

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1478

Chapter 431, Laws of 2005

59th Legislature
2005 Regular Session

FAILURE TO SECURE A LOAD

EFFECTIVE DATE: 7/24/05

Passed by the House April 19, 2005
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 42 Nays 3

BRAD OWEN

President of the Senate

Approved May 13, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1478** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 13, 2005 - 2:14 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1478

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Kagi, O'Brien, Simpson, Morrell, Lovick, Kenney, P. Sullivan, Nixon and Chase)

READ FIRST TIME 02/17/05.

1 AN ACT Relating to securing vehicle loads on public highways;
2 amending RCW 46.61.655 and 46.63.020; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.61.655 and 1990 c 250 s 56 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. ~~((Any person operating a vehicle from which any glass or
11 objects have fallen or escaped, which would constitute an obstruction
12 or injure a vehicle or otherwise endanger travel upon such public
13 highway shall immediately cause the public highway to be cleaned of all
14 such glass or objects and shall pay any costs therefor.))~~

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

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

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

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

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

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

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

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

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

34 (ii) Failure to secure a load in the second degree is a
35 misdemeanor.

36 (c) A person who fails to secure a load or part of a load to his or
37 her vehicle in compliance with subsection (1), (2), or (3) of this

1 section is guilty of an infraction if such failure does not amount to
2 a violation of (a) or (b) of this subsection.

3 **Sec. 2.** RCW 46.63.020 and 2004 c 95 s 14 are each amended to read
4 as follows:

5 Failure to perform any act required or the performance of any act
6 prohibited by this title or an equivalent administrative regulation or
7 local law, ordinance, regulation, or resolution relating to traffic
8 including parking, standing, stopping, and pedestrian offenses, is
9 designated as a traffic infraction and may not be classified as a
10 criminal offense, except for an offense contained in the following
11 provisions of this title or a violation of an equivalent administrative
12 regulation or local law, ordinance, regulation, or resolution:

13 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
14 vehicle while under the influence of intoxicating liquor or a
15 controlled substance;

16 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

17 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
18 while under the influence of intoxicating liquor or narcotics or habit-
19 forming drugs or in a manner endangering the person of another;

20 (4) RCW 46.10.130 relating to the operation of snowmobiles;

21 (5) Chapter 46.12 RCW relating to certificates of ownership and
22 registration and markings indicating that a vehicle has been destroyed
23 or declared a total loss;

24 (6) RCW 46.16.010 relating to initial registration of motor
25 vehicles;

26 (7) RCW 46.16.011 relating to permitting unauthorized persons to
27 drive;

28 (8) RCW 46.16.160 relating to vehicle trip permits;

29 (9) RCW 46.16.381(2) relating to knowingly providing false
30 information in conjunction with an application for a special placard or
31 license plate for disabled persons' parking;

32 (10) RCW 46.20.005 relating to driving without a valid driver's
33 license;

34 (11) RCW 46.20.091 relating to false statements regarding a
35 driver's license or instruction permit;

36 (12) RCW 46.20.0921 relating to the unlawful possession and use of
37 a driver's license;

- 1 (13) RCW 46.20.342 relating to driving with a suspended or revoked
2 license or status;
- 3 (14) RCW 46.20.345 relating to the operation of a motor vehicle
4 with a suspended or revoked license;
- 5 (15) RCW 46.20.410 relating to the violation of restrictions of an
6 occupational or temporary restricted driver's license;
- 7 (16) RCW 46.20.740 relating to operation of a motor vehicle without
8 an ignition interlock device in violation of a license notation that
9 the device is required;
- 10 (17) RCW 46.20.750 relating to assisting another person to start a
11 vehicle equipped with an ignition interlock device;
- 12 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 13 (19) Chapter 46.29 RCW relating to financial responsibility;
- 14 (20) RCW 46.30.040 relating to providing false evidence of
15 financial responsibility;
- 16 (21) RCW 46.37.435 relating to wrongful installation of
17 sunscreening material;
- 18 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
19 installation of a previously deployed air bag;
- 20 (23) RCW 46.44.180 relating to operation of mobile home pilot
21 vehicles;
- 22 (24) RCW 46.48.175 relating to the transportation of dangerous
23 articles;
- 24 (25) RCW 46.52.010 relating to duty on striking an unattended car
25 or other property;
- 26 (26) RCW 46.52.020 relating to duty in case of injury to or death
27 of a person or damage to an attended vehicle;
- 28 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,
29 and appraisers;
- 30 (28) RCW 46.52.130 relating to confidentiality of the driving
31 record to be furnished to an insurance company, an employer, and an
32 alcohol/drug assessment or treatment agency;
- 33 (29) RCW 46.55.020 relating to engaging in the activities of a
34 registered tow truck operator without a registration certificate;
- 35 (30) RCW 46.55.035 relating to prohibited practices by tow truck
36 operators;
- 37 (31) RCW 46.61.015 relating to obedience to police officers,
38 flaggers, or fire fighters;

1 (32) RCW 46.61.020 relating to refusal to give information to or
2 cooperate with an officer;
3 (33) RCW 46.61.022 relating to failure to stop and give
4 identification to an officer;
5 (34) RCW 46.61.024 relating to attempting to elude pursuing police
6 vehicles;
7 (35) RCW 46.61.500 relating to reckless driving;
8 (36) RCW 46.61.502 and 46.61.504 relating to persons under the
9 influence of intoxicating liquor or drugs;
10 (37) RCW 46.61.503 relating to a person under age twenty-one
11 driving a motor vehicle after consuming alcohol;
12 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
13 (39) RCW 46.61.522 relating to vehicular assault;
14 (40) RCW 46.61.5249 relating to first degree negligent driving;
15 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway
16 workers;
17 (42) RCW 46.61.530 relating to racing of vehicles on highways;
18 (43) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
19 load;
20 (44) RCW 46.61.685 relating to leaving children in an unattended
21 vehicle with the motor running;
22 ~~((44))~~ (45) RCW 46.61.740 relating to theft of motor vehicle
23 fuel;
24 ~~((45))~~ (46) RCW 46.64.010 relating to unlawful cancellation of or
25 attempt to cancel a traffic citation;
26 ~~((46))~~ (47) RCW 46.64.048 relating to attempting, aiding,
27 abetting, coercing, and committing crimes;
28 ~~((47))~~ (48) Chapter 46.65 RCW relating to habitual traffic
29 offenders;
30 ~~((48))~~ (49) RCW 46.68.010 relating to false statements made to
31 obtain a refund;
32 ~~((49))~~ (50) Chapter 46.70 RCW relating to unfair motor vehicle
33 business practices, except where that chapter provides for the
34 assessment of monetary penalties of a civil nature;
35 ~~((50))~~ (51) Chapter 46.72 RCW relating to the transportation of
36 passengers in for hire vehicles;
37 ~~((51))~~ (52) RCW 46.72A.060 relating to limousine carrier
38 insurance;

1 (~~(+52+)~~) (53) RCW 46.72A.070 relating to operation of a limousine
2 without a vehicle certificate;
3 (~~(+53+)~~) (54) RCW 46.72A.080 relating to false advertising by a
4 limousine carrier;
5 (~~(+54+)~~) (55) Chapter 46.80 RCW relating to motor vehicle wreckers;
6 (~~(+55+)~~) (56) Chapter 46.82 RCW relating to driver's training
7 schools;
8 (~~(+56+)~~) (57) RCW 46.87.260 relating to alteration or forgery of a
9 cab card, letter of authority, or other temporary authority issued
10 under chapter 46.87 RCW;
11 (~~(+57+)~~) (58) RCW 46.87.290 relating to operation of an
12 unregistered or unlicensed vehicle under chapter 46.87 RCW.

Passed by the House April 19, 2005.

Passed by the Senate April 14, 2005.

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.