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**SUBSTITUTE SENATE BILL 5215**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Shewmake, Wellman, Bateman, Trudeau, Valdez, Chapman, Saldaña, Stanford, Orwall, Dhingra, Cleveland, Frame, Hasegawa, Nobles, and C. Wilson)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to debris escaping from vehicles on public  
2 highways; amending RCW 46.61.655 and 70A.200.120; prescribing  
3 penalties; and providing an effective 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  
6 read 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 may be dropped for the purpose of  
11 securing traction.

12 (2) No person may operate on any public highway any vehicle with  
13 any load unless:

14 (a) The load ((and such covering as required thereon by  
15 subsection (3) of this section)) is ((securely fastened)) secured to  
16 prevent the ((covering or)) load from becoming loose, detached, or in  
17 any manner a hazard to other users of the highway; and

18 (b) The covering required by subsection (3) of this section is  
19 secured to prevent the covering from becoming loose, detached,  
20 damaged, or in any manner a hazard to other users of the highway.

1       (3)(a) Until January 1, 2028, any vehicle operating on a paved  
2 public highway with a load of dirt, sand, (~~or~~) pebbles, cobbles,  
3 gravel, or any aggregate materials susceptible to being dropped,  
4 spilled, leaked, sifted, blown, or otherwise escaping (~~therefrom~~  
5 shall be covered)) from the vehicle must use a covering so as to  
6 prevent spillage(~~or~~) or any hazard to other users of the highway.  
7 The covering of such loads is not required if six inches of freeboard  
8 is maintained within the bed, but if a vehicle hauling such loads is  
9 equipped with a covering, the covering must be used.

10       (b) Beginning January 1, 2028: Any vehicle operating on a paved  
11 public highway with a load of dirt, sand, pebbles, cobbles, gravel,  
12 or any aggregate materials susceptible to being dropped, spilled,  
13 leaked, sifted, blown, or otherwise escaping from the vehicle must  
14 use a covering so as to prevent spillage or any hazard to other users  
15 of the highway.

16       (c) The department of transportation, counties, cities, public  
17 utility districts, and any contractors working for such public  
18 entities, are exempt from the requirements in (a) and (b) of this  
19 subsection if the vehicle is:

20       (i) Responding to or preparing for inclement weather or any other  
21 emergency when the work must be performed immediately to ensure the  
22 safety of the public;

23       (ii) Performing maintenance and preservation operations;

24       (iii) Performing operations within work zones where roads or  
25 sections of roads are closed to the public.

26       (d) For purposes of this subsection (3):

27       (i) "Aggregate materials" means fine, medium, or coarse inert  
28 particulate materials used in construction whether natural,  
29 manufactured, or recycled. Aggregate materials do not include logs.

30       (ii) "Covering" means a tarp, other protective layer or device,  
31 or a manufactured cap to fit a vehicle, which is secured to contain  
32 the load that the vehicle is hauling.

33       (iii) "Susceptible to being dropped, spilled, leaked, sifted,  
34 blown, or otherwise escaping" means that the load, or particles,  
35 portions, or pieces of the load, is of such a density that the load,  
36 or particles, portions, or pieces of the load, can be influenced by  
37 wind, other atmospheric and weather conditions, vehicle speed, or  
38 road conditions.

39       (4)(a) Any person operating a vehicle from which any glass or  
40 objects have fallen or escaped, which would constitute an obstruction

1 or injure a vehicle or otherwise endanger travel upon such public  
2 highway shall immediately cause the public highway to be cleaned of  
3 all such glass or objects and shall pay any costs therefor.

4 (b) Any person operating a vehicle with deposits of mud, rocks,  
5 dirt, sand, gravel, or other debris on the vehicle's body, fenders,  
6 frame, undercarriage, wheels, or tires shall (~~be cleaned of such~~  
7 ~~material~~) clean and remove deposits or debris from the vehicle  
8 before the operation of the vehicle on a paved public highway.

9 (5) The state patrol, or local law enforcement when appropriate,  
10 shall enforce the requirements under subsections (3) and (4) of this  
11 section.

12 (6) The state patrol may make necessary rules to carry into  
13 effect the provisions of this section, applying such provisions to  
14 specific conditions and loads and prescribing means, methods, and  
15 practices to effectuate such provisions.

16 (~~(6) Nothing in this section may be construed to prohibit a~~  
17 ~~public maintenance vehicle from dropping sand on a highway to enhance~~  
18 ~~traction, or sprinkling water or other substances to clean or~~  
19 ~~maintain a highway.))~~

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

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

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

32 (ii) Failure to secure a load in the second degree is a  
33 misdemeanor.

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

38 (d) The penalties in this subsection are not applicable when a  
39 violation of this section occurs and the materials spilled are forage  
40 feed crops.

1       **Sec. 2.** RCW 70A.200.120 and 1993 c 399 s 1 are each amended to  
2 read as follows:

3       (1) By January 1, 1994, each county or city with a staffed  
4 transfer station or landfill in its jurisdiction shall adopt an  
5 ordinance to reduce litter from vehicles. The ordinance shall require  
6 the operator of a vehicle transporting solid waste to a staffed  
7 transfer station or landfill to secure or cover the vehicle's waste  
8 in a manner that will prevent spillage. The ordinance may provide  
9 exemptions for vehicle operators transporting waste that is unlikely  
10 to spill from a vehicle.

11       The ordinance shall, in the absence of an exemption, require a  
12 fee, in addition to other landfill charges, for a person arriving at  
13 a staffed landfill or transfer station without a cover on the  
14 vehicle's waste or without the waste secured.

15       (2) The fee collected under subsection (1) of this section shall  
16 be deposited, no less often than quarterly, with the city or county  
17 in which the landfill or transfer station is located.

18       ~~((3) A vehicle transporting sand, dirt, or gravel in compliance  
19 with the provisions of RCW 46.61.655 shall not be required to secure  
20 or cover a load pursuant to ordinances adopted under this section.))~~

21       NEW SECTION.   **Sec. 3.** This act takes effect October 1, 2025.

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