

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

A Bill

HOUSE BILL 1066

4
5 By: Representative Borhauer

For An Act To Be Entitled

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8
9 AN ACT TO REQUIRE LOADS HAULED BY VEHICLES TO BE
10 COVERED; AND FOR OTHER PURPOSES.

Subtitle

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13 TO REQUIRE LOADS HAULED BY VEHICLES TO
14 BE COVERED.

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

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19 SECTION 1. Arkansas Code Title 27, Chapter 35, Subchapter 1 is amended
20 to add an additional section to read as follows:

21 27-35-114. Securing loads on vehicles.

22 (a) For the purposes 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 vehicle;

25 (2) "Load" means any material or substance that is:

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

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

30 (3) "Vehicle" 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 a paved public street or
35 highway unless the vehicle is constructed or loaded to prevent any part of
36 its load from dropping, sifting, leaking, or otherwise escaping from the



1 vehicle.

2 (c) To prevent hazards and property damage caused by unprotected loads
 3 hailed by vehicles, a person who is hauling a load in a vehicle on a paved
 4 public street or highway shall:

- 5 (1) Securely fasten the load;
- 6 (2) Cover the load; and
- 7 (3) Securely fasten the cover on the load.

8 (d) A person who violates subsection (b) or (c) of this section is
 9 guilty of a violation and may be fined not more than one hundred dollars
 10 (\$100) for each offense.

11 (e) This section shall not apply to the following:

12 (1) The necessary spreading of any substance by a highway
 13 maintenance or construction vehicle; or

14 (2)(A) A trailer or semitrailer that is hauling livestock if:

15 (i) The trailer or semitrailer is properly equipped
 16 with a cleanout trap; and

17 (ii) The trap is operated in a closed position.

18 (B) All trailers or semitrailers used for hauling
 19 livestock shall be cleaned periodically.

20
 21 SECTION 2. Arkansas Code § 27-35-110 is repealed.

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

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

27 ~~(b) Sand may be dropped for the purpose of securing traction, or water~~
 28 ~~or other substance may be sprinkled on a roadway in cleaning or maintaining~~
 29 ~~the roadway.~~

30 ~~(c) For a motor vehicle or a trailer with an open bed manufactured~~
 31 ~~after September 30, 2001, no sand, gravel, or rock shall be transported on~~
 32 ~~the paved public streets and highways of this state in a motor vehicle or~~
 33 ~~trailer with an open bed unless the open bed is securely covered with a~~
 34 ~~material which will prevent the load from dropping, sifting, leaking, or~~
 35 ~~otherwise escaping therefrom. The cover shall be securely fastened to prevent~~
 36 ~~the covering from becoming loose, detached, or in any manner a hazard to~~

1 ~~other users of the highway.~~

2 ~~(d) For a motor vehicle or a trailer with an open bed manufactured on~~
3 ~~or before September 30, 2001, a vehicle with an open bed transporting sand,~~
4 ~~gravel, or rock is required to be covered as prescribed in subsection (c) of~~
5 ~~this section unless six (6) inches of freeboard is maintained at the~~
6 ~~perimeter of the load within the open bed of the vehicle or trailer carrying~~
7 ~~the load. Measurements are to be taken at the perimeter of the vehicle's or~~
8 ~~trailer's bed and measured from the top edge of the bed down to the sand,~~
9 ~~gravel, or rock being transported.~~

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