

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

SENATE BILL 337

4 By: Senators Snyder, Gwatney, and Keet

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 27-35-110 TO PROVIDE THAT  
9 MOTOR VEHICLES CARRYING OPEN LOADS OF SAND, GRAVEL, OR  
10 ROCK SHALL BE COVERED ON *PAVED* PUBLIC HIGHWAYS TO PREVENT  
11 ANY SPILLING OR LEAKING UNLESS THE VEHICLE MAINTAINS SIX  
12 (6) INCHES OF FREEBOARD WITHIN THE OPEN BED; AND FOR OTHER  
13 PURPOSES."

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## Subtitle

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

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

25 "27-35-110. Spilling loads on highways prohibited - Covers required for  
26 loads of sand, gravel, and rock - Exceptions.

27 (a) No vehicle shall be driven or moved on any highway unless the  
28 vehicle is so constructed or loaded as to prevent any of its load from  
29 dropping, sifting, leaking, or otherwise escaping therefrom.

30 (b) Sand may be dropped for the purpose of securing traction, or water  
31 or other substance may be sprinkled on a roadway in cleaning or maintaining  
32 the roadway.

33 (c) No sand, gravel, or rock shall be transported on the *paved* public  
34 streets and highways of this State in a motor vehicle or trailer with an open  
35 bed unless the open bed is securely covered with a material which will

1 prevent the load from dropping, sifting, leaking, or otherwise escaping  
2 therefrom. The cover shall be securely fastened to prevent the covering from  
3 becoming loose, detached, or in any manner a hazard to other users of the  
4 highway.

5 (d) The covering of loads of sand, gravel, or rock is not required if  
6 six (6) inches of freeboard is maintained *at the perimeter of the load* within  
7 the open bed or trailer of the vehicle. *All measurements are to be taken at*  
8 *the perimeter of the vehicle's bed or trailer and measured from the top edge*  
9 *of the bed or trailer down to the material being transported."*

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11 SECTION 2. All provisions of this act of general and permanent nature  
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
13 Revision Commission shall incorporate the same in the Code.

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15 SECTION 3. If any provisions of this act or the application thereof to  
16 any person or circumstance is held invalid, the invalidity shall not affect  
17 other provisions or applications of the act which can be given effect without  
18 the invalid provisions or application, and to this end the provisions of this  
19 act are declared to be severable.

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21 SECTION 4. All laws and parts of laws in conflict with this act are  
22 hereby repealed.

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*/s/Snyder et al*

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