

# HB0053S05 compared with HB0053S03

~~{Omitted text}~~ shows text that was in HB0053S03 but was omitted in HB0053S05  
inserted text shows text that was not in HB0053S03 but was inserted into HB0053S05

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**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

**AMENDS:**

HB0053S03

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19 **41-6a-1712** , as last amended by Laws of Utah 2008, Chapter 22 , as last amended by Laws of Utah  
2008, Chapter 22

20 **41-6a-1713** , as last amended by Laws of Utah 2015, Chapter 412 , as last amended by Laws of  
Utah 2015, Chapter 412

21 **53-8-105** , as last amended by Laws of Utah 2024, Chapter 425 , as last amended by Laws of Utah  
2024, Chapter 425

22 **72-1-201** , as last amended by Laws of Utah 2024, Chapter 517 , as last amended by Laws of Utah  
2024, Chapter 517

23 **72-7-409** , as last amended by Laws of Utah 2021, Chapter 327 , as last amended by Laws of Utah  
2021, Chapter 327

24 ENACTS:

25 **72-2-135** , Utah Code Annotated 1953 , Utah Code Annotated 1953

26 **72-7-410** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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28 *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 material  
from moving vehicle -- Enforcement officers.**

32 (1) As used in this section, "lighted material" means an item that is flaming, burning, or 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, or  
discarded on any public road or highway in the state, whether under state, county, municipal, or  
federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire,  
boards, trash or garbage, paper or paper products, or any other 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, thrown, deposited,  
or discarded, on any public road or highway any destructive, 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.

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

49 [(4)] (5) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road 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 truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.

57 [(7)] (8) A law enforcement officer as defined in Section 53-13-103, within the law 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 in enforcing this section.

63 [(8)] (9) A municipality within its corporate limits and a county outside of incorporated 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 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 previous violation of this section.

72 (2) The sentencing judge may require that the offender devote at least eight hours in 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 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;

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- 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 enforcement of all state and federal laws related to the operation of a motor carrier on a highway, including all state and federal rules and regulations;
- 87 (e) inspect certain vehicles to determine road worthiness and safe condition as provided in Section 41-6a-1630;
- 89 (f) upon request, assist with any condition of unrest existing or developing on a campus or related facility of an institution of higher education;
- 91 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the state liquor laws;
- 93 (h) provide security and protection for both houses of the Legislature while in session as the speaker of the House of Representatives and the president of the Senate find 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 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 relevant local law enforcement agencies, to determine which law enforcement agency is best suited to patrol and enforce state laws and regulate traffic on each state highway; and
- 107 (ii) before October 1 of each year, report to the Transportation Interim Committee and the Executive Offices and Criminal Justice Appropriations Subcommittee regarding:
- 110 (A) significant changes to the patrol and enforcement responsibilities resulting from the evaluation described in Subsection (2)(a)(i); and
- 112 (B) any budget request necessary to accommodate additional patrol and enforcement responsibilities.
- 114 (b) The division and the department shall, before July 1 of each year, coordinate with the Department of Transportation created in Section 72-1-201 regarding patrol and enforcement responsibilities described in Subsection (2)(a) and incident management services on state highways.

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118 (3)

(a) A district court and a justice court shall collect and maintain data regarding 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 department.

122 Section 4. Section **72-1-201** is amended to read:

123 **72-1-201. Creation of Department of Transportation -- Functions, powers, 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, 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, reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and industry;

133 (e) establish standards and procedures regarding the technical details of administration 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 installation, maintenance, operation, relocation, and upgrade of utilities within state highway rights-of-way;

139 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for the administration of the department, state transportation systems, and programs;

142 (i) jointly with the commission annually report to the Transportation Interim Committee, by November 30 of each year, as to the operation, maintenance, condition, mobility, 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 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter 22, State Training and Certification Requirements, if the training or certification is required:

149 (i) under this title;

150 (ii) by the department; or

151 (iii) by an agency or division within the department;

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- (k) study and make recommendations to the Legislature on potential managed lane use 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 in Section 53-8-103 regarding:
- 156 (i) future highway projects that will add additional capacity to the state transportation system;
- 158 (ii) potential changes in law enforcement responsibilities due to future highway projects; and
- 160 (iii) incident management services on state highways;[~~and~~]
- 161 (m) provide public transit services, in consultation with any relevant public transit provider[~~;~~]; and
- 163 (n) implement a public service campaign as described in Section 72-2-135, in coordination with relevant stakeholders including permitted landfills and transfer stations, to generate public awareness regarding the importance of proper transportation and disposal of waste and maintaining clean roads and highways.
- 167 (2)
- (a) The department shall exercise reasonable care in designing, constructing, and 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 Subsection (2)(a) for liability purposes.
- 173 Section 5. Section 5 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 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; 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 management facilities and other high-litter areas the department identifies;
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(b) for a public service campaign to generate awareness regarding the importance of proper transportation and disposal of waste, the negative impact of littering, and the 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 load required -- Penalty.**

192 (1) As used in this section:

193 (a) "Agricultural product" means any raw product which is derived from agriculture, 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 sufficiently covered, confined, fastened, or otherwise secured in a way to prevent the contents from escaping the vehicle.

198 (ii) "Unsecured load" includes materials such as dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal or other loose material on any portion of the vehicle not designed to carry the 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, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless:

209 (i) the highest point of the load does not extend above the top of any exterior wall or 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 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;

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- (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form not susceptible to being blown out of the vehicle;
- 217 (iii) material being transported across a highway between two parcels of property that 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, bags, or packaging.
- 221 (c) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) 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 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 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 from the requirements of this section.
    - 231 (b) This section does not prohibit the necessary spreading of any substance connected 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 may be issued a warning.
      - 235 (b) Any person who violates this section is guilty of:
        - 236 (i) [~~an infraction~~] a class C misdemeanor, if the violation creates a hazard but does not lead to a motor vehicle accident;
        - 238 (ii) a class B misdemeanor, if the violation creates a hazard that leads to a motor vehicle accident; or
        - 240 (iii) a class A misdemeanor, if the violation creates a hazard that leads to a motor 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 of this section.



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246 (d) A person who violates a provision of this section while operating a commercial 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 violation of this section.

251 (7) As resources and opportunities allow, the department shall implement programs or activities that  
increase public awareness on the importance of properly securing loads.

253 Section 7. Section 7 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 Environmental  
Quality.

258 (b) "Securely covered" means that the content of a load is completely covered by a solid 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 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 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 Department of  
Environmental Quality and deposited into the Litter Abatement 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 collecting landfill.

269 (d) The minimum fine described in Subsection (3)(a) does not preclude a landfill from 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 Subsection (2).

273 (4) The Department of Environmental Quality may retain its associated administrative costs from the  
funds described in Subsection (3)(b).

275 (5) A landfill shall provide an annual report to the Department of Environmental Quality on or before  
March 1 regarding violations of Subsection (2).

277 Section 8. **Effective date.**

This bill takes effect on May 7, 2025.

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