No person shall operate, or load for operation, on any public road any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner becoming a hazard to other users of the public road.

c. Nothing in this section, nor any regulations based thereon, shall conflict with federal regulations or Georgia Public Service Commission regulations applying to the securing of loads on motor vehicles.

HAWAII (B)

Section 15-21.4

Sec. 15-21.4. Loads to be Properly Secured.

(1) No vehicle shall be driven or moved on any highway, unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) No vehicle shall be driven or moved on any highway when any load thereon is not entirely within the body of the vehicle; provided, however, that this prohibition shall not apply if the load is securely fastened by means of clamps, ropes, straps, cargo nets, or other suitable mechanical device to prevent such load from dropping onto the highway or from shifting in any manner and, further that this proviso shall not be deemed to supersede the provisions of Section 15-21.3 hereinabove.

(3) No vehicle shall be driven or moved on any highway with any load consisting partially or entirely of loose paper, empty cartons, crates, or any other material susceptible of being blown or carried by the wind, unless such load is entirely covered by tarpaulin, net, canopy or other suitable material, effectively preventing any part of such load from being blown or carried by the wind; provided, however, this paragraph shall not apply to any vehicle carrying a load consisting entirely of soil, sand, coral or gravel, if such load is wetted down to prevent particles thereof from being blown or carried by the wind.

IDAHO

No Law

ILLINOIS (C)

Section 15-109

15-109. Spilling loads on highways prohibited.

a. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

b. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

INDIANA (D)

Section 9-8-1-2

9-8-1-2. Vehicles on State Highways

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dripping, shifting, leaking or otherwise escaping therefrom.

IOWA (D)

Section 321.460

321.460. Spilling loads on highways.

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

KANSAS (C)

Section 8-1906

8-1906. Securing loads on vehicles.

a. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that this section shall not prohibit the necessary spreading of any substance in highway maintenance or construction operations.

b. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

KENTUCKY (D)

Section 189.150

189.150. Escaping contents.

No vehicle shall be operated upon any highway unless it is so constructed as to prevent its contents from escaping.

LOUISIANA (C)

Section 32.386.

32:386. Loads on Vehicles: Care Required Thereto

a. No vehicle shall be driven or moved on any highway of this state unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance on a highway in cleaning or maintaining such highway.

b. No person shall operate on any highway of this State any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

MAINE (C)

1750 (h) and 1752

Ch. 1750 (h) No motor vehicle shall be operated unless the tail-board or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from side, end or top of load.

MADNE (C) Conc.

Ch. 1752 Injurious substances prohibited on ways and bridges; loads securely fastened

No person shall operate or cause to be operated upon any public way a vehicle with a load, unless such load is fastened, secured, confined or loaded to prevent any danger, reasonably to be anticipated, of any portion of said load from falling to the ground. The word "load" as used in this paragraph shall include, but shall not be limited to, firewood, pulpwood, logs, bolts or other material, but shall not include loose hay, pea vines, straw, grain or cornstalks.

MARYLAND (B)

14 - 106

Section 14-106. Loads on vehicles.

a. Dropping or leading loads; loose material. -- No motor vehicle, trailer, or semitrailer shall be driven or moved on any highway unless the vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person may transport or load for transporting any loose material in a motor vehicle, trailer, or semitrailer, on or over the public roads, streets, or highways of this State in violation of any of the requirements of this subsection. "Loose material" includes dirt, sand, gravel, wood chips, or other material capable of blowing, falling, or spilling from a vehicle as a result of movement or of exposure to air, wind currents, or weather, but does not include agricultural products in their natural state. The Administrator, by rule and regulation, may specify any other types of material capable of spilling or blowing for purposes of this section.

b. Loads to be securely fastened; removal of debris. -- No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway. Furthermore, the owner of a vehicle which has caused dirt or debris to be deposited on the street shall be responsible for removing the same within a reasonable period.

MASSACHUSETTS (A)

C. 85 - Sec. 36

C. 85 - Sec. 36

No person shall drive or move a vehicle on any way, as defined in section one of chapter ninety (90), nor shall the owner or bailee of any vehicle require or permit the same to be driven or moved on any way, unless such vehicle is constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom and, if it is loaded with sand or gravel, unless its load is fully and adequately covered. This section shall not prohibit the dropping of sand for the purpose of securing traction, or the sprinkling of water or other substance on such a way in cleaning or maintaining the same. Whoever violates the provisions of this section shall be punished by a fine of not less than ten (10) nor more than fifty (50) dollars.

MICHIGAN (A)

Section 257.720

Sec. 720. (1) A vehicle shall not be driven or moved on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping therefrom. The tailgate, faucets, and taps shall be securely closed to prevent spillage during transportation, whether loaded or empty, and the body of the vehicle shall not have any holes or cracks through which material can escape. Actual spillage of material on the highway or proof thereof is not necessary to prove a violation of this section. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this act.

(2) A commercial vehicle carrying a load, other than logs or tubular products, which is not complete enclosed shall either:

(a) Be loaded so that no part of the load making contact with any sideboard or side panel or rear part of the enclosure shall be within 6 inches of the top of the part of the enclosure contacted, unless the load is covered with firmly secured canvas or similar type covering.

(b) Have the load securely fastened to the body of the frame of the vehicle with binders of adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(3) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with knowledge that it is to be driven on a public highway, in a manner as to cause a violation of subsection (1) shall be prima facie liable for a violation of this section.

(4) A person shall not operate a motor vehicle carrying logs or tubular products on a highway unless the following conditions are complied with:

(a) If the logs or tubular products are loaded crosswise or at right angles to the side of the vehicle, the logs or tubular products shall be securely fastened to the body or frame of the vehicle with not less than 2 binders which are secured to the frame at each end of the load and pass over the load so that the frame and binders completely encircle the load.

(b) If the logs or tubular products are loaded lengthwise of the vehicle, obliquely or parallel to the sides, the logs or tubular products shall be securely fastened to the body or frame of the vehicle with not less than 2 toggle binders which are secured to the frame at each end of the load and pass over the load so that the frame and binders completely encircle the load and 1 wrapping binder which completely encircle the load.

(c) The toggle and wrapping binders shall be made of steel chain or a combination of steel chain and wire rope, which shall not be less than 3/8 of an inch in diameter and have a breaking strength of not less than 12,000 pounds.

MINNESOTA (D)

Sec. 169.81 Subd. 5.

Section 169.81, Subd. 5. Manner of Loading.

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed, loaded, or the load securely covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway. This subdivision shall not apply to motor vehicles operated by a farmer or his agent when transporting produce he has produced.

MISSISSIPPI (A)

Senate Bill 1648

Senate Bill 1648.

An act to require all trucks, trailers and other carriers with open tops when hauling sand, dirt, gravel or rock to use a cover when loaded and traveling on state and United States highways or in the alternative to be equipped with sideboards.

Be it enacted by the legislature of the State of Mississippi:

SECTION 1. Every truck, trailer or other carrier with an open top, while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be equipped with a tarpaulin, canvas or other such top and same to be secured over the top of any load of sand, dirt, gravel, or rock.

SECTION 2. In lieu of the tarpaulin provided in Section 1 of this act, a truck, trailer or other carrier with an open top while traveling upon any state, United States or interstate highway in the State of Mississippi and while carrying any load of sand, dirt, gravel or rock shall be in full compliance with this act provided same is not loaded within six (6) inches of the top of the bed or is equipped with four (4) six inch (6") sideboards, which sideboards shall be attached one (1) each to the front, back and two (2) sides of the carrier body, and shall remain lowered while the body is being loaded, provided that no part of the load shall extend above the body of the carrier. After loading, the sideboards shall be raised and secured to remain raised during travel, and the space between the top of the sideboards and the top of the load making contact with the sideboards shall not be less than six (6) inches.

SECTION 3. The Motor Vehicle Comptroller, Mississippi Highway Patrol and other law enforcement agencies are hereby charged with enforcement of this act.

MISSISSIPPI (A) cont.

SECTION 4. Any person, firm or corporation operating a truck, trailer or other carrier on any state, United States or interstate highway not properly covered as set forth in Section 1 or without sideboards as set forth in Section 2 or in violation of any of the other provisions of said Section 2 shall be guilty of a misdemeanor and upon conviction shall be fined not less than Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) for each separate and distinct violation.

SECTION 5. This act shall take effect and be in force from and after July 1, 1974.

MISSOURI (A)

Sec. 307.010

Section 307.010. Loads which might become dislodged to be secured -- Failure, penalty.

1. All motor vehicles, and every trailer and semitrailer operating upon the public highways of this State and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semitrailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while being transported or carried.

2. Operation of a motor vehicle, trailer or semitrailer in violation of this section shall be a misdemeanor, and any person convicted thereof shall be punished as provided by law.

MONTANA

No Law

NEBRASKA (A)

Sec. 39-6, 129

Section 39-6, 129. Transportation of sand, gravel, rock; material covered with canvas.

No person shall transport any sand, gravel, rock less than two inches in diameter, or refuse in any motor vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than five dollars nor more than twenty-five dollars.

NEVADA (C)

484.771

484.771. 1. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

2. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

NEW HAMPSHIRE (A)

RSA 249:51

RSA 249:51. Spillage of Material

I. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

II. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Without limiting the foregoing provision, no person shall operate on any highway any open vehicle loaded with earth, sand, asphalt, stone, gravel or other particulate substance unless said vehicle is equipped with and said load is covered and secured by a close-fitting tarpaulin which prevents the escape of any substance from said load onto the highway.

III. Any person who violates the provisions of this section shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Any person shall be liable to the state or town for any damage done to the highway by spillage.

IV. The provisions of paragraphs I, II, and III of this section shall not apply to a local farmer transporting his own farm products or materials incidental to his farming operations where such transporting requires incidental use of a public highway provided that such farmer shall not thereby be relieved of his duty to exercise reasonable care in carrying on such operations.

V. The provisions of paragraph II shall not apply to:

(a) The operation of highway building equipment as defined in RSA 259:1, XII and motor vehicles used in the construction of highways provided that such equipment or motor vehicle is used within a highway construction zone as prescribed by the commissioner, public works and highways, provided that the operator of any such vehicle shall not thereby be relieved of his duty to exercise reasonable care.

(b) The operation of municipal and state highway maintenance equipment.

(c) The operation of any vehicle on a highway at speeds of less than thirty miles per hour.

NEW JERSEY (B)

39:4-77

Section 39:4-77. Loading so as to spill prohibited; minimum safety standards; penalty.

No person shall cause or permit a vehicle to be so loaded that the contents or any part thereof may be scattered in any street whenever the load of any vehicle is of material other than farm products susceptible to scattering on a street and such load extends above the height of the sides or tail gate or rear of the body of the vehicle, such load shall be securely covered by a tarpaulin or other cover.

NEW MEXICO (C)

64-23-17

Section 64-23-17. Loads on vehicles.

a. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

b. No person shall operate on any highway any vehicle or combination of vehicles with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

NEW YORK (A)

380-a.

Section 380-a. Certain vehicles engaged in the transportation of loose cargo.

1. It shall be unlawful to operate on any public highway any open truck or trailer being utilized for the transportation of earth, sand, stone or similar loose substances, unless said truck or trailer has a cover, tarpaulin, or other device of a type and specification approved by the commissioner of transportation which completely closes in the opening on the said truck or trailer while said truck or trailer shall be so operated, so as to prevent the falling of any such substances therefrom. However, if the load is six inches below the top of the sides of such truck, the covering is not necessary.

2. The commissioner of transportation is authorized to make necessary rules and regulations to carry into effect the provisions of this section, applying such provisions to specific conditions and loads and prescribing means, methods and practices to effectuate such provisions.

3. The provisions of this section shall not apply to motor vehicles, trailers and semitrailers conveying "farm products" as defined in section two of the agriculture and markets law.

NORTH CAROLINA (D)

20-116, Sec. G

20-116, Section G. Size of vehicles and loads.

No vehicle shall be driven or moved on any highway unless such vehicle is

NORTH CAROLINA (D) cont.

so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

Trucks, trailers or other vehicles when loaded with rock gravel, stone or other similar substances which could blow, leak, sift or drop shall not be driven or moved on any highway unless the height of the load against all four walls does not extend above a horizontal line six inches below their tops when loaded at the loading point, or if not so loaded, unless the load shall be securely covered by tarpaulin or some other suitable covering, or unless it is otherwise constructed so as to prevent any of its load from dropping, sifting, leaking, blowing, or otherwise escaping therefrom.

Provided this section shall not be applicable to or in any manner restrict the transportation of poultry or livestock or silage or other feed grain used in the feeding of poultry or livestock.

NORTH DAKOTA (C)

39-21-44.1

Section 39-21-44.1. Vehicle to be constructed to prevent sifting or leaking loads.

No vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway. No person shall operate on any highway any vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway.

OHIO (B)

C. 41 - Sec. 87A

C. 41 - Sec. 87A

No person shall drive or move a vehicle on any way, as defined in section one of chapter ninety (90), nor shall the owner or bailee of any vehicle require or permit the same to be driven or moved on any way, unless such vehicle is constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom and, if it is loaded with sand or gravel, unless its load is fully and adequately covered. This section shall not prohibit the dropping of sand for the purpose of securing traction, or the sprinkling of water or other substance on such a way in cleaning or maintaining the same. Whoever violates the provisions of this section shall be punished by a fine of not less than ten (10) nor more than fifty (50) dollars.

OKLAHOMA (B)

14--105

Section 14--105. Loads on Vehicles.

a. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped

OKLAHOMA (3) cont.

for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

b. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or escaping by reason of wind shall have such load covered or dampened so as to prevent the blowing or escaping of said load from the vehicle.

c. This section shall not apply to trucks loaded with livestock, poultry or agricultural products only except baled agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom.

OREGON (D)

483.510

Section 483.510. Sifting or leaking loads; permit for food processing by-products.

(1) Except as provided in subsection (2) of this section, no vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

(2) Upon receipt of an application, the Department of Transportation, county court, or board of county commissioners, or the city council shall grant a written permit for the operation over highways or streets under their respective jurisdictions of vehicles transporting food processing plant by-products to be used for livestock feed from which there is fluid leakage. Such permits shall be issued for a maximum period of 60 days and shall be revocable if it is found by the granting authority that the amount or character of the fluid leakage is such that it constitutes a danger to other vehicles. This subsection shall have no effect after December 31, 1976.

PENNSYLVANIA (D)

75 P. S. 831

75 P. S. 831. Sifting or Leaking Loads.

No vehicle carrying inanimate contents shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent such contents from dropping, sifting, leaking or otherwise escaping therefrom.

RHODE ISLAND (B)

31-25-9 and 31-25-10  
Sec. D

31-25-9 and 31-25-10, Sec. D. Prevention of leakage of load.  
Fastening of load and covering.

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

RHODE ISLAND (B) cont.

31-25-10 Sec. D. Fastening of load and covering.

No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

No person shall operate a motor truck or other vehicle carrying or transporting any rubbish, refuse or other debris on any highway without first securely fastening a covering thereon to prevent the contents from falling to said highway. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

SOUTH CAROLINA (C)

46-660 & 46-661

46-660. Spilling loads on highways prohibited.

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom.

46-661. Loads to be firmly attached.

No person shall operate on any highway any vehicle with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. 4

SOUTH DAKOTA (D)

SDCL 32-15-18

SDCL 32-15-18. Improperly Loaded Vehicle Unlawful.

No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

TENNESSEE

No Law

TEXAS (B)

Article 6701d-11  
Section 3A

Article 6701d-11, Section 3A. Transporting Loose Materials.

a. No person, co-partnership, limited partnership, association, corporation, State, county, municipality, town, village, or any department or political subdivision thereof, their agents or employees, shall load or transport, cause to be loaded or transported, or aid or abet the loading or transporting, in a motor vehicle, commercial motor vehicle, truck-tractor, trailer or semi-trailer, any loose material on or over the public roads, streets or highways of this State in violation of any requirement of this section.

TEXAS (B) cont.

b. As used in this section, 'loose material' means dirt, sand, gravel, wood chips, or other material that is capable of blowing or spilling from a vehicle as a result of movement or exposure to air, wind currents, or weather, but shall not include agricultural products in their natural state.

c. The bed carrying the load must be completely enclosed on both sides by sideboards or sidepanels, on the front by a board or panel or by the cab of the vehicle, and on the rear by tailgate or board or panel, all of which must be so constructed as to prevent the escape of any part of the load because of blowing or spilling.

d. The top of the load making contact with any sideboard or sidepanel or front or rear part of the enclosure must not be within six inches of the top of the part of the enclosure contacted, and the highest point of the load must not be above any point on a horizontal plane equal in height to the top of the side, front, or rear part of the enclosure that is the least in height, or in the alternative by covering the load with a canvas or similar type covering firmly secured thereby creating a physical horizontal plane; and at no time shall the load exceed the six inches as stated in this section during transportation of load without being covered.

e. The excess spillage of loose material on the non-load carrying parts of the vehicle occasioned by or from the act of loading shall be removed before the vehicle is operated over a public road, street, or highway of this State.

f. The tailgate must be securely closed to prevent spillage during transportation, whether loaded or empty.

g. The bed shall not have any holes, cracks, or openings through which loose material may escape.

h. The residue of the transported loose material shall be removed from the non-load carrying parts of the vehicle upon completion of unloading before the vehicle is operated over a public road, street, or highway of this State.

i. Subsection (d) of this section does not apply to any load-carrying compartment that completely encloses the load or to the transporting of any load that is otherwise suitably covered or secured by other means which prevents the escape of loose material.

j. Nothing in this Section 3A applies to any vehicle or construction or mining equipment which is:

- (1) moving between construction barricades on a public works project; or
- (2) merely crossing a public road, street, or highway.

k. Any person, co-partnership, limited partnership, association, corporation, or any departmental head, agent or employee of the State or of any county, municipality, town, village, or any department or political subdivision thereof who fails to comply with the provisions of this section shall be guilty of a misdemeanor, and upon first conviction shall be fined a sum of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200), and on second conviction a sum of not less than Two Hundred Dollars (\$200).

UTAH (C)

27-12-146

Section 27-12-146. Loads on Vehicles - Confining, securing and fastening load required.

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other abrasives may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

No person shall operate on any public highway any vehicle with any load unless said load and any covering thereon is suitably fastened, secured and confined according to the nature of such load so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

VERMONT (D)

T. 23, Sec. 1454

T. 23, Section 1454. Securing loads; penalty.

a. A person shall not operate a motor vehicle nor draw a trailer or semi-trailer on a highway unless the motor vehicle, trailer or semi-trailer is so constructed and loaded that it will create no hazard to other users of the highway.

b. Repealed.

VIRGINIA (D)

46.1-303 & 10-211

Section 46.1-303. Construction must prevent escape of contents.

No vehicle shall be operated or moved on any highway unless such vehicle is so constructed as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

Section 10-211. Allowing escape of load material; penalty.

No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Provided, however, that sand or any substance for increasing traction during times of snow and ice may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by the State or local government agency having that responsibility. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could constitute an obstruction or damage a vehicle or otherwise endanger travel upon such public highway shall immediately cause the highway to be cleaned of all glass or objects and shall pay any costs therefor. Violation of this section shall constitute a Class I misdemeanor.

WASHINGTON (D)

46.61.655

Section 46.61.655. Permitting escape of load materials.

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

WEST VIRGINIA (C)

17C-17-6

Section 17C-17-6. Loads to be securely fastened and not allowed to leak, escape, etc.

a. No vehicle or combination of vehicles shall be operated on any highway unless such vehicle or combination of vehicles is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

b. It shall be unlawful to operate on any highway any vehicle or combination of vehicles with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

WISCONSIN (D)

348.10, Section 2

346.94, Sections 6 & 7

348.10, Section 2. Special limitations on load.

(2) No person shall operate a vehicle on a highway unless such vehicle is so constructed and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

346.94, Sections 6 & 7.

(6) Debris on public or private property. No person shall throw or deposit any type of debris or waste material on or along any highway or on any other public or private property.

(7) Spilling loads of waste or foreign matter. The operator of every vehicle transporting waste or foreign matter on the highways of this State shall provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways.

WYOMING (D)

No statute citation available

"Dump trucks are not required to be covered during operation. Wyoming statutes do require that all vehicles be loaded as not to spill any substances on the roadway." Wyoming Highway Patrol

PUERTO RICO (A)

Section 1371 (b) 10

Section 1371 (b) 10.

- (b) Except as otherwise provided by the Secretary through regulations promulgated for the purpose there shall not be operated or moved on public highways:

(10) "Any vehicle or trailer engaged in the transportation of refuse, soil, clay, mud, sand, cement, block or crushed stone, or any other analogous material, unless it is equipped with a body free from crevices, openings, or cracks and is not filled to overflowing so that any such material may spill or drop upon the pavement. Where the cargo consists of fine gravel, sand, lime, cement or refuse, or any other analogous material, said cargo shall be completely covered with a tarpaulin, oilskin or canvas so that it will not spill over or pollute the atmosphere to the detriment or prejudice of the public health and safety, provided, further, that on rainy days, if the source of the cargo is swampy, the vehicle's tires shall be cleaned or washed before entering a public road."

CANADIAN PROVINCES

ALBERTA (D)

Section 3.3.2

Section 3.3.2. Loose Materials.

When the load of a vehicle consists of loose material or of material liable to shift, slip, blow off or fall off while being conveyed, it shall be placed on the vehicle inside a container or otherwise so placed as to prevent it from falling off the vehicle.

BRITISH COLUMBIA (C)

Section 19.03

Section 19.03 (5)

No person shall drive or operate on a highway a vehicle unless it is so constructed or loaded as to prevent any of its load,

- (a) from shifting or swaying in such a manner as to affect the operation of the vehicle; or
- (b) from dropping, sifting, leaking, or otherwise escaping therefrom, but sand may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

BRITISH COLUMBIA (C) cont.

Section 19.03 (6)

No person shall drive or operate on a highway a vehicle with any load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner hazardous to other users of the highway.

MANITOBA (D)

No statute quotation available

Section 56.2

When the load is made up of loose material, it must be placed in a container or otherwise so placed to prevent it from spilling. (Summary)

NEW BRUNSWICK (C)

Section 256

Section 256 (1) & (2)

(1) No vehicle carrying material that is injurious to a highway or that would constitute a hazard to users of the highway shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2) No person shall operate on any highway any vehicle with an load unless the load and any covering thereon is securely fastened so as to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

NEWFOUNDLAND (C)

No statute quotation available

Section 177.1

Vehicle must be so constructed or loaded to prevent spillage. (Summary)

Section 177.2

Load and any covering must be securely fastened. (Summary)

NOVA SCOTIA (C)

Section 177

Section 177 (7)

7. (1) All vehicles transporting firewood, Christmas trees, tree branches, moss or seaweed or other similar loosely packed bulk materials, or liquid or semi-liquid materials shall be constructed in such a manner so as to prevent the contents thereof from dropping, shifting, leaking or otherwise escaping from the vehicle.

NOVA SCOTIA (C) cont.

(2) Loads consisting of sawdust, shavings or wood chips shall be covered entirely by a tarpaulin or other covering in a manner sufficient to prevent the escape from the vehicle of any portion of the load.

(2A) Subject to subsection (2B), loads consisting of salt, sand, gravel, asphalt, coal or other similar bulk materials shall be covered entirely by a tarpaulin, or other covering in a manner sufficient to prevent the escape from the vehicle of any portion of the load.

(2B) Where a vehicle carrying a load consisting of salt, sand, gravel, asphalt, coal or other similar bulk materials is adequately constructed or loaded to prevent the escape from the vehicle of any portion of the load, it shall not be necessary for the load to be covered by a tarpaulin or other covering.

ONTARIO (A)

Ontario Regulation 632/76

O.R. 632/76

#### COVERING OF LOADS

1. In this Regulation,

- (a) "clear aggregate" means gravel, crushed stone or slag in the form of particles that are not less than 3/8 inch in diameter or more than 1½ inches in diameter;
- (b) "registered gross weight" means the weight for which a permit has been issued under the Act, the fee for which permit is based upon the weight of the vehicle or combination of vehicles and load; and
- (c) "waste" means ordinary waste associated with municipal collection systems, including ashes, garbage, refuse and domestic waste.

2. (1) Subject to subsection 2, where a commercial motor vehicle or a combination of a commercial motor vehicle and trailer or trailers is being operated on a highway and is carrying a load that is:

- (a) sand, gravel, crushed stone, slag, salt or any mixture thereof, where such substances are in the form of particles of up to 1½ inches in diameter;
- (b) waste; or
- (c) shredded scrap metal,

the portion of the load that is not enclosed by the vehicle or load container shall be covered with a covering that is made of tarpaulin, canvas, netting or other material capable of confining the load within the vehicle container or load container.

(2) Subsection 1 does not apply where the commercial motor vehicle or the combination of a commercial motor vehicle and trailer or trailers is being operated.

- (a) in the course of applying sand, salt, a mixture of sand and salt or any similar substance to the highway for the purpose of winter highway maintenance;
- (b) in the course of collecting waste;
- (c) in the course of carrying waste where the vehicle does not have a gross weight or registered gross weight in excess of 10,000 pounds;
- (d) in the course of carrying a load that is not waste and the vehicle does not have a gross weight or registered gross weight in excess of 18,000 pounds;
- (e) in the course of carrying sand, gravel, crushed stone or slag, of which not less than 90 per cent is clear aggregate, where the highest point of the load does not extend above the top of the vehicle container or load container, and the perimeters of the load are not less than twelve inches beneath the top of the vehicle container or load container;
- (f) in the course of carrying sand, gravel, crushed stone, slag, salt or any mixture thereof in December, January, February or March where the highest point of the load does not extend above the top of the vehicle container or load container, and the perimeters of the load are not less than twelve inches beneath the top of the vehicle container or load container;
- (g) in the course of carrying agricultural products, where such vehicle is owned by a farmer;
- (h) on a highway with,
  - (i) an untreated gravel or
  - (ii) an earth surface, or
  - (iii) a surface treated solely for dust abatement purposes;or
- (i) within the limits of a highway construction contract.

3. This Regulation comes into force on the 1st day of January, 1977.

QUEBEC (B)

Section 11 - 38

Section 11 - 38. Security of Load

It is forbidden to drive or permit to be driven on a public highway any vehicle the load of which is not firmly bound, or sufficiently covered or otherwise secured.

Any policeman or officer of the Department who has reason to believe that a vehicle and its load constitute a public danger is authorized to detain the said vehicle until such condition has been rectified.

SASKATCHEWAN (D)

Section 232

Section 232.

"No person shall cause or allow a vehicle to be so loaded that when the vehicle is driven on a public highway the load or any part thereof might drop onto the highway, and no person shall drive on a public highway a vehicle so loaded."

YUKON (D)

Section 131

Section 131.

(1) Every motor vehicle or trailer shall be loaded in such a manner that no portion of the load may become dislodged or fall from the motor vehicle or trailer during transit.

## Chapter 40. General Provisions.

### Section

050. Penalty for violations of law, regulations, and municipal ordinances

### Section

100. Definitions for title  
110. Short title

**Sec. 28.40.050. Penalty for violations of law, regulations, and municipal ordinances.** (a) It is a misdemeanor for a person to violate a provision of this title unless the violation is by this title or other law declared to be a felony or an infraction.

(b) A person convicted of a misdemeanor for a violation of a provision of this title for which another penalty is not specifically provided is punishable by a fine of not more than \$500, or by imprisonment for not more than 90 days, or by both. In addition, the privilege to drive or the registration of vehicles may be suspended or revoked.

(c) Unless otherwise specified by law a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an infraction and is punishable by a fine not to exceed \$300.

(d) An infraction, as provided for in (c) of this section, is not considered a criminal offense and may not result in imprisonment, nor is a fine imposed for the commission of an infraction considered a penal or criminal punishment; nor may the commission of a single infraction result in the loss of a driver's license or privilege to drive in this state except as may result from the accumulation of points under AS 28.15.221 — 28.15.261, or the registration of vehicles; nor does a person cited with an infraction have a right to trial by jury or to court-appointed counsel.

166

(e) Notwithstanding the maximum fine provided for infractions under (c) of this section, for the violation of regulations or special permits issued governing vehicle weight limits, overweight penalties shall be imposed at the rate of five cents for each pound of weight over the authorized weight limit for that vehicle. (§ 50-1-8 ACLA 1949; am § 12 ch 241 SLA 1976; am §§ 22, 23 ch 144 SLA 1977)

Revisor's notes. — Formerly AS 28.35.230. Renumbered in 1984.

Penalty

**17 AAC 25.040. CONFINEMENT OF LOADS.**

(a) No vehicle shall be driven or moved on any highway unless it is so constructed or loaded as to prevent any of the load from dropping, shifting, leaking, or escaping, except that sand may be dropped for the purpose of securing traction, and water or other substance may be sprinkled on a roadway in cleaning or maintaining it.

(b) No person may operate on any highway any vehicle with a load unless the load and any covering on it is securely fastened so as to prevent the covering or load from coming loose, detached or in any manner a hazard to other users of the highway. (Eff. 6/25/69, Reg. 30; am 9/3/72, Reg. 43)

Authority: AS 19.05.020  
AS 19.10.060  
AS 28.05.020

DOT REGS

# MEMORANDUM

# State of Alaska

TO: Major Walter J. Gilmour  
Field Enforcement Commander  
Alaska State Troopers

DATE: 5/20/85

FILE NO:

TELEPHONE NO: 745-5258

FROM: Captain Terry McConnaughey  
Commander, B Detachment  
Alaska State Troopers

SUBJECT: Bail Schedule -  
Karla L. Forsythe Letter

I would like to take this opportunity to offer the following comments on the letter from Karla Forsythe, re: uncovered loads.

The letter addresses the use of 13 AAC 02.530(d) and possible bail schedule modification as an enforcement tool for uncovered loads and is in error in several areas.

The majority of the complaints generated from the public are as a direct result of property damage (broken windshields, etc.) caused by gravel trucks, and the victim's inability to identify the responsible person or collect just compensation.

As it stands now, the State had no regulation requiring that gravel loads be covered or tarped; instead, a vehicle that spills a load is usually cited under 17 AAC 25.040(a) or (b) with a bail of \$50.00.

Representative Cotten's concerns are certainly valid, the penalties are not sufficient for the offense, especially considering the safety hazard, property damage, and inconvenience cause to the general public. The entire traffic regulations and bail schedule are in dire need of revision. As you know, we no longer have any commercial vehicle regulations. all enforcement tools expired with the Alaska Transportation Commission, making many needed enforcement areas impossible.

~~I think that a mandatory court appearance for violations of 13 AAC 02.530(d) or 17 AAC 25.040(a) or (b) will do very little to correct the problem at hand, as the magistrates generally hesitate to convict and levy substantial fines. For example, recently a Palmer magistrate reduced a statutorily mandated fine after a conviction on an overloaded commercial vehicle from over \$2,000.00 to \$150.00. I also believe that a law requiring tarps on gravel loads would be counter-productive, that the flapping tarps could very well aggravate the problem. The flapping tarp causing the complaints and problems are not coming from the tarp or loads in most cases. They are instead being released from worn gates, shaken off of under-carriages, rails, and ejected and propelled by revolving vehicle parts.~~

*Public Safety Opinion*

Major Walter Gilmour  
Karla Forsythe letter  
5/20/85  
Page 2

To correct this problem that has been causing Representative Cotten's constituents to complain, the law need a complete revision in the area dealing with anti-spray devices (fenders and flaps), unsafe vehicles, failure to contain loads, etc.

TM:kf

cc: Trooper Bud Dial  
Trooper Mark Troutman

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

REQUEST

Bill/Resolution No. : C.SHB 689 (Jud)  
 Title : "An Act relating to motor vehicles."  
 Sponsor : Rep. Cotten  
 Requestor : House Finance  
 Date of Request : 4/02/86

FISCAL DETAIL

Agency Affected : Public Safety  
 BRU : Alaska State Troopers  
 Components : Detachments and CIB

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

| OPERATING              | FY 86 | FY 87 | FY 88 | FY 89 | FY 90 | FY 91 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES      |       |       |       |       |       |       |
| TRAVEL                 |       |       |       |       |       |       |
| CONTRACTUAL            |       |       |       |       |       |       |
| SUPPLIES               |       |       |       |       |       |       |
| EQUIPMENT              |       |       |       |       |       |       |
| LAND & STRUCTURES      |       |       |       |       |       |       |
| GRANTS, CLAIMS         |       |       |       |       |       |       |
| MISCELLANEOUS          |       |       |       |       |       |       |
| <b>TOTAL OPERATING</b> |       | 0     | 0     | 0     | 0     | 0     |

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| CAPITAL |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REVENUE |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

**FUNDING : (Thousands of Dollars)**

|               |  |   |   |   |   |   |
|---------------|--|---|---|---|---|---|
| GENERAL FUND  |  |   |   |   |   |   |
| FEDERAL FUNDS |  |   |   |   |   |   |
| OTHER         |  |   |   |   |   |   |
| <b>TOTAL</b>  |  | 0 | 0 | 0 | 0 | 0 |

**POSITIONS :**

|           |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|
| FULL-TIME |  |  |  |  |  |  |
| PART-TIME |  |  |  |  |  |  |
| TEMPORARY |  |  |  |  |  |  |

ANALYSIS : Attach a separate page if necessary

No fiscal impact is anticipated.

Prepared by : Kathy Niles, Admin Assistant  
 Division : Commissioner's Office

Phone : 465-4336  
 Date : 4/2/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

Date : 4/2/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CSHB 689 (Jud)

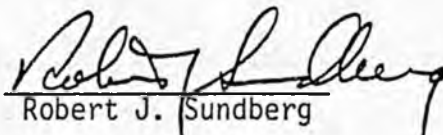
Support

April 2, 1986

CSHB 689 (Jud) - "An Act relating to required equipment on and the transportation of certain loads by, motor vehicles."

Our interpretation of this legislation is that it is an attempt to prevent damage often caused to private vehicles from gravel, rocks and like items falling from uncovered commercial vehicle loads.

The new provisions provided by this statute will be enforced during our current patrol activities. While no additional enforcement effort is anticipated, this statute will add strength to the current provisions.

  
Robert J. Sundberg