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.

1	State of Arkansas	As Engrossed: H2/2/05	
2	85th General Assembly	A Bill	
3	Regular Session, 2005		HOUSE BILL 1066
4			
5	By: Representative Borhauer		
6			
7			
8		For An Act To Be Entitled	
9	AN ACT TO REQUIRE LOADS HAULED BY VEHICLES TO BE		
10	COVERED;	AND FOR OTHER PURPOSES.	
11			
12		Subtitle	
13	TO REQ	UIRE LOADS HAULED BY VEHICLES TO	0
14	BE COV	ERED.	
15			
16			
17	BE IT ENACTED BY THE GE	NERAL ASSEMBLY OF THE STATE OF A	ARKANSAS:
18			
19	SECTION 1. Arkan	sas Code § 27-35-110 is amended	to read as follows:
20	27-35-110. Spilling loads on highways prohibited - Covers required for		
21	loads of sand, gravel, and rock - Exceptions.		
22	(a) <u>For the purp</u>	oses of this section:	
23	(1) "Cover" means a cloth, rubber, plastic, polymer, or metal		
24	device designed or used	to cover a load hauled by a veh	nicle;
25	<u>(2) "Load"</u>	means any material or substance	e that is:
26	<u>(A)</u>	Hauled in a vehicle that is not	enclosed on all sides
27	of the vehicle; or		
28	<u>(B)</u>	Hauled by a vehicle in a trailer	or towing device that
29	has any unenclosed areas; and		
30	<u>(3) "Vehic</u>	le" means every device in, upon,	or by which any
31	person or property is, or may be, transported or drawn upon a highway,		
32	excepting devices moved by human power or used exclusively upon stationary		
33	rails or tracks.		
34	(b) No vehicle shall be driven or moved on any highway unless the		
35	vehicle is so constructed, covered, or loaded as to prevent any of its load		
36	from dropping, sifting, leaking, or otherwise escaping therefrom.		

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1	$\frac{(b)}{(c)}$ Sand may be dropped for the purpose of securing traction, or		
2	water or other substance may be sprinkled on a roadway in cleaning or		
3	maintaining the roadway.		
4	(c)(d) For a motor vehicle or a trailer with an open bed manufactured		
5	after September 30, 2001, no sand, gravel, or rock shall be transported on		
6	the paved public streets and highways of this state in a motor vehicle or		
7	trailer with an open bed unless the open bed is securely covered with a		
8	material secured with a cover which will prevent the load from dropping,		
9	sifting, leaking, or otherwise escaping therefrom. The cover shall be		
10	securely fastened to prevent the covering cover from becoming loose,		
11	detached, or in any manner a hazard to other users of the highway.		
12	(d) For a motor vehicle or a trailer with an open bed manufactured on		
13	or before September 30, 2001, a vehicle with an open bed transporting sand,		
14	gravel, or rock is required to be covered as prescribed in subsection (c) of		
15	this section unless six (6) inches of freeboard is maintained at the		
16	perimeter of the load within the open bed of the vehicle or trailer carrying		
17	the load. Measurements are to be taken at the perimeter of the vehicle's or		
18	trailer's bed and measured from the top edge of the bed down to the sand,		
19	gravel, or rock being transported		
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21	/s/ Borhauer		
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