

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  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: H2/2/05 H2/24/05

# A Bill

HOUSE BILL 1066

5 By: Representative Borhauer  
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## For An Act To Be Entitled

8 AN ACT TO REQUIRE LOADS CARRYING GRAVEL OR ROCKS  
9 TO BE COVERED; AND FOR OTHER PURPOSES.  
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### Subtitle

11 TO REQUIRE LOADS CARRYING GRAVEL OR  
12 ROCKS TO BE COVERED.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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20 SECTION 1. Arkansas Code § 27-35-110 is amended to read as follows:

21 27-35-110. Spilling loads on highways prohibited - Covers required for  
22 loads of ~~sand~~, gravel, and rock — ~~Exceptions~~.

23 (a) For the purposes of this section:

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

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

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

30 (B) Hauled by a vehicle in a trailer or towing device that  
31 has any unenclosed areas; and

32 (3) “Vehicle” means every device in, upon, or by which any  
33 person or property is, or may be, transported or drawn upon a highway,  
34 excepting devices moved by human power or used exclusively upon stationary  
35 rails or tracks.

36 (b) No vehicle shall be driven or moved on any highway unless the



1 vehicle is so constructed, covered, or loaded as to prevent any of its load  
2 of gravel or rocks from dropping, sifting, leaking, or otherwise escaping  
3 therefrom.

4 ~~(b)(c)~~ Sand may be Nothing in this section shall prohibit sand from  
5 being dropped for the purpose of securing traction, or water or other  
6 substance may be sprinkled on a roadway in cleaning or maintaining the  
7 roadway.

8 ~~(e)(d)~~ For a motor vehicle or a trailer with an open bed ~~manufactured~~  
9 ~~after September 30, 2001~~, no ~~sand~~, gravel, or rock shall be transported on  
10 the paved public streets and highways of this state in a motor vehicle or  
11 trailer with an open bed unless the open bed is ~~securely covered with a~~  
12 ~~material~~ secured with a cover which will prevent the load from dropping,  
13 sifting, leaking, or otherwise escaping therefrom. The cover shall be  
14 securely fastened to prevent the ~~covering~~ cover from becoming loose,  
15 detached, or in any manner a hazard to other users of the highway.

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

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25 /s/ Borhauer  
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