

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S1/29/97

A Bill

SENATE BILL 72

5 *By: Senators Gwatney, Roebuck, Walters, Fitch, Webb, Wyrick, Jeffries and Kennedy*
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For An Act To Be Entitled

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

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17 "TO PROVIDE THAT VEHICLES CARRYING SAND,
18 GRAVEL, OR ROCK IN OPEN BEDS SHALL BE
19 COVERED ON PAVED HIGHWAYS TO PREVENT ANY
20 SPILLING OR LEAKING ON THE HIGHWAY."
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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 prevent
36 the load from dropping, sifting, leaking, or otherwise escaping therefrom.

1 The cover shall be securely fastened to prevent the covering from becoming
2 loose, detached, or in any manner a hazard to other users of the highway.

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

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

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

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

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23 /s/Gwatney et al
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