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**SUBSTITUTE HOUSE BILL 2455**

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**State of Washington                      62nd Legislature                      2012 Regular Session**

**By House Transportation (originally sponsored by Representative Kagi)**

READ FIRST TIME 02/07/12.

1            AN ACT Relating to covering loads on public highways; amending RCW  
2 46.61.655; and providing an effective date.

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

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

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

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

16            (3)(a) From July 1, 2012, through March 31, 2015: Any vehicle  
17 operating on a paved public highway with a load of dirt, sand, rocks,  
18 or gravel susceptible to being dropped, spilled, leaked, or otherwise  
19 escaping (~~therefrom shall~~) from the vehicle must be covered so as to

1 prevent spillage((-)); and the covering of such loads is not required  
2 if six inches of freeboard is maintained within the bed, but if a  
3 vehicle hauling such loads is equipped with a cover the cover must be  
4 used.

5 (b) After March 31, 2015: Any vehicle operating on a paved public  
6 highway with a load of dirt, sand, rocks, or gravel susceptible to  
7 being dropped, spilled, leaked, or otherwise escaping from the vehicle  
8 must be covered so as to prevent spillage; and a load of dirt, sand,  
9 rocks, or gravel must not exceed the horizontal freeboard of the bed of  
10 the vehicle hauling the load.

11 (c)(i) The department of transportation is exempt from the  
12 requirements in (a) and (b) of this subsection if the vehicle is:

13 (A) Applying sand or deicers for snow and ice control;

14 (B) Performing maintenance operations in response to emergency  
15 events; or

16 (C) Performing maintenance operations within work zones where roads  
17 or sections of roads are closed to the public.

18 (ii) The department of transportation must continue to maintain the  
19 requirement of six inches of freeboard on the types of loads described  
20 in (c)(i) of this subsection.

21 (d) The Washington state patrol must conduct random emphasis  
22 patrols to enforce the covering of loads requirements under this  
23 section.

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

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

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

37 (6) Nothing in this section may be construed to prohibit a public

1 maintenance vehicle from dropping sand on a highway to enhance  
2 traction, or sprinkling water or other substances to clean or maintain  
3 a highway.

4 (7)(a)(i) A person is guilty of failure to secure a load in the  
5 first degree if he or she, with criminal negligence, fails to secure a  
6 load or part of a load to his or her vehicle in compliance with  
7 subsection (1), (2), or (3) of this section and causes substantial  
8 bodily harm to another.

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

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

15 (ii) Failure to secure a load in the second degree is a  
16 misdemeanor.

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

21 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2012.

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