

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 37

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

Amendment No. 1 to Senate Bill No. 37.

Amend Senate Bill No. 37 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"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 hauled by a vehicle;

(2) "Load" means any material or substance that is hauled:

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

(B) 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 from dropping, sifting, leaking, or otherwise escaping therefrom.

~~(b)~~(c) 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.

~~(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."~~

AND

If appropriate, renumber the remaining sections of the bill

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Hendren

JSE/VLH - 02-02-2005 10:59

JSE184

Secretary