

Brady Brammer proposes the following substitute bill:

**Litter Cleanup Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ken Ivory**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill addresses unsecured loads, litter, and landfills.

**Highlighted Provisions:**

This bill:

- establishes the Litter Abatement Expendable Special Revenue Fund;
- modifies penalties for certain offenses;
- requires reporting for certain entities;
- imposes a landfill fine for an unsecured load; and
- defines terms.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-1712**, as last amended by Laws of Utah 2008, Chapter 22

**41-6a-1713**, as last amended by Laws of Utah 2015, Chapter 412

**53-8-105**, as last amended by Laws of Utah 2024, Chapter 425

**72-1-201**, as last amended by Laws of Utah 2024, Chapter 517

**72-7-409**, as last amended by Laws of Utah 2021, Chapter 327

ENACTS:

**72-2-135**, Utah Code Annotated 1953

**72-7-410**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **41-6a-1712** is amended to read:

30 **41-6a-1712 . Destructive or injurious materials on highways -- Throwing lighted**  
31 **material from moving vehicle -- Enforcement officers.**

32 (1) As used in this section, "lighted material" means an item that is flaming, burning, or  
33 smoking, including lighted charcoal, fireworks, matches, tobacco, cigars, or cigarettes.

34 (2) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited,  
35 or discarded on any public road or highway in the state, whether under state, county,  
36 municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks,  
37 wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other  
38 substance which would or could:

39 (a) create a safety or health hazard on the public road or highway; or

40 (b) mar or impair the scenic aspect or beauty of the public road or highway.

41 [~~(2)~~] (3) A person who drops, throws, deposits, or discards, or permits to be dropped,  
42 thrown, deposited, or discarded, on any public road or highway any destructive,  
43 injurious, or unsightly material shall:

44 (a) immediately remove the material or cause it to be removed; and

45 (b) deposit the material in a receptacle designed to receive the material.

46 [~~(3)~~] (4) A person distributing commercial handbills, leaflets, or other advertising shall take  
47 whatever measures are reasonably necessary to keep the material from littering public  
48 roadways or highways.

49 [~~(4)~~] (5) A person removing a wrecked or damaged vehicle from a public road or highway  
50 shall remove any glass or other injurious substance dropped from the vehicle on the road  
51 or highway.

52 [~~(5)~~] (6) A person may not throw any lighted material from a moving vehicle.

53 [~~(6)~~] (7) Except as provided in Section 72-7-409, any person transporting loose cargo by  
54 truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to  
55 prevent the cargo from littering or spilling on both public and private property or public  
56 roadways.

57 [~~(7)~~] (8) A law enforcement officer as defined in Section 53-13-103, within the law  
58 enforcement officer's jurisdiction:

59 (a) shall enforce the provisions of this section;

60 (b) may issue citations to a person who violates any of the provisions of this section; and

61 (c) may serve and execute all warrants, citations, and other process issued by any court  
62 in enforcing this section.

63 [(8)] (9) A municipality within its corporate limits and a county outside of incorporated  
 64 municipalities may enact local ordinances to carry out the provisions of this section.

65 Section 2. Section **41-6a-1713** is amended to read:

66 **41-6a-1713 . Penalty for littering on a highway.**

67 (1) ~~[A person]~~ Except as provided in Subsection (3), an individual who violates any of the  
 68 provisions of Section 41-6a-1712 is guilty of an infraction and shall be fined:

69 (a) not less than \$200 for a violation; or

70 (b) not less than \$500 for a second or subsequent violation within three years of a  
 71 previous violation of this section.

72 (2) The sentencing judge may require that the offender devote at least eight hours in  
 73 cleaning up:

74 (a) litter caused by the offender; and

75 (b) existing litter from a safe area designated by the sentencing judge.

76 (3) An individual who violates Subsection 41-6a-1712(6) is guilty of a class C  
 77 misdemeanor.

78 Section 3. Section **53-8-105** is amended to read:

79 **53-8-105 . Duties of Highway Patrol.**

80 (1) In addition to the duties in this chapter, the Highway Patrol shall:

81 (a) enforce the state laws and rules governing use of the state highways;

82 (b) regulate traffic on all highways and roads of the state;

83 (c) assist the governor in an emergency or at other times at his discretion;

84 (d) in cooperation with federal, state, and local agencies, enforce and assist in the  
 85 enforcement of all state and federal laws related to the operation of a motor carrier on  
 86 a highway, including all state and federal rules and regulations;

87 (e) inspect certain vehicles to determine road worthiness and safe condition as provided  
 88 in Section 41-6a-1630;

89 (f) upon request, assist with any condition of unrest existing or developing on a campus  
 90 or related facility of an institution of higher education;

91 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the  
 92 state liquor laws;

93 (h) provide security and protection for both houses of the Legislature while in session as  
 94 the speaker of the House of Representatives and the president of the Senate find  
 95 necessary;

96 (i) enforce the state laws and rules governing use of capitol hill; and

- 97 (j) carry out the following for the Supreme Court and the Court of Appeals:  
98 (i) provide security and protection to those courts when in session in the capital city  
99 of the state;  
100 (ii) execute orders issued by the courts; and  
101 (iii) carry out duties as directed by the courts.
- 102 (2)(a) The division and the department shall annually:  
103 (i) evaluate the inventory of new and existing state highways, in coordination with  
104 relevant local law enforcement agencies, to determine which law enforcement  
105 agency is best suited to patrol and enforce state laws and regulate traffic on each  
106 state highway; and  
107 (ii) before October 1 of each year, report to the Transportation Interim Committee  
108 and the Executive Offices and Criminal Justice Appropriations Subcommittee  
109 regarding:  
110 (A) significant changes to the patrol and enforcement responsibilities resulting  
111 from the evaluation described in Subsection (2)(a)(i); and  
112 (B) any budget request necessary to accommodate additional patrol and  
113 enforcement responsibilities.
- 114 (b) The division and the department shall, before July 1 of each year, coordinate with the  
115 Department of Transportation created in Section 72-1-201 regarding patrol and  
116 enforcement responsibilities described in Subsection (2)(a) and incident management  
117 services on state highways.
- 118 (3)(a) A district court and a justice court shall collect and maintain data regarding  
119 violations in Sections 41-6a-1712, 41-6a-1713, and 72-7-409.
- 120 (b) Each court shall transmit dispositions described in (3)(a) electronically to the  
121 department.
- 122 Section 4. Section **72-1-201** is amended to read:  
123 **72-1-201 . Creation of Department of Transportation -- Functions, powers,**  
124 **duties, rights, and responsibilities.**
- 125 (1) There is created the Department of Transportation which shall:  
126 (a) have the general responsibility for planning, research, design, construction,  
127 maintenance, security, and safety of state transportation systems;  
128 (b) provide administration for state transportation systems and programs;  
129 (c) implement the transportation policies of the state;  
130 (d) plan, develop, construct, and maintain state transportation systems that are safe,

- 131 reliable, environmentally sensitive, and serve the needs of the traveling public,  
132 commerce, and industry;
- 133 (e) establish standards and procedures regarding the technical details of administration  
134 of the state transportation systems as established by statute and administrative rule;
- 135 (f) advise the governor and the Legislature about state transportation systems needs;
- 136 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective  
137 installation, maintenance, operation, relocation, and upgrade of utilities within state  
138 highway rights-of-way;
- 139 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
140 make rules for the administration of the department, state transportation systems, and  
141 programs;
- 142 (i) jointly with the commission annually report to the Transportation Interim Committee,  
143 by November 30 of each year, as to the operation, maintenance, condition, mobility,  
144 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 145 (j) ensure that any training or certification required of a public official or public  
146 employee, as those terms are defined in Section 63G-22-102, complies with Title  
147 63G, Chapter 22, State Training and Certification Requirements, if the training or  
148 certification is required:
- 149 (i) under this title;
- 150 (ii) by the department; or
- 151 (iii) by an agency or division within the department;
- 152 (k) study and make recommendations to the Legislature on potential managed lane use  
153 and implementation on selected transportation systems within the state;
- 154 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created  
155 in Section 53-8-103 regarding:
- 156 (i) future highway projects that will add additional capacity to the state transportation  
157 system;
- 158 (ii) potential changes in law enforcement responsibilities due to future highway  
159 projects; and
- 160 (iii) incident management services on state highways; ~~and~~
- 161 (m) provide public transit services, in consultation with any relevant public transit  
162 provider[-] ; and
- 163 (n) implement a public service campaign as described in Section 72-2-135, in  
164 coordination with relevant stakeholders including permitted landfills and transfer

165 stations, to generate public awareness regarding the importance of proper  
 166 transportation and disposal of waste and maintaining clean roads and highways.

167 (2)(a) The department shall exercise reasonable care in designing, constructing, and  
 168 maintaining a state highway in a reasonably safe condition for travel.

169 (b) Nothing in this section shall be construed as:

170 (i) creating a private right of action; or

171 (ii) expanding or changing the department's common law duty as described in  
 172 Subsection (2)(a) for liability purposes.

173 Section 5. Section **72-2-135** is enacted to read:

174 **72-2-135 . Litter Abatement Expendable Special Revenue Fund.**

175 (1) There is created an expendable special revenue fund, known as the "Litter Abatement  
 176 Expendable Special Revenue Fund."

177 (2) The fund shall consist of:

178 (a) the landfill minimum fine for an unsecured load as described in Section 72-7-410;  
 179 and

180 (b) interest earnings on cash balances.

181 (3) The department shall use money in the fund:

182 (a) for litter cleanup efforts on or near highways, including highways near waste  
 183 management facilities and other high-litter areas the department identifies;

184 (b) for a public service campaign to generate awareness regarding the importance of  
 185 proper transportation and disposal of waste, the negative impact of littering, and the  
 186 need to maintain clean highways;

187 (c) for increased enforcement of Sections 41-6a-1712, 41-6a-1713, and 72-7-410; and

188 (d) for the department's costs in administering the account.

189 Section 6. Section **72-7-409** is amended to read:

190 **72-7-409 . Loads on vehicles -- Limitations -- Confining, securing, and fastening**  
 191 **load required -- Penalty.**

192 (1) As used in this section:

193 (a) "Agricultural product" means any raw product which is derived from agriculture,  
 194 including silage, hay, straw, grain, manure, and other similar product.

195 (b)(i) "Unsecured load" means the contents of a vehicle, operated on a highway, not  
 196 sufficiently covered, confined, fastened, or otherwise secured in a way to prevent  
 197 the contents from escaping the vehicle.

198 (ii) "Unsecured load" includes materials such as dirt, sand, gravel, rock fragments,

- 199 pebbles, crushed base, aggregate, any other similar material, or scrap metal or  
200 other loose material on any portion of the vehicle not designed to carry the  
201 material.
- 202 (c) "Vehicle" means the same as that term is defined in Section 41-1a-102.
- 203 (2) Except as provided in Subsections (3) through (5), a person may not:
- 204 (a) operate a vehicle with an unsecured load on any highway; or
- 205 (b) operate a vehicle carrying trash or garbage without a covering over the entire load.
- 206 (3)(a) A vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base,  
207 aggregate, any other similar material, or scrap metal shall have a covering over the  
208 entire load unless:
- 209 (i) the highest point of the load does not extend above the top of any exterior wall or  
210 sideboard of the cargo compartment of the vehicle; and
- 211 (ii) the outer edges of the load are at least six inches below the top inside edges of the  
212 exterior walls or sideboards of the cargo compartment of the vehicle.
- 213 (b) The following material is exempt from the provisions of Subsection (3)(a):
- 214 (i) hot mix asphalt;
- 215 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a  
216 form not susceptible to being blown out of the vehicle;
- 217 (iii) material being transported across a highway between two parcels of property that  
218 would be contiguous but for the highway that is being crossed; and
- 219 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,  
220 bags, or packaging.
- 221 (c) A chemical substance capable of coating or bonding a load so that the load is  
222 confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a)  
223 so long as the chemical substance remains effective at confining the load.
- 224 (4) Subsection (2) does not apply to a vehicle or implement of husbandry carrying an  
225 agricultural product, if the agricultural product is:
- 226 (a) being transported in a manner which is not a hazard or a potential hazard to the safe  
227 operation of the vehicle or to other highway users; and
- 228 (b) loaded in a manner that only allows minimal spillage.
- 229 (5)(a) An authorized vehicle performing snow removal services on a highway is exempt  
230 from the requirements of this section.
- 231 (b) This section does not prohibit the necessary spreading of any substance connected  
232 with highway maintenance, construction, securing traction, or snow removal.

- 233 (6)(a) Any person suspected of operating a vehicle with an unsecured load on a highway  
 234 may be issued a warning.
- 235 (b) Any person who violates this section is guilty of:
- 236 (i) ~~an infraction~~ ~~[a class C misdemeanor]~~ ←~~§~~  
 236a , if the violation creates a hazard but does not  
 237 lead to a motor vehicle accident;
- 238 (ii) a class B misdemeanor, if the violation creates a hazard that leads to a motor  
 239 vehicle accident; or
- 240 (iii) a class A misdemeanor, if the violation creates a hazard that leads to a motor  
 241 vehicle accident that results in the serious bodily injury or death of a person.
- 242 (c) A person who violates a provision of this section shall be fined not less than:
- 243 (i) \$200 for a violation; or
- 244 (ii) \$500 for a second or subsequent violation within six years of a previous violation  
 245 of this section.
- 246 (d) A person who violates a provision of this section while operating a commercial  
 247 vehicle as defined in Section 72-9-102 shall be fined:
- 248 (i) not less than \$500 for a violation; or
- 249 (ii) \$1,000 for a second or subsequent violation within six years of a previous  
 250 violation of this section.
- 251 (7) As resources and opportunities allow, the department shall implement programs or  
 252 activities that increase public awareness on the importance of properly securing loads.
- 253 Section 7. Section **72-7-410** is enacted to read:
- 254 **72-7-410 . Public landfill litter abatement fine.**
- 255 (1) As used in this section:
- 256 (a) "Landfill" means a landfill or transfer station that is permitted by the Department of  
 257 Environmental Quality.
- 258 (b) "Securely covered" means that the content of a load is completely covered by a solid  
 259 barrier which will prevent the load from blowing, spilling, or falling from the vehicle.
- 260 (2) A driver utilizing a landfill shall ensure that the vehicle's load is securely covered from  
 261 the destination of origin until the driver deposits the load at the landfill.
- 262 (3)(a) A landfill shall collect a \$10 minimum fine for a vehicle in violation of  
 263 Subsection (2), beginning no later than July 1, 2026.
- 264 (b) Five dollars of the fine described in Subsection (3)(a) shall be collected by the  
 265 Department of Environmental Quality and deposited into the Litter Abatement



- 266            Expendable Special Revenue Fund created in Section 72-2-135.
- 267            (c) The remainder of the fine described in Subsection (3)(a) shall be retained by the
- 268            collecting landfill.
- 269            (d) The minimum fine described in Subsection (3)(a) does not preclude a landfill from
- 270            imposing an additional or higher fine or fee for an unsecured load.
- 271            (e) A landfill may impose an additional penalty for a driver who repeatedly violates
- 272            Subsection (2).
- 273            (4) The Department of Environmental Quality may retain its associated administrative costs
- 274            from the funds described in Subsection (3)(b).
- 275            (5) A landfill shall provide an annual report to the Department of Environmental Quality on
- 276            or before March 1 regarding violations of Subsection (2).

277            Section 8. **Effective Date.**

278            This bill takes effect on May 7, 2025.