

HB

259

Representative Jim Elkins

Representative Carl Gatto

House Transportation

Sponsor Statement

House Bill 259

"An act relating to covered or enclosed loads."

Auto insurance coverage for automobile owners is often purchased with optional coverage for glass breakage found within the "comprehensive coverage" portion of the policy. This coverage may include a deductible as opted for by the insured. As expected the cost to provide glass coverage by the insurer is reflected in the insurance premium to the extent that companies pay for this damage using money collected from the insured. Glass breakage is most often caused by gravel left on the surface of the roadway by vehicles carrying gravel.

These uncovered loads account for a significant portion of the passenger cars glass breakage. Most states rightly do not allow spillage of any portion of their load onto the roadway. Unfortunately loaders often load gravel above the 6" minimum freeboard needed to maintain the load inside the bed. At highway speeds loose gravel blown from the surface of the load is often deposited on the roadway where again is thrown rearward several times over before finally leaving the paved area. These stones are capable of causing chips, dents and glass breakage, much of which is paid for by the auto owner's insurance premium. Chipped and cracked glass is required to be replaced under 13 ACC 04.225 and so the insurer and the insured are jointly liable for paying for repairs caused by a third party.

HB 259 corrects this inequity by changing the language from "contained or confined" to "covered or enclosed". This change in language follows the original intent of legislation that is to prevent damage to other vehicles and enhance safety. I urge your quick approval.

13 AAC 04.225. Windshields and wipers

(a) No person may drive a motor vehicle which is not equipped with a windshield, nor may a person drive a motor vehicle equipped with a defective windshield or windows which obstructs, obscures or impairs the driver's view. This section does not require a windshield as equipment upon a motor-driven cycle, bicycle, or off-highway vehicle.

(b) No person may drive a motor vehicle with a sign, poster or other nontransparent material on the front windshield or window of the vehicle which obstructs, obscures, or impairs the driver's view; nor may a person drive a motor vehicle when there is an accumulation of snow, ice or frost on the windshield or windows which obstructs, obscures or impairs the driver's view.

(c) The windshield on a motor vehicle must be equipped with devices for cleaning rain, snow and other moisture from both sides of the windshield; the device must be constructed to be controlled or operated by the driver of the vehicle, and must be maintained in good working order.

(d) A motor vehicle required to have a windshield, except vehicles which do not have enclosed passenger compartments, must be equipped with a defrosting device to remove snow, ice, frost, or internal moisture from the windshield; this defrosting device must be maintained in good working order.

(e) Repealed 6/28/79.

(f) No person may sell or drive a motor vehicle or truck camper manufactured or assembled after July 1, 1968, unless it is equipped with safety glazing material constructed, treated or combined with other materials to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by glass which is cracked or broken.

(g) A person who drives on a highway a motor vehicle which is not equipped with a windshield in a position to deflect objects which would hit his face must wear an eye-protective device as prescribed for motorcycle operators in sec. 350 of this chapter.

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 259(TRA)

- 1 Page 1, line 5, following "materials":
- 2 Insert "other than snow"

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 259(TRA)

1 Page 1, following line 13:

2 Insert a new bill section to read:

3 **** Sec. 2.** AS 28.35.251 is amended by adding a new subsection to read:

4 (c) Subsection (a) does not apply to communities that are not connected by
5 continuous state or federal highways to Anchorage or communities of less than 5,000
6 population unless specifically adopted by local and state traffic control plans."

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

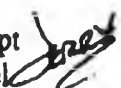
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 19, 2005

SUBJECT: The requirements of AS 28.35.251(a) - "Contained or Confined" and "Covered or Enclosed" (Work Order No. 24-LS0833\Y)

TO: Representative Carl Gatto
Attn: Jenney Yousey

FROM: Gerald P. Luckhaupt 
Legislative Counsel

You have asked about the current requirements of AS 28.35.251(a) and what the requirements will be as proposed by HB 259. AS 28.35.251(a) provides:

- (a) A person may not drive a motor vehicle loaded with sand, gravel, rock, or similar materials on a highway unless
- (1) the load is contained or confined to prevent the load from dropping, shifting, leaking, or escaping, except that sand or other substances may be dropped, sprinkled, or sprayed for the purpose of cleaning or maintaining the highway or providing traction; and
 - (2) the load is subjected to treatment by methods, approved by the commissioner of public safety by regulation, designed to settle the load or remove loose material before the vehicle is driven on the highway.

Basically, this statute requires persons driving vehicles transporting sand, gravel, and similar materials to "contain or confine" the load "to prevent the load from dropping, shifting, leaking, or escaping."¹ The legislature did not provide a special definition for the terms "contain or confine" so we can look to the dictionary meanings of the terms. "Contain" means

to have in it; hold, enclose, or include; to have the capacity for holding; to hold back or within fixed limits.²

¹ The driver must also subject the load to treatment methods designed to settle the load or remove loose material.

² *Webster's New World Dictionary, 2nd College Edition*. I included meanings that are appropriate for this context.

Representative Carl Gatto
April 19, 2005
Page 2

"Confine" means

a boundary or bounded region; border; limit; confinement; a place of confinement; to keep within limits; restrict.³

Applying these meanings, AS 28.35.251(a) requires a person driving a vehicle loaded with rocks, sand, and similar materials to enclose and restrict the load so that it remains within the confines of the vehicle and is not allowed to "drop, sprinkle, leak, or escape." With loose materials it would seem that a tarp or some other item is required to hold back the materials and to keep the materials within the vehicle and to satisfy the requirements of the statute. There is no limit to the application of AS 28.35.251(a) - it applies to all vehicles loaded with these materials.⁴

HB 259 as introduced deleted the terms "contained or confined" in AS 28.35.251(a) and substituted the terms "covered" or enclosed."⁶ This change in terms does not, in my opinion, appreciably change the requirements of AS 28.35.251(a). Indeed one of the meanings of one of the new terms "enclose" is "to contain" which is one of words being replaced. Under HB 259 the driver of a vehicle must still contain the sand, gravel, or similar materials within the vehicle by covering or enclosing it in such a way that the material stays within the vehicle. CSHB 259(TRA) restricts the application of AS 28.35.251(a) to drivers of vehicles meeting certain weight requirements.

GPL:lmb
05-130.lmb

³ *Id.*

⁴ An exception is provided for sand or other materials that are "dropped, sprinkled, or sprayed for the purpose of cleaning or maintaining the highway or providing traction."

⁵ "Cover" means "to place something on, over, or in front of, so as to conceal, protect, or close; to conceal by hiding or screening; to keep from harm or injury by shielding; protect by screening."

⁶ "Enclosed" means "to shut in all around; hem in; fence in; surround; to contain."

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 259 24-LS0833IG
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title "An act related to covered or enclosed loads" RDU Division of Motor Vehicles
 Component Motor Vehicles
 Sponsor (H) Transportation Committee
 Requester (H) Transportation Committee Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill is not expected to impact the Division of Motor Vehicles.

Prepared by: Duane Bannock, Director Phone 269 5008
 Division Motor Vehicles Date/Time 4/8/05 9:44 AM
 Approved by: Michael Tibbles, Deputy Commissioner Date 4/8/2005
 Agency Department of Administration

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB259-DOT-CO-4-11-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DOT&PF
 Title Truck Load Requirements RDU Administration & Support
 Component Commissioner's Office
 Sponsor House Transportation
 Requester House Transportation Component No. 530

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL EXPENDITURES	818.8					
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	818.8					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	818.8	*	*	*	*	*

Estimate of any current year (FY2005) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Because the language in HB 259 does not include vehicle or load size specifications, an effective date or phase-in language, DOT accounted for all such vehicles that would carry sand, gravel, rock or similar materials on a highway and calculated what it would cost to cover each vehicle. Please see the attached document for breakdowns. This would require a one-time purchase and installation of covers on all trucks used to haul loose materials. Thus it is identified as a capital budget impact for FY06. In later years as trucks are replaced, similar purchases will be required but would impact the operating budget at an unknown amount.

Prepared by: Nona Wilson Phone 465-3904
 Division Legislative Liaison, DOT&PF Date/Time 4/11/05 5:14 PM
 Approved by: Mike Barton Date 4/11/2005
 Agency Commissioner, DOT&PF

Additional Information for HB 259 Fiscal Note
Prepared by Nona Wilson, Legislative Liaison DOT&PF
House Transportation Committee Hearing (4/12/05)

Because the current bill draft for HB 259 does not indicate an effective date, phase-in process or vehicle and load size specifications, the Department of Transportation accounted for all vehicles currently owned by the department that carry sand, gravel, rock and similar materials and calculated the outright cost to purchase and install covers on all said vehicles.

8 Yard Dump Trucks

Number operated by DOT	228
Cost and installation of one fully-automatic cover	\$2,300.00
Cost and installation for all dump trucks	\$525,000.00

1 Ton Pick-Up Trucks

Number operated by DOT	157
Cost and installation of one hard cover	\$400.00
Cost and installation for all 1 ton trucks	\$63,000.00

¾ Ton Pick-Up Trucks

Numbered operated by DOT	577
Cost and installation of one hard cover	\$400.00
Cost and installation for all ¾ ton trucks	\$230,800.00

Total to purchase and install covers for DOT operated vehicles:

\$818,800.00

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: H3259-DPS-ASTD-4-11-05
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An Act relating to covered or enclosed loads" RDU Alaska State Troopers
 Component AST Detachments
 Sponsor House Transportation Committee
 Requester House Transportation Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will not have a fiscal impact on the Department of Public Safety.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223
 Division: Alaska State Troopers Date/Time 4/11/05 10:26 AM
 Approved by: Commissioner William Tandeske Date 4/11/2005
 Agency: Department of Public Safety

RCW 46.61.655**Dropping load, other materials -- Covering.**

(1) 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. 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.

(2) No person may operate on any public highway any vehicle with any load unless the load and such covering as required thereon by subsection (3) of this section 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.

(3) Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping therefrom shall be covered so as to prevent spillage. Covering of such loads is not required if six inches of freeboard is maintained within the bed.

(4) Any vehicle with deposits of mud, rocks, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall be cleaned of such material before the operation of the vehicle on a paved public highway.

(5) The state patrol may make necessary rules 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.

(6) Nothing in this section may be construed to prohibit a public maintenance vehicle from dropping sand on a highway to enhance traction, or sprinkling water or other substances to clean or maintain a highway.

[1990 c 250 § 56; 1986 c 89 § 1; 1971 ex.s. c 307 § 22; 1965 ex.s. c 52 § 1; 1961 c 12 § 46.56.135. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.56.135.]

NOTES:

Rules of court: Monetary penalty schedule -- IRLJ 6.2.

Severability -- 1990 c 250: See note following RCW 46.16.301.

Severability -- 1971 ex.s. c 307: See RCW 70.93.900.

Littering: Chapter 70.93 RCW.

Transporting waste to landfills: RCW 70.93.097.

HOUSE BILL 1478

State of Washington

59th Legislature

2005 Regular Session

By Representatives Kagi, O'Brien, Simpson, Morrell, Lovick, Kenney,
P. Sullivan, Nixon and Chase

Read first time 01/25/2005. Referred to Committee on Criminal
Justice & Corrections.

1 AN ACT Relating to securing vehicle loads on public highways;
2 amending RCW 46.61.655 and 46.63.020; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.61.655 and 1990 c 250 s 56 are each amended to read
5 as follows:

6 (1) No vehicle shall be driven or moved on any public highway
7 unless such vehicle is so constructed or loaded as to prevent any of
8 its load from dropping, sifting, leaking, or otherwise escaping
9 therefrom, except that sand may be dropped for the purpose of securing
10 traction. ((Any person operating a vehicle from which any glass or
11 objects have fallen or escaped, which would constitute an obstruction
12 or injure a vehicle or otherwise endanger travel upon such public
13 highway shall immediately cause the public highway to be cleaned of all
14 such glass or objects and shall pay any costs therefor.))

15 (2) No person may operate on any public highway any vehicle with
16 any load unless the load and such covering as required thereon by
17 subsection (3) of this section is securely fastened to prevent the
18 covering or load from becoming loose, detached, or in any manner a
19 hazard to other users of the highway.

1 (3) Any vehicle operating on a paved public highway with a load of
2 dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or
3 otherwise escaping therefrom shall be covered so as to prevent
4 spillage. Covering of such loads is not required if six inches of
5 freeboard is maintained within the bed.

6 (4)(a) Any person operating a vehicle from which any glass or
7 objects have fallen or escaped, which would constitute an obstruction
8 or injure a vehicle or otherwise endanger travel upon such public
9 highway shall immediately cause the public highway to be cleaned of all
10 such glass or objects and shall pay any costs therefor.

11 (b) Any vehicle with deposits of mud, rocks, or other debris on the
12 vehicle's body, fenders, frame, undercarriage, wheels, or tires shall
13 be cleaned of such material before the operation of the vehicle on a
14 paved public highway.

15 (5) The state patrol may make necessary rules to carry into effect
16 the provisions of this section, applying such provisions to specific
17 conditions and loads and prescribing means, methods, and practices to
18 effectuate such provisions.

19 (6) Nothing in this section may be construed to prohibit a public
20 maintenance vehicle from dropping sand on a highway to enhance
21 traction, or sprinkling water or other substances to clean or maintain
22 a highway.

23 (7)(a)(i) A person is guilty of failure to secure a load in the
24 first degree if he or she negligently fails to secure a load or part of
25 a load to his or her vehicle in compliance with subsection (1), (2), or
26 (3) of this section and causes bodily injury to another.

27 (ii) Failure to secure a load in the first degree is a gross
28 misdemeanor.

29 (b)(i) A person is guilty of failure to secure a load in the second
30 degree if he or she negligently fails to secure a load or part of a
31 load to his or her vehicle in compliance with subsection (1), (2), or
32 (3) of this section and causes damage to property of another.

33 (ii) Failure to secure a load in the second degree is a
34 misdemeanor.

35 (c) A person who fails to secure a load or part of a load to his or
36 her vehicle in compliance with subsection (1), (2), or (3) of this
37 section is guilty of an infraction if such failure does not amount to
38 a violation of (a) or (b) of this subsection.

1 **Sec. 2.** RCW 46.63.020 and 2004 c 95 s 14 are each amended to read
2 as follows:

3 Failure to perform any act required or the performance of any act
4 prohibited by this title or an equivalent administrative regulation or
5 local law, ordinance, regulation, or resolution relating to traffic
6 including parking, standing, stopping, and pedestrian offenses, is
7 designated as a traffic infraction and may not be classified as a
8 criminal offense, except for an offense contained in the following
9 provisions of this title or a violation of an equivalent administrative
10 regulation or local law, ordinance, regulation, or resolution:

11 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
12 vehicle while under the influence of intoxicating liquor or a
13 controlled substance;

14 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

15 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
16 while under the influence of intoxicating liquor or narcotics or habit-
17 forming drugs or in a manner endangering the person of another;

18 (4) RCW 46.10.130 relating to the operation of snowmobiles;

19 (5) Chapter 46.12 RCW relating to certificates of ownership and
20 registration and markings indicating that a vehicle has been destroyed
21 or declared a total loss;

22 (6) RCW 46.16.010 relating to initial registration of motor
23 vehicles;

24 (7) RCW 46.16.011 relating to permitting unauthorized persons to
25 drive;

26 (8) RCW 46.16.160 relating to vehicle trip permits;

27 (9) RCW 46.16.381(2) relating to knowingly providing false
28 information in conjunction with an application for a special placard or
29 license plate for disabled persons' parking;

30 (10) RCW 46.20.005 relating to driving without a valid driver's
31 license;

32 (11) RCW 46.20.091 relating to false statements regarding a
33 driver's license or instruction permit;

34 (12) RCW 46.20.0921 relating to the unlawful possession and use of
35 a driver's license;

36 (13) RCW 46.20.342 relating to driving with a suspended or revoked
37 license or status;

1 (14) RCW 46.20.345 relating to the operation of a motor vehicle
2 with a suspended or revoked license;
3 (15) RCW 46.20.410 relating to the violation of restrictions of an
4 occupational or temporary restricted driver's license;
5 (16) RCW 46.20.740 relating to operation of a motor vehicle without
6 an ignition interlock device in violation of a license notation that
7 the device is required;
8 (17) RCW 46.20.750 relating to assisting another person to start a
9 vehicle equipped with an ignition interlock device;
10 (18) RCW 46.25.170 relating to commercial driver's licenses;
11 (19) Chapter 46.29 RCW relating to financial responsibility;
12 (20) RCW 46.30.040 relating to providing false evidence of
13 financial responsibility;
14 (21) RCW 46.37.435 relating to wrongful installation of
15 sunscreening material;
16 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
17 installation of a previously deployed air bag;
18 (23) RCW 46.44.180 relating to operation of mobile home pilot
19 vehicles;
20 (24) RCW 46.48.175 relating to the transportation of dangerous
21 articles;
22 (25) RCW 46.52.010 relating to duty on striking an unattended car
23 or other property;
24 (26) RCW 46.52.020 relating to duty in case of injury to or death
25 of a person or damage to an attended vehicle;
26 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,
27 and appraisers;
28 (28) RCW 46.52.130 relating to confidentiality of the driving
29 record to be furnished to an insurance company, an employer, and an
30 alcohol/drug assessment or treatment agency;
31 (29) RCW 46.55.020 relating to engaging in the activities of a
32 registered tow truck operator without a registration certificate;
33 (30) RCW 46.55.035 relating to prohibited practices by tow truck
34 operators;
35 (31) RCW 46.61.015 relating to obedience to police officers,
36 flaggers, or fire fighters;
37 (32) RCW 46.61.020 relating to refusal to give information to or
38 cooperate with an officer;

1 (33) RCW 46.61.022 relating to failure to stop and give
2 identification to an officer;
3 (34) RCW 46.61.024 relating to attempting to elude pursuing police
4 vehicles;
5 (35) RCW 46.61.500 relating to reckless driving;
6 (36) RCW 46.61.502 and 46.61.504 relating to persons under the
7 influence of intoxicating liquor or drugs;
8 (37) RCW 46.61.503 relating to a person under age twenty-one
9 driving a motor vehicle after consuming alcohol;
10 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
11 (39) RCW 46.61.522 relating to vehicular assault;
12 (40) RCW 46.61.5249 relating to first degree negligent driving;
13 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway
14 workers;
15 (42) RCW 46.61.530 relating to racing of vehicles on highways;
16 (43) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
17 load;
18 (44) RCW 46.61.685 relating to leaving children in an unattended
19 vehicle with the motor running;
20 ~~((44))~~ (45) RCW 46.61.740 relating to theft of motor vehicle
21 fuel.
22 ~~((45))~~ (46) RCW 46.64.010 relating to unlawful cancellation of or
23 attempt to cancel a traffic citation;
24 ~~((46))~~ (47) RCW 46.64.048 relating to attempting, aiding,
25 abetting, coercing, and committing crimes;
26 ~~((47))~~ (48) Chapter 46.65 RCW relating to habitual traffic
27 offenders;
28 ~~((48))~~ (49) RCW 46.68.010 relating to false statements made to
29 obtain a refund;
30 ~~((49))~~ (50) Chapter 46.70 RCW relating to unfair motor vehicle
31 business practices, except where that chapter provides for the
32 assessment of monetary penalties of a civil nature;
33 ~~((50))~~ (51) Chapter 46.72 RCW relating to the transportation of
34 passengers in for hire vehicles;
35 ~~((51))~~ (52) RCW 46.72A.060 relating to limousine carrier
36 insurance;
37 ~~((52))~~ (53) RCW 46.72A.070 relating to operation of a limousine
38 without a vehicle certificate;

1 ~~((+53+))~~ (54) RCW 46.72A.080 relating to false advertising by a
2 limousine carrier;
3 ~~((+54+))~~ (55) Chapter 46.80 RCW relating to motor vehicle wreckers;
4 ~~((+55+))~~ (56) Chapter 46.82 RCW relating to driver's training
5 schools;
6 ~~((+56+))~~ (57) RCW 46.87.260 relating to alteration or forgery of a
7 cab card, letter of authority, or other temporary authority issued
8 under chapter 46.87 RCW;
9 ~~((+57+))~~ (58) RCW 46.87.290 relating to operation of an
10 unregistered or unlicensed vehicle under chapter 46.87 RCW.

--- END ---

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: covered loads; commercial vehicles

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2178

Introduced by
Representative O'Halleran

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 18, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1098.01; RELATING TO VEHICLE SIZE, WEIGHT AND LOAD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 3, article 18, Arizona Revised Statutes,
3 is amended by adding section 28-1098.01, to read:

4 28-1098.01. Commercial vehicles; loads; covering requirements;
5 exemption; civil penalty

6 A. A PERSON SHALL NOT OPERATE OR MOVE A VEHICLE THAT IS SUBJECT TO
7 CHAPTER 15, ARTICLE 2 OF THIS TITLE AND THAT HAS A DECLARED GROSS WEIGHT, AS
8 DEFINED IN SECTION 28-5431, OF MORE THAN TEN THOUSAND POUNDS UNLESS THE
9 VEHICLE LOAD IS COVERED TO PREVENT THE LOAD FROM DROPPING, SIFTING, LEAKING
10 OR OTHERWISE ESCAPING FROM THE VEHICLE.

11 B. THIS SECTION APPLIES TO COMMERCIAL VEHICLES CARRYING SAND, GRAVEL,
12 ROCK, DEBRIS OR ANY OTHER TYPE OF LOOSE OR UNPACKAGED MATERIAL, EXCEPT THAT
13 EITHER:

14 1. SAND MAY BE DROPPED FOR THE PURPOSE OF SECURING TRACTION.

15 2. WATER OR ANOTHER SUBSTANCE MAY BE SPRINKLED ON A ROADWAY IN
16 CLEANING OR MAINTAINING THE ROADWAY.

17 C. THE PERSON OPERATING OR MOVING THE VEHICLE DESCRIBED IN SUBSECTION
18 A OF THIS SECTION SHALL ENSURE THAT THE VEHICLE IS FREE OF ANY LOOSE MATERIAL
19 THAT IS NOT COVERED OR CONTAINED IN THE CARGO AREA OF THE VEHICLE.

20 D. THIS SECTION DOES NOT APPLY TO VEHICLES CARRYING AGRICULTURAL OR
21 FORAGE PRODUCTS.

22 E. IF A PERSON IS FOUND IN VIOLATION OF THIS SECTION AND THE
23 VIOLATION:

24 1. DOES NOT CAUSE ANY DAMAGE OR PHYSICAL INJURY, THE PERSON IS SUBJECT
25 TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS.

26 2. RESULTS IN AN ACCIDENT CAUSING SERIOUS PHYSICAL INJURY AS DEFINED
27 IN SECTION 13-105 TO ANOTHER PERSON, THE PERSON IS SUBJECT TO A CIVIL PENALTY
28 OF NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS.

29 3. RESULTS IN AN ACCIDENT CAUSING THE DEATH OF ANOTHER PERSON, THE
30 PERSON IS SUBJECT TO A CIVIL PENALTY OF UP TO TWO THOUSAND FIVE HUNDRED
31 DOLLARS.

32 F. COMPLIANCE WITH THIS SECTION DOES NOT RELIEVE A PERSON FROM
33 COMPLIANCE WITH SECTION 28-1098. A PERSON MAY BE CITED FOR A VIOLATION OF
34 THIS SECTION AND SECTION 28-1098.



The State of Colorado Homepage



Office of the Governor - Press Office

FOR RELEASE
Monday, April 12, 2004

CONTACT:
Dan Hopkins - 303-866-6324
Kristen Hubbell - 303-866-6323
Stacey Stegman (CDOT) - 303-757-9362

OWENS SIGNS LEGISLATION PROHIBITING UNCOVERED LOADS ON HIGHWAYS

Trash clean-up costs millions annually

(DENVER) - Gov. Bill Owens today signed Senate Bill 110, which prohibits trucks from transporting trash or recyclables unless the load is covered.

"No one likes to see trash along our highways. The debris is unsightly and ultimately taxpayers wind up footing the bill for the clean up. Most trash haulers are responsible and make sure their loads are covered but there are still those who thoughtlessly allow debris to fly out of their trucks. This law makes it clear that uncovered loads are illegal," Owens said.

The legislation specifies that a vehicle shall not carry trash or recyclables unless the load is covered by a tarp or some other device that keeps it from blowing, dropping or leaking onto the highway.

"Cleaning up debris is costly," said CDOT executive director Tom Norton. "Each year, the Department of Transportation spends over \$5 million to pick up trash from the highways. The cost would be even greater if we did not have the help of thousands of Adopt-a-Highway volunteers."

SB 110 was sponsored by Sen. Bruce Cairns (R-Aurora) and Rep. Jerry Frangas (D-Denver).

Return to [Office of the Governor homepage](#).



[[Home](#) | [Top](#)]

governorowens@state.co.us

last modified April 12, 2004

Press Releases - Landfill Covered Loads

Issued April 14, 2004

Landfill Covered Loads

The City of Kearney, as the operator of the Kearney Area Solid Waste Agency Landfill, is reminding residents that all vehicles transporting materials to the Landfill must take precautions to ensure that debris will not leave a vehicle and be dropped along the roads leading to the Landfill. Landfill rates adopted by the Solid Waste Agency allow the Landfill staff to charge extra fees for loads that are not properly covered. During March eight vehicles were charged the additional fee for an uncovered load. Below are some general rules to follow:

Waste Type	Method to Secure
Yard Waste	Completely covered, tarped, or netted
Trees/Branches	Roped, strapped, tarped, or netted
Construction Waste	Completely covered
Concrete/Asphalt	Not required if the load does not exceed the box height
Pallets/Furniture	Roped, strapped, tarped, or netted

Additionally, due to complaints received from residents along the routes to the Landfill the Buffalo County Sheriff and the Nebraska State Patrol have been asked to enforce littering laws in those areas. As well as littering on routes leading to the Landfill the Kearney Police Department has been asked to be watchful for vehicles hauling waste in the city limits that violate Section 5-218 of the Kearney City Code requiring all vehicles hauling waste to be covered with a cover firmly attached at the sides of the vehicle.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 880 Session of 2003

INTRODUCED BY SAYLOR, GEIST, McCALL, BARD, WATSON, DERMODY,
MELIO, BELARDI, CRUZ, DeWEESE, FRANKEL, GILLESPIE, HARHAI,
HORSEY, MANN, METCALFE, N'ILOR, SOLOBAY, E. Z. TAYLOR AND
YOUNGBLOOD, MARCH 13, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 13, 2003
AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for securing loads in vehicles;
3 and providing requirements for transporting loose material.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 4903 of Title 75 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4903. Securing loads in vehicles.

9 (a) General rule.--No vehicle shall be driven or moved on
10 any highway unless the vehicle is so constructed or loaded as to
11 prevent any of its load from dropping, sifting, leaking or
12 otherwise escaping.

13 (b) Fastening load.--Every load on a vehicle shall be
14 fastened so as to prevent the load or covering from becoming
15 loose, detached or in any manner a hazard to other users of the
16 highway.

17 (c) Load of logs.--

1 (1) Every load of logs on a vehicle shall be securely
2 fastened with binders, chains or straps and, in the case of
3 an open-body or stake-body vehicle, trailer or semitrailer
4 there shall be a sufficient number of vertical metal stakes
5 or posts securely attached on each side of the vehicle,
6 trailer or semitrailer at least as high as the top of the
7 load to secure such load in the event of a failure of the
8 binders, chains or straps.

9 (2) A load of logs which are greater than six feet in
10 length must be secured by three binders for each stack of
11 logs, except that, if the stacks are tiered so that one stack
12 rests upon the bottom stack or stacks, a total of three
13 binders is necessary for that tiered combination.

14 (3) A load of logs which are six feet or less in length
15 must be secured by two binders for each stack of logs, except
16 that, if the stacks are tiered so that one stack rests upon
17 the bottom stack or stacks, a total of three binders is
18 necessary for that tiered combination.

19 (4) A tiered combination which includes logs which are
20 greater than six feet and logs which are six feet or less
21 shall be governed by paragraph (2).

22 (c.1) Load of loose garbage.--Every load of loose, nonbaled
23 garbage, waste, refuse or rubbish being transported through or
24 within this Commonwealth shall be transported in a vehicle with

25 four solid sides and with a cover or top of a type to prevent
 26 any of the load from escaping. The cover or top shall remain
 27 tightly in place going to a disposal site. The load shall be no
 28 higher than the solid sides of the vehicle. It is imperative
 29 that all garbage, waste, refuse or rubbish be removed from the
 30 vehicle at the disposal site to prevent any scattering of litter

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- 2 -

1 on the highway during the return trip. No truck, trailer or
 2 semitrailer with an open body or stake body shall be used for
 3 such purposes. This subsection shall not apply to vehicles
 4 engaged in the systematic collection of garbage or refuse and
 5 which are designed to be open in the rear for the loading of
 6 garbage or refuse.

7 (c.2) Load of baled garbage.--Garbage, waste, refuse or
 8 rubbish in a tightly compacted and baled form being transported
 9 through or within this Commonwealth shall be securely fastened
 10 to the vehicle and covered over all exposed areas with a canvas
 11 cover or cover of a comparable type which shall be securely
 12 attached to the underside of all sides of the truck, trailer or
 13 semitrailer to prevent any of the material from the bales from
 14 escaping. No part of any bale shall be uncovered, except for
 15 inspection, at any time during transportation within or through
 16 this Commonwealth until arrival at the disposal site.

17 (c.3) Removal of debris.--The owner of a vehicle from which
 18 dirt, debris or an agricultural product has fallen on any
 19 highway is responsible for removing that dirt, debris or
 20 agricultural product within a reasonable time.

21 (d) Establishment of standards for fastening devices.--The
 22 department may promulgate regulations establishing minimum
 23 standards governing types and numbers of devices to be used in
 24 securing loads to prevent spillage and leakage of a load while
 25 in transit.

26 (e) Exceptions.--This section does not prohibit:

27 (1) [the necessary spreading of any substance in highway
 28 maintenance or construction operations] dropping sand,
 29 abrasives, chemicals or other materials to improve traction;

30 (1.1) spreading water or other substance to construct,

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1 clean or maintain a highway; or

2 (2) [the] shedding or dropping [of] feathers or other
 3 matter from vehicles hauling live or slaughtered birds or
 4 animals.

5 (f) Penalty for violation of subsection (a), (b) or (c).--A
 6 person who owns or who operates a vehicle in violation of
 7 subsection (a), (b) or (c) and, as a result of the violation,
 8 any item, piece, fragment or part of the load escapes and causes
 9 injury to a person or damage to another vehicle or other
 10 property commits a summary offense and shall, upon conviction,
 11 be sentenced to pay a fine of not less than [\$300] \$500 nor more
 12 than [\$1,000] \$3,000. A violation of subsection (a), (b) or (c)
 13 which does not result in injury to a person or damage to another
 14 vehicle or other property constitutes a summary offense,
 15 punishable by a fine of not less than \$100 nor more than \$300.

16 (g) Penalty for violation of subsection (c.1) or (c.2).--A
 17 person who owns or who operates a vehicle in violation of
 18 subsection (c.1) or (c.2) commits a summary offense and shall,
 19 upon conviction, be sentenced to pay a fine of not less than
 20 [\$300] \$500 nor more than [\$1,000] \$3,000. Notwithstanding the
 21 provisions of 42 Pa.C.S. §§ 3571 (relating to Commonwealth
 22 portion of fines, etc.) and 3573 (relating to municipal
 23 corporation portion of fines, etc.), disposition of any fine
 24 collected for a violation of subsection (c.1) or (c.2) shall be
 25 as follows:

26 (1) Unless paragraph (2) applies, the fine collected
 27 shall be paid to the Commonwealth for deposit into the Motor
 28 License Fund.

29 (2) If the county where the offense was committed has a
 30 litter control program approved by the department, 50% of the

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1 fine collected shall be paid to the county for expenditure in
2 the approved litter control program; and 50% of the fine
3 collected shall be paid to the Commonwealth for deposit into
4 the Motor License Fund.

5 Section 2. Title 75 is amended by adding a section to read:
6 § 4903.1. Loose material.

7 (a) Carrying loose material.--A person may not, in violation
8 of this section, carry any loose material in any vehicle on or
9 across any highway in this Commonwealth.

10 (b) Loading loose material.--A person may not, in violation
11 of this section, load any loose material for carrying in any
12 vehicle on or across any highway in this Commonwealth.

13 (c) Enclosures generally.--

14 (1) Subject to the provisions of subsection (d), the bed
15 of the vehicle carrying a load of loose material shall be
16 fully enclosed:

17 (i) On both sides, by sideboards or sidepanels.

18 (ii) On the front, by a board or panel or by the cab
19 of the vehicle.

20 (iii) On the rear, by a tailgate, board or panel.

21 (2) (i) The enclosures required by paragraph (1) shall
22 be constructed so as to prevent any part of the load from
23 blowing, falling or spilling out of the vehicle.

24 (ii) No part of the load touching any of these
25 enclosures may be within six inches of the top of the
26 part of the enclosure that it touches, unless the load is
27 covered with a firmly secured canvas or similar type
28 covering.

29 (iii) If the vehicle manufacturer's original design
30 specifications for bed enclosures have been altered to

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1 increase the vehicle's load capacity, no part of the load
2 touching any of these enclosures may be within six inches
3 of the top of the part of the enclosure that it touches
4 and the highest point of the load may not be higher than
5 any of these enclosures, unless the load is covered with
6 a canvas or other type cover approved by the department
7 that is secured as provided in paragraph (3).

8 (3) This subsection does not apply to:

9 (i) any load-carrying vehicle with a compartment
10 that fully encloses the load; or

11 (ii) a vehicle in which the load is suitably covered
12 or secured by other means that prevent the escape of the
13 loose material.

14 (d) Canvas enclosures.--

15 (1) A vehicle carrying a load of loose material shall
16 have its bed fully enclosed on the top by a canvas or other
17 type cover approved by the department.

18 (2) Any cover required under this section shall be
19 secured in a manner to prevent.

20 (i) Any part of the load from blowing, falling or
21 spilling out of the vehicle.

22 (ii) The cover from blowing off the vehicle.

23 (e) Removal of spillage; securing tailgate; maintenance of
24 bed.--

25 (1) This subsection does not apply to any construction
26 vehicle or mining equipment that:

27 (i) is moving between construction barricades on a
28 public works project; or

29 (ii) on y is crossing a highway.

30 (2) A vehicle used for carrying loose material may not

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1 be operated on any highway unless:

2 (i) All spillage from loading loose material is
3 removed from the nonload-carrying parts of the vehicle.

4 (ii) whether the vehicle is loaded or empty, the
5 tailgate is closed securely to prevent spillage of a load
6 or of any residue.

7 (iii) The bed does not have any holes, cracks or

8 openings through which loose material can escape.
9 (iv) After unloading loose material, all residue is
10 removed from the nonload-carrying parts of the vehicle.
11 (f) Definition.--As used in this section, the term "loose
12 material" includes:
13 (1) Dirt, sand, gravel, wood chips or other material
14 that can blow, fall or spill from a vehicle as a result of
15 movement or of exposure to air, wind or weather.
16 (2) Any other kind of material that can blow, fall or
17 spill as specified in rules and regulations adopted by the
18 department. The term does not include agricultural products,
19 including sod, in their natural state.
20 Section 3. This act shall take effect in 60 days.

A15L75MEP/20030H0880B1036

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HR 2153 IH

104th CONGRESS

1st Session

H. R. 2153

To amend title 49, United States Code, to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways.

IN THE HOUSE OF REPRESENTATIVES

August 1, 1995

Mr. LIPINSKI introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to require the Secretary of Transportation to issue regulations and encourage the States to adopt and implement laws prohibiting the operation of certain uncovered commercial motor vehicles on highways.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Commercial Motor Vehicle Safety Act of 1995'.

SEC. 2. FINDINGS.

Congress finds that--

(1) it is in the public interest to prohibit the operation of certain uncovered commercial motor vehicles and thereby reduce highway fatalities, injuries, and property damage otherwise associated with such operation; and

(2) State governments can assist the Federal Government in assuring the safe operation of commercial motor vehicles by enacting laws prohibiting the operation of certain uncovered commercial motor vehicles.

SEC. 3. COVERED LOAD REQUIREMENT.

(a) IN GENERAL- Subchapter III of chapter 311 of title 49, United States Code, is amended by adding at the end thereof the following:

'Sec. 31148. Covered load requirement

'(a) GENERAL RULE- Not later than 120 days after the date of the enactment of this section, the Secretary of Transportation shall initiate a rulemaking proceeding for the purpose of issuing regulations prohibiting any person

from operating, or causing to be operated, on any street or highway, any commercial motor vehicle with an open load of dirt, aggregate, garbage, tailings, wood chips, refuse, or other similar loose material, unless the load is secured or enclosed with a tarpaulin or other covering sufficient to prevent any portion of the material from rolling off, falling from, blowing off, dropping from, or otherwise escaping from the vehicle. The Secretary shall issue such regulations not later than 1 year after such date of enactment.

“(b) STATE LAW COMPATIBILITY- If at any time in a fiscal year beginning after September 30, 1997, a State does not have in effect a law compatible with the regulations issued by the Secretary under subsection (a), the Secretary, notwithstanding any other provision of law, shall transfer an amount equal to 1 1/2 percent of the funds apportioned to the State under each of subsections (b)(1), (b)(2), and (b)(3) of title 23, United States Code, to the apportionment of the State under section 402 of title 23, United States Code. The Federal share of the cost of any project carried out with funds transferred under this section shall be 100 percent.

“(c) TRANSFER OF OBLIGATION AUTHORITY- If the Secretary transfers under this section any funds to the State for a fiscal year for highway safety programs under section 402 of title 23, United States Code, the Secretary shall allocate an amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety programs for carrying out only projects under such section 402 which is determined by multiplying--

“(1) the amount of the funds transferred to the apportionment of such section 402 of the State under this section for such fiscal year; by

“(2) the ratio of the amount of obligation authority distributed for such fiscal year to the State for Federal-aid highways and highway safety construction programs to the total of the sums apportioned to the State for Federal-aid highways and highway safety construction (excluding sums not subject to any obligation limitation) for such fiscal year.

“(d) LIMITATION ON APPLICABILITY OF HIGHWAY SAFETY OBLIGATIONS- Notwithstanding any other provision of law, no limitation on the total obligations for highway safety programs carried out by the Federal Highway Administration under section 402 of title 23, United States Code, shall apply to funds transferred under this section to the apportionment of the State under such section 402.”.

(b) CONFORMING AMENDMENT- The analysis for chapter 311 of such title is amended by inserting after the item relating to section 31147 the following:

“31148. Covered load requirement.”.

SEC. 4. DEFINITIONS.

Section 31132 of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(11) ‘aggregate’ means any ore, mineral, sand, gravel, shale, coal, clay, limestone, crushed stone, or other ore or mineral which is mined.”.

END

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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MEMORANDUM

April 21, 2005

SUBJECT: Section 2 of CSHB 259(TRA) (Work Order No. 24-LS0833\S)

TO: Representative Carl Gatto
Attn: Jenney Yousey

FROM: Gerald P. Luckhaupt 
Legislative Counsel

Enclosed is the final CS(TRA) you requested. I have one comment. Section 2 of the bill provides that AS 28.35.251(a) is not effective in certain communities "unless specifically adopted by local and state traffic control plans."¹ This provision is an unconstitutional delegation of law making power by the legislature. This provision is unlike local option laws in the alcohol arena as it does not provide for a vote of the people of the affected area.² In addition by including state traffic control plans,³ apparently employees of the Department of Transportation and Public Facilities will be able to veto application of this law.

GPL:med
05-283.med

Enclosure

¹ It is not clear if this clause applies to communities not connected by road to Anchorage or just to communities of less than 5,000 people.

² See, e.g., *Shettlers v. State*, 832 P.2d 181 (Alaska App. 1991).

³ Traffic control plans are not identified or defined in the bill.

24-LS0833VL
Luckhaupt
4/20/05

CS FOR HOUSE BILL NO. 259()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION**

BY

Offered:

Referred:

Sponsor(s): HOUSE TRANSPORTATION COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to covered or enclosed loads."**

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

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

4 (a) A person may not drive a motor vehicle

5 (1) loaded with sand, gravel, rock, or similar materials on a highway

6 unless

7 (A) [(1)] the load is contained or confined to prevent the load
8 from dropping, shifting, leaking, or escaping, except that sand or other
9 substances may be dropped, sprinkled, or sprayed for the purpose of cleaning
10 or maintaining the highway or providing traction; and

11 (B) [(2)] the load is subjected to treatment by methods,
12 approved by the commissioner of public safety by regulation, designed to settle
13 the load or remove loose material before the vehicle is driven on the highway;

14 or

15 (2) with a gross vehicle weight greater than 9,200 pounds loaded

1 with sand, gravel, rock, or similar materials, other than snow, on a highway on
2 the road system unless

3 (A) the load is covered or enclosed to prevent the load from
4 dropping, shifting, leaking, or escaping, except that sand or other
5 substances may be dropped, sprinkled, or sprayed for the purpose of
6 cleaning or maintaining the highway or providing traction; and

7 (B) the load is subjected to treatment by methods, approved
8 by the commissioner of public safety by regulation, designed to settle the
9 load or remove loose material before the vehicle is driven on the highway.

10 * Sec. 2. AS 28.35.251 is amended by adding a new subsection to read:

11 (c) In (a) of this section, "on the road system" means a community connected
12 by road to Anchorage or a community with a population greater than 5,000 not
13 connected by road to Anchorage.