

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 1066

"TO REQUIRE LOADS HAULED BY VEHICLES TO BE COVERED."

Amendment No. 2 to House Bill No. 1066.

Amend House Bill No. 1066 as engrossed, H2/2/05 (version: 02-02-2005 09:02):

Delete the title entirely and substitute:

"AN ACT TO REQUIRE LOADS CARRYING GRAVEL OR ROCKS TO BE COVERED; AND FOR OTHER PURPOSES."

AND

Delete the subtitle in its entirety and substitute:

"TO REQUIRE LOADS CARRYING GRAVEL OR ROCKS TO BE COVERED."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 27-35-110 is amended to read as follows:

27-35-110. Spilling loads on highways prohibited - Covers required for loads of ~~sand~~, gravel, and rock ~~—Exceptions.~~

(a) For the purposes of this section:

(1) "Cover" means a cloth, rubber, plastic, polymer, or metal device designed or used to cover a load of gravel or rock hauled by a vehicle;

(2) "Load" means gravel or rock that is:

(A) Hauled in a vehicle that is not enclosed on all sides of the vehicle; or

(B) Hauled by a vehicle in a trailer or towing device that has any unenclosed areas; and

(3) "Vehicle" means every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) 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 load of gravel or rocks from dropping, sifting, leaking, or otherwise escaping therefrom.



~~(b)(c)~~ ~~Sand may be~~ Nothing in this section shall prohibit sand from
being dropped for the purpose of securing traction, or water or other
substance may be sprinkled on a roadway in cleaning or maintaining the
roadway.

~~(e)(d)~~ For a motor vehicle or a trailer with an open bed ~~manufactured~~
~~after September 30, 2001~~, no ~~sand~~, gravel, or rock shall be transported on
the paved public streets and highways of this state in a motor vehicle or
trailer with an open bed unless the open bed is ~~securely covered with a~~
~~material~~ secured with a cover which will prevent the load from dropping,
sifting, leaking, or otherwise escaping therefrom. The cover shall be
securely fastened to prevent the ~~covering~~ cover from becoming loose,
detached, or in any manner a hazard to other users of the highway.

~~(d)~~ ~~For a motor vehicle or a trailer with an open bed manufactured on~~
~~or before September 30, 2001~~, a vehicle with an open bed transporting sand,
gravel, or rock is required to be covered as prescribed in subsection (c) of
this section unless six (6) inches of freeboard is maintained at the
perimeter of the load within the open bed of the vehicle or trailer carrying
the load. ~~Measurements are to be taken at the perimeter of the vehicle's or~~
~~trailer's bed and measured from the top edge of the bed down to the sand,~~
~~gravel, or rock being transported."~~

The Amendment was read _____
By: Representative Borhauer
JSE/JSE - 02-23-2005 14:52
JSE268 _____
Chief Clerk