
SUBSTITUTE SENATE BILL 5846

State of Washington

61st Legislature

2009 Regular Session

By Senate Transportation (originally sponsored by Senators Tom, Kohl-Welles, and McDermott)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to covering vehicular loads of dirt, sand, or
2 gravel; amending RCW 46.61.655 and 46.61.655; prescribing penalties;
3 providing an effective date; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.61.655 and 2005 c 431 s 1 are each amended to read
6 as follows:

7 (1) No vehicle shall be driven or moved on any public highway
8 unless such vehicle is so constructed or loaded as to prevent any of
9 its load from dropping, sifting, leaking, or otherwise escaping
10 therefrom, except that sand or de-icer may be dropped for the purpose
11 of securing traction.

12 (2) No person may operate on any public highway any vehicle with
13 any load unless the load and such covering as required thereon by
14 subsection (3) of this section is securely fastened to prevent the
15 covering or load from becoming loose, detached, or in any manner a
16 hazard to other users of the highway.

17 (3)(a) Any vehicle operating on a paved public highway with a load
18 of dirt, sand, or gravel susceptible to being dropped, spilled, leaked,

1 or otherwise escaping therefrom shall be covered so as to prevent
2 spillage. Covering of such loads is not required if six inches of
3 freeboard is maintained within the bed.

4 (b) Any vehicle with a model year of 2011 or later that has a gross
5 vehicle weight rating of 16,001 pounds or more, and is designed
6 primarily to haul loads of materials, such as dirt, sand, or gravel,
7 must be equipped with a permanently affixed manual or automated load
8 covering device, and any person operating the vehicle on a public
9 highway with a load of dirt, sand, or gravel must engage the load
10 covering device.

11 (c) Any person operating a vehicle on public highways is exempt
12 from this subsection (3) under the following circumstances:

13 (i) When operating a vehicle on any public highway in response to
14 emergency conditions, including flooding or natural disaster;

15 (ii) When operating a vehicle on any public highway that is closed
16 for repair or emergency purposes; or

17 (iii) When operating a vehicle on any public highway for the
18 purpose of dropping sand or de-icer on the roadway pursuant to
19 instruction from a state or local authority.

20 (4)(a) Any person operating a vehicle from which any glass or
21 objects have fallen or escaped, which would constitute an obstruction
22 or injure a vehicle or otherwise endanger travel upon such public
23 highway shall immediately cause the public highway to be cleaned of all
24 such glass or objects and shall pay any costs therefor.

25 (b) Any vehicle with deposits of mud, rocks, or other debris on the
26 vehicle's body, fenders, frame, undercarriage, wheels, or tires shall
27 be cleaned of such material before the operation of the vehicle on a
28 paved public highway.

29 (5) The state patrol may make necessary rules to carry into effect
30 the provisions of this section, applying such provisions to specific
31 conditions and loads and prescribing means, methods, and practices to
32 effectuate such provisions.

33 (6) Nothing in this section may be construed to prohibit a public
34 maintenance vehicle from dropping sand or de-icer on a highway to
35 enhance traction, or sprinkling water or other substances to clean or
36 maintain a highway.

37 (7)(a)(i) A person is guilty of failure to secure a load in the
38 first degree if he or she, with criminal negligence, fails to secure a

1 load or part of a load to his or her vehicle in compliance with
2 subsection (1), (2), or (3) of this section and causes substantial
3 bodily harm to another.

4 (ii) Failure to secure a load in the first degree is a gross
5 misdemeanor.

6 (b)(i) A person is guilty of failure to secure a load in the second
7 degree if he or she, with criminal negligence, fails to secure a load
8 or part of a load to his or her vehicle in compliance with subsection
9 (1) or (2) of this section and causes damage to property of another.

10 (ii) Failure to secure a load in the second degree is a
11 misdemeanor.

12 (c) A person who fails to secure a load or part of a load to his or
13 her vehicle in compliance with subsection (1), (2), or (3) of this
14 section is guilty of an infraction if such failure does not amount to
15 a violation of (a) or (b) of this subsection.

16 (8) Whenever a person who is operating a vehicle on a public
17 highway in the course of the person's employment violates this section,
18 the person's employer is liable for a monetary penalty of one thousand
19 dollars. A person's employer must not be charged a monetary penalty
20 under this subsection (8) if, prior to the violation, the person's
21 employer installed a permanently affixed load covering device to a
22 vehicle and the person failed to engage the load covering device when
23 hauling loads of dirt, sand, or gravel on a public highway.

24 **Sec. 2.** RCW 46.61.655 and 2005 c 431 s 1 are each amended to read
25 as follows:

26 (1) No vehicle shall be driven or moved on any public highway
27 unless such vehicle is so constructed or loaded as to prevent any of
28 its load from dropping, sifting, leaking, or otherwise escaping
29 therefrom, except that sand or de-icer may be dropped for the purpose
30 of securing traction.

31 (2) No person may operate on any public highway any vehicle with
32 any load unless the load and such covering as required thereon by
33 subsection (3) of this section is securely fastened to prevent the
34 covering or load from becoming loose, detached, or in any manner a
35 hazard to other users of the highway.

36 (3)(a) Any vehicle operating on a paved public highway with a load
37 of dirt, sand, or gravel susceptible to being dropped, spilled, leaked,

1 or otherwise escaping therefrom shall be covered so as to prevent
2 spillage. (~~Covering of such loads is not required if six inches of~~
3 ~~freeboard is maintained within the bed.~~)

4 (b) Any vehicle with a model year of 2011 or later that has a gross
5 vehicle weight rating of 16,001 pounds or more, and is designed
6 primarily to haul loads of materials, such as dirt, sand, or gravel,
7 must be equipped with a permanently affixed manual or automated load
8 covering device, and any person operating the vehicle on a public
9 highway with a load of dirt, sand, or gravel must engage the load
10 covering device.

11 (c) Any person operating a vehicle on public highways is exempt
12 from this subsection (3) under the following circumstances:

13 (i) When operating a vehicle on any public highway in response to
14 emergency conditions, including flooding or natural disaster;

15 (ii) When operating a vehicle on any public highway that is closed
16 for repair or emergency purposes; or

17 (iii) When operating a vehicle on any public highway for the
18 purpose of dropping sand or de-icer on the roadway pursuant to
19 instruction from a state or local authority.

20 (4)(a) Any person operating a vehicle from which any glass or
21 objects have fallen or escaped, which would constitute an obstruction
22 or injure a vehicle or otherwise endanger travel upon such public
23 highway shall immediately cause the public highway to be cleaned of all
24 such glass or objects and shall pay any costs therefor.

25 (b) Any vehicle with deposits of mud, rocks, or other debris on the
26 vehicle's body, fenders, frame, undercarriage, wheels, or tires shall
27 be cleaned of such material before the operation of the vehicle on a
28 paved public highway.

29 (5) The state patrol may make necessary rules to carry into effect
30 the provisions of this section, applying such provisions to specific
31 conditions and loads and prescribing means, methods, and practices to
32 effectuate such provisions.

33 (6) Nothing in this section may be construed to prohibit a public
34 maintenance vehicle from dropping sand or de-icer on a highway to
35 enhance traction, or sprinkling water or other substances to clean or
36 maintain a highway.

37 (7)(a)(i) A person is guilty of failure to secure a load in the
38 first degree if he or she, with criminal negligence, fails to secure a

1 load or part of a load to his or her vehicle in compliance with
2 subsection (1), (2), or (3) of this section and causes substantial
3 bodily harm to another.

4 (ii) Failure to secure a load in the first degree is a gross
5 misdemeanor.

6 (b)(i) A person is guilty of failure to secure a load in the second
7 degree if he or she, with criminal negligence, fails to secure a load
8 or part of a load to his or her vehicle in compliance with subsection
9 (1) or (2) of this section and causes damage to property of another.

10 (ii) Failure to secure a load in the second degree is a
11 misdemeanor.

12 (c) A person who fails to secure a load or part of a load to his or
13 her vehicle in compliance with subsection (1), (2), or (3) of this
14 section is guilty of an infraction if such failure does not amount to
15 a violation of (a) or (b) of this subsection.

16 (8) Whenever a person who is operating a vehicle on a public
17 highway in the course of the person's employment violates this section,
18 the person's employer is liable for a monetary penalty of one thousand
19 dollars. A person's employer must not be charged a monetary penalty
20 under this subsection (8) if, prior to the violation, the person's
21 employer installed a permanently affixed load covering device to a
22 vehicle and the person failed to engage the load covering device when
23 hauling loads of dirt, sand, or gravel on a public highway.

24 NEW SECTION. Sec. 3. Section 1 of this act expires January 1,
25 2014.

26 NEW SECTION. Sec. 4. Section 2 of this act takes effect January
27 1, 2014.

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