

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2457

Chapter 151, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

AGRICULTURAL NUISANCES--REVISIONS

EFFECTIVE DATE: 6/11/92

Passed by the House March 7, 1992
Yeas 94 Nays 2

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1992
Yeas 44 Nays 1

JOEL PRITCHARD
President of the Senate

Approved April 1, 1992, with the
exception of section 2, which is
vetoed.

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is SUBSTITUTE HOUSE BILL
2457 as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED
April 1, 1992 - 10:30 a.m.

**Secretary of State
State of Washington**

1 health and safety. An agricultural activity that is in conformity with
2 such laws and rules shall not be restricted as to the hours of the day
3 or day or days of the week during which it may be conducted.

4 Nothing in this section shall affect or impair any right to sue for
5 damages.

6 **Sec. 2. RCW 46.61.655 and 1990 c 250 s 56 are each amended to read*
7 *as follows:*

8 *(1) No vehicle shall be driven or moved on any public highway*
9 *unless such vehicle is so constructed or loaded as to prevent any of*
10 *its load from dropping, sifting, leaking, or otherwise escaping*
11 *therefrom, except that sand may be dropped for the purpose of securing*
12 *traction. Any person operating a vehicle from which any glass or*
13 *objects have fallen or escaped, which would constitute an obstruction*
14 *or injure a vehicle or otherwise endanger travel upon such public*
15 *highway shall immediately cause the public highway to be cleaned of all*
16 *such glass or objects and shall pay any costs therefor.*

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

22 *(3) Any vehicle operating on a paved public highway with a load of*
23 *dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or*
24 *otherwise escaping therefrom shall be covered so as to prevent*
25 *spillage. Covering of such loads is not required if six inches of*
26 *freeboard is maintained within the bed.*

27 *(4) Any vehicle with deposits of mud, rocks, or other debris on the*
28 *vehicle's body, fenders, frame, undercarriage, wheels, or tires shall*
29

1 *be cleaned of such material before the operation of the vehicle on a*
2 *paved public highway.*

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

7 *(6) Nothing in this section may be construed to prohibit a public*
8 *maintenance vehicle from dropping sand on a highway to enhance*
9 *traction, or sprinkling water or other substances to clean or maintain*
10 *a highway.*

11 *(7) This section does not apply to waste products falling from*
12 *vehicles hauling live farm animals when crossing a ferry capable only*
13 *of transporting fewer than twenty-five vehicles.*

14 *Sec. 2 was vetoed, see message at end of chapter.

Passed the House March 7, 1992.

Passed the Senate March 3, 1992.

Approved by the Governor April 1, 1992, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State April 1, 1992.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 2,
3 Substitute House Bill No. 2457 entitled:

4 "AN ACT Relating to agricultural nuisances."

5 Substitute House Bill No. 2457 clarifies that a normal agricultural
6 practice does not constitute a nuisance. Section 2 exempts vehicles
7 hauling live farm animals from laws requiring loads to be secure while
8 those vehicles are crossing certain ferries. This section is aimed at
9 allowing the continued transport of livestock across the Keller Ferry
10 on Lake Roosevelt without regard to animal waste which falls from
11 transport vehicles.

12 It is my understanding that the Department of Transportation has
13 given assurances to livestock transporters that the use of the Keller
14 Ferry will not be denied to vehicles hauling live farm animals. As a
15 result, section 2 is unnecessary. I urge continued cooperation between
16 the Department of Transportation and affected parties to address any
17 concerns about the use of the Keller Ferry.

18 For the reason stated above, I have vetoed section 2 of Substitute
19 House Bill No. 2457.

1 With the exception of section 2, I have approved Substitute House
2 Bill No. 2457."