

# SENATE BILL REPORT

## SB 5846

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As Reported by Senate Committee On:  
Transportation, February 26, 2009

**Title:** An act relating to covering vehicular loads of dirt, sand, and gravel.

**Brief Description:** Addressing the covering of vehicular loads.

**Sponsors:** Senators Tom, Kohl-Welles and McDermott.

**Brief History:**

**Committee Activity:** Transportation: 2/25/09, 2/26/09 [DPS, DNP].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5846 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Eide, Jacobsen, Jarrett, Kastama, Kauffman, Kilmer, King and Ranker.

**Minority Report:** Do not pass.

Signed by Senators Becker, Berkey, Delvin and Sheldon.

**Staff:** Natalie Zukowski (786-7307)

**Background:** Under current law, a vehicle operating on a paved public highway with a load of dirt, sand, or gravel must be covered to prevent spillage. However, loads are exempt from the cover requirement if six inches of freeboard is maintained within the bed. A violation of the covered load provision is a traffic infraction, punishable by a monetary penalty of \$216.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Recommended Substitute):** Any vehicle with a model year of 2011 or later, with a gross weight of 16,001 pounds or more, must cover all loads of dirt, sand, or gravel with a permanently affixed load covering device when traveling on a public highway. Exemptions for vehicles from covering loads of dirt, sand, or gravel are in response to emergency conditions such as natural disasters; when a road is closed for repair or emergency purposes; or dropping sand or de-icer for traction when instructed by state or local authorities.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A violation is a traffic infraction, punishable by a monetary penalty of \$216. If the violation occurs in the course of a person's employment, the person's employer will be charged a monetary penalty of \$1,000. The employer will not be charged a monetary penalty if the vehicle, prior to the violation, was equipped with a covering device and the person operating the vehicle failed to engage the cover when hauling a load on a public highway.

The six inch freeboard exception is eliminated January 1, 2014.

Section 1 of this bill expires January 1, 2014.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute as Passed Committee):** Changes 10,000 pounds or more from the first proposed substitute to 16,001 pounds or more.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed, except Section 2 of this bill which takes effect January 1, 2014.

**Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:**  
PRO: The covered loads issue has been around for a long time and this is an agreeable solution to most stakeholders. Some companies are already covering all of their loads with automatic or manual covers.

OTHER: There are concerns that the gross weight is too small; being penalized if a tarp is damaged and someone could not adequately cover their load; and the penalty for the driver and the employers should be uniform.

**Persons Testifying:** PRO: Bruce Chattin, Washington Aggregate and Concrete; Rico Baroga, Washington State Department of Transportation; Scott Hazelgrove, CADMAN.

OTHER: Rick Slunaker, Association of General Contractors.