

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-044

State of Arkansas  
87th General Assembly  
Regular Session, 2009

# A Bill

SENATE BILL 124

By: Senator Hendren

Filed with: Senate Committee on Transportation, Technology and Legislative Affairs  
pursuant to A.C.A. §10-3-217.

## For An Act To Be Entitled

AN ACT TO REQUIRE LOADS OF SAND, GRAVEL, OR ROCK  
TO BE HAULED IN AN ENCLOSED VEHICLE OR SECURED  
WITH A COVER; AND FOR OTHER PURPOSES.

### Subtitle

TO REQUIRE LOADS OF SAND, GRAVEL, OR  
ROCK TO BE HAULED IN AN ENCLOSED VEHICLE  
OR SECURED WITH A COVER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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) As used in this section:

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

(2) “Load” means sand, gravel, or rock that is:

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

(B) Hauled by a vehicle in a trailer or towing device that  
is not enclosed on all sides; and

(3) “Vehicle” means a device in, upon, or by which any person or



1 property is or may be transported or drawn upon a public highway, excepting  
2 devices moved by human power or used exclusively upon stationary rails or  
3 tracks.

4 (b) ~~No~~ A vehicle shall not be driven or moved on any highway unless  
5 the vehicle is ~~so~~ constructed, covered, or loaded ~~as~~ to prevent any of its  
6 load of sand, gravel, or rock from dropping, sifting, leaking, or otherwise  
7 escaping ~~therefrom~~.

8 ~~(b)(c)~~ Sand may be This section does not prohibit:

9 (1) Sand from being dropped for the purpose of securing  
10 traction; or

11 (2) ~~water~~ Water or other ~~substance may be~~ substances from being  
12 sprinkled on a roadway in cleaning or maintaining the roadway.

13 ~~(e)(d)(1)~~ For a A motor vehicle or a trailer with an open bed  
14 ~~manufactured after September 30, 2001, no~~ shall not transport sand, gravel,  
15 or rock ~~shall be transported~~ on the paved public streets and highways of this  
16 state ~~in a motor vehicle or trailer with an open bed~~ unless the open bed is  
17 ~~securely covered with a material which will prevent~~ secured with a cover that  
18 prevents the load from dropping, sifting, leaking, or otherwise escaping  
19 ~~therefrom~~.

20 (2) The cover shall be securely fastened to prevent the ~~covering~~  
21 cover from becoming loose, detached, or in any manner a hazard to other users  
22 of the highway.

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