

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 120

5 By: Senator F. Love  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW REQUIRING COVERS FOR LOADS TO  
9 AVOID SPILLING LOADS ON HIGHWAYS; AND FOR OTHER  
10 PURPOSES.  
11

## Subtitle

12  
13 TO AMEND THE LAW REQUIRING COVERS FOR  
14 LOADS TO AVOID SPILLING LOADS ON  
15 HIGHWAYS.  
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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 § 27-35-101 is amended to read as follows:  
25 27-35-101. Violations.

26 Except as provided under § 27-35-110(d), ~~It~~ it is a misdemeanor for any  
27 person to drive or move, or for the owner to cause or knowingly permit to be  
28 driven or moved, on any highway, any vehicle of a size or weight exceeding  
29 the limitations stated in this chapter or otherwise in violation of this  
30 chapter.  
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32 SECTION 2. Arkansas Code § 27-35-110 is amended to read as follows:

33 27-35-110. Spilling loads on highways prohibited – Covers required ~~for~~  
34 ~~loads of sand, gravel, and rock~~ certain loads – ~~Exceptions~~ Penalty.

35 (a) ~~No vehicle~~ A person shall not ~~be driven or moved on any highway~~  
36 ~~unless the~~ operate a motor vehicle on a highway unless the motor vehicle is



1 ~~so~~ constructed or loaded ~~as~~ to prevent any of its load from dropping,  
2 sifting, leaking, or otherwise escaping ~~therefrom~~ from the vehicle, except  
3 that:-

4 ~~(b)(1)~~ Sand may be dropped for the purpose of securing traction; or  
5 (2) water ~~Water~~ or other substance may be sprinkled on a roadway  
6 in cleaning or maintaining the roadway.

7 (2) A cover or tarp:

8 (A) Is mandatory when a motor vehicle's cargo consists of  
9 sand, gravel, rock, cement trash, or any other product that may be a hazard  
10 to other users of the highway; and

11 (3) Shall cover the complete cargo area.

12 ~~(e) (b) For a motor vehicle or a trailer with an open bed manufactured~~  
13 ~~after September 30, 2001, no sand, gravel, or rock shall be transported on~~  
14 ~~the paved public streets and highways of this state in a motor vehicle or~~  
15 ~~trailer with an open bed unless the open bed is securely covered with a~~  
16 ~~material which will prevent the load from dropping, sifting, leaking, or~~  
17 ~~otherwise escaping therefrom. The cover shall be securely fastened to prevent~~  
18 ~~the covering from becoming loose, detached, or in any manner a hazard to~~  
19 ~~other users of the highway~~ A person shall not operate a motor vehicle on a  
20 highway with a load unless the load and its covering are securely fastened to  
21 prevent the load or covering from becoming loose, detached, or otherwise  
22 creating a hazard to other motorists.

23 (c) A cover or tarp that completely covers the entire cargo area is  
24 required when the load consists of sand, gravel, rock, cement trash, or other  
25 product whose spillage may create a hazard to other motorists.

26 ~~(d) For a motor vehicle or a trailer with an open bed manufactured on~~  
27 ~~or before September 30, 2001, a vehicle with an open bed transporting sand,~~  
28 ~~gravel, or rock is required to be covered as prescribed in subsection (e) of~~  
29 ~~this section unless six inches (6") of freeboard is maintained at the~~  
30 ~~perimeter of the load within the open bed of the vehicle or trailer carrying~~  
31 ~~the load. Measurements are to be taken at the perimeter of the vehicle's or~~  
32 ~~trailer's bed and measured from the top edge of the bed down to the sand,~~  
33 ~~gravel, or rock being transported~~ The owner or operator of a motor vehicle in  
34 violation of this section upon conviction shall be fined at least one hundred  
35 dollars (\$100) but not more than five hundred dollars (\$500).