

HB0053S05 compared with HB0053S04

~~{Omitted text}~~ shows text that was in HB0053S04 but was omitted in HB0053S05
inserted text shows text that was not in HB0053S04 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

3 **LONG TITLE**

4 **General Description:**

5 This bill addresses unsecured loads, litter, and landfills.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ establishes the Litter Abatement Expendable Special Revenue Fund;
- 9 ▶ ~~{ directs certain fees to the Litter Abatement Expendable Special Revenue Fund; }~~
- 10 ▶ modifies penalties for certain offenses;
- 11 ▶ requires reporting for certain entities;
- 12 ▶ imposes a landfill fine for an unsecured load; and
- 13 ▶ defines terms.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

18 AMENDS:

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20 ~~{41-1a-1201 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter~~
21 ~~483 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 483}~~
21 ~~{41-1a-1206 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter~~
21 ~~483 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 483}~~
19 41-6a-1712 ~~{(Effective 05/07/25)}~~, as last amended by Laws of Utah 2008, Chapter 22 ~~{(Effective~~
20 ~~05/07/25)}~~, as last amended by Laws of Utah 2008, Chapter 22
20 41-6a-1713 ~~{(Effective 05/07/25)}~~, as last amended by Laws of Utah 2015, Chapter 412 ~~{(Effective~~
21 ~~05/07/25)}~~, as last amended by Laws of Utah 2015, Chapter 412
21 53-8-105 ~~{(Effective 05/07/25)}~~, as last amended by Laws of Utah 2024, Chapter 425 ~~{(Effective~~
22 ~~05/07/25)}~~, as last amended by Laws of Utah 2024, Chapter 425
22 72-1-201 ~~{(Effective 05/07/25)}~~, as last amended by Laws of Utah 2024, Chapter 517 ~~{(Effective~~
23 ~~05/07/25)}~~, as last amended by Laws of Utah 2024, Chapter 517
23 72-7-409 ~~{(Effective 05/07/25)}~~, as last amended by Laws of Utah 2021, Chapter 327 ~~{(Effective~~
24 ~~05/07/25)}~~, as last amended by Laws of Utah 2021, Chapter 327

24 ENACTS:

25 72-2-135 ~~{(Effective 05/07/25)}~~, Utah Code Annotated 1953 ~~{(Effective 05/07/25)}~~, Utah Code
26 Annotated 1953
26 72-7-410 ~~{(Effective 05/07/25)}~~, Utah Code Annotated 1953 ~~{(Effective 05/07/25)}~~, Utah Code
27 Annotated 1953

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

32 ~~{Section 1. Section 41-1a-1201 is amended to read: }~~

33 **41-1a-1201. Disposition of fees.**

- 34 (1) All fees received and collected under this part shall be transmitted daily to the state treasurer.
- 36 (2) Except as provided in Subsections (3), (5), (6), (7), (8), ~~and~~ (9), and (10) and Sections
41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603, all fees collected
under this part shall be deposited into the Transportation Fund.
- 39 (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), (7), and (9), and Section
41-1a-1212 shall be deposited into the License Plate Restricted Account created in Section
41-1a-122.
- 42 (4)

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- (a) Except as provided in Subsections (3) and (4)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.
- 46 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.
- 50 (c) Fifty cents of the registration fee imposed under Subsection [~~41-1a-1206(1)(i)~~] 41-1a-1206(1)(k) for each vintage vehicle that has a model year of 1983 or newer may be used by the commission to cover the costs incurred in enforcing and administering this part.
- 54 (5)
- (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of 2005 created in Section 72-2-124:
- 57 (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (4), and (7);
- 59 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);
- 61 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);
- 62 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
- 63 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i);
- 64 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii); and
- 65 (vii) \$17 of the registration fee imposed under Subsection [~~41-1a-1206(1)(j)~~] 41-1a-1206(1)(l).
- 67 (b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Transportation Investment Fund of 2005 created in Section 72-2-124:
- 70 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
- 71 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).
- 72 (6)
- (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

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(b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

79 (7)

(a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

82 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

86 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.

89 (9)

(a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural Transportation Infrastructure Fund created in Section 72-2-133.

92 (b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the previous year and adding an amount equal to the greater of:

95 (i) an amount calculated by multiplying the amount deposited by the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

98 (ii) 0.

99 (c) The amounts calculated as described in Subsection (9)(b) shall be rounded up to the nearest 1 cent.

101 (10) The amount described in Subsections 41-1a-1206(1)(i) and(1)(j) shall be deposited into the Litter Abatement Expendable Special Revenue Fund created in Section 72-2-135.

103 ~~{Section 2. Section 41-1a-1206 is amended to read: }~~

104 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

105 (1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

108 (a) \$46.00 for each motorcycle;

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- 109 (b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;
- 111 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:
- 113 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or
- 114 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;
- 116 (d)
- (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
- 118 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;
- 119 (e)
- (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
- 122 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
- 123 (f)
- (i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus
- 125 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;
- 126 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
- 127 (h) in addition to the fee described in Subsection (1)(b):
- 128 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- 129 (A) each electric motor vehicle; and
- 130 (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane;
- 133 (ii) \$21.75 for each hybrid electric motor vehicle; and
- 134 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;
- 135 (i) in addition to the fee described in Subsection (1)(c), three dollars for a trailer or semitrailer, unless the trailer or semitrailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301;
- 138 (j) in addition to the fee described in Subsection (1)(e), three dollars for a motor vehicle or combination of motor vehicles over 12,000 pounds gross laden weight;

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- 140 ~~[(+)]~~ (k) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a model year
of 1983 or newer, 50 cents; and
- 142 ~~[(+)]~~ (l) \$28.50 for each roadable aircraft.
- 143 (2)
- (a) At the time application is made for registration or renewal of registration of a vehicle under this
chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be
paid to the division as follows:
- 146 (i) \$34.50 for each motorcycle; and
- 147 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding
motorcycles.
- 149 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of registration
of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5 a
registration fee shall be paid to the division as follows:
- 152 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
- 153 (A) each electric motor vehicle; and
- 154 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled exclusively by a source
other than motor fuel, diesel fuel, natural gas, or propane;
- 157 (ii) \$16.50 for each hybrid electric motor vehicle; and
- 158 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 159 (3)
- (a) Beginning on January 1, 2024, at the time of registration:
- 160 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i),
(1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual shall also pay an additional \$7 as
part of the registration fee; and
- 163 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also pay an
additional \$5 as part of the registration fee.
- 165 (b)
- (i) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust the registration
fees described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g),
~~[(+)]~~ (1)(l), (2)(a), (3)(a), (4)(a), and (7), by taking the registration fee rate for the previous year
and adding an amount equal to the greater of:

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- 170 (A) an amount calculated by multiplying the registration fee of the previous year by the actual
percentage change during the previous fiscal year in the Consumer Price Index; and
- 173 (B) 0.
- 174 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually adjust the registration
fees described in Subsections (1)(h)(ii) and (iii) and (2)(b)(ii) and (iii) by taking the registration fee
rate for the previous year and adding an amount equal to the greater of:
- 178 (A) an amount calculated by multiplying the registration fee of the previous year by the actual
percentage change during the previous fiscal year in the Consumer Price Index; and
- 181 (B) 0.
- 182 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the nearest 25
cents.
- 184 (4)
- (a) The initial registration fee for a vintage vehicle that has a model year of 1982 or older is \$40.
- 186 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal of registration
fees under Subsection (1).
- 188 (c) A vehicle with a Purple Heart special group license plate issued on or before December 31, 2023,
or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the
registration fees under Subsection (1).
- 191 (d) A camper is exempt from the registration fees under Subsection (1).
- 192 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall
register for the total gross laden weight of all units of the combination if the total gross laden weight
of the combination exceeds 12,000 pounds.
- 195 (6)
- (a) Registration fee categories under this section are based on the gross laden weight declared in the
licensee's application for registration.
- 197 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is
a full unit.
- 199 (7) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering
under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of
\$130.
- 202 (8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:

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- 204 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
205 (b)
206 (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
206 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the
division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.
209 (9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not less than \$200.
211 (10) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift
capacity of five or more tons, are exempt from 50% of the amount of the fees required for those
vehicles under this section.

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

30 **41-6a-1712. ~~{(Effective 05/07/25)}~~Destructive or injurious materials on highways --**
Throwing lighted material from moving vehicle -- Enforcement officers.

- 217 (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.
- 219 (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:
- 224 (a) create a safety or health hazard on the public road or highway; or
225 (b) mar or impair the scenic aspect or beauty of the public road or highway.
- 226 ~~[(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:
- 229 (a) immediately remove the material or cause it to be removed; and
230 (b) deposit the material in a receptacle designed to receive the material.
- 231 ~~[(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.
- 234 ~~[(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.
- 237 ~~[(5)]~~ (6) A person may not throw any lighted material from a moving vehicle.
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242 [(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.

243 [(7)] (8) A law enforcement officer as defined in Section 53-13-103, within the law enforcement
officer's jurisdiction:

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

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

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

248 [(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. {(Effective 05/07/25)}Penalty for littering on a highway.**

252 (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:

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

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

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

259 (a) litter caused by the offender; and

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

261 (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. {(Effective 05/07/25)}Duties of Highway Patrol.**

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

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

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

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

269 (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;

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- 272 (e) inspect certain vehicles to determine road worthiness and safe condition as provided in Section
41-6a-1630;
- 274 (f) upon request, assist with any condition of unrest existing or developing on a campus or related
facility of an institution of higher education;
- 276 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the state liquor
laws;
- 278 (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;
- 281 (i) enforce the state laws and rules governing use of capitol hill; and
- 282 (j) carry out the following for the Supreme Court and the Court of Appeals:
- 283 (i) provide security and protection to those courts when in session in the capital city of the state;
- 285 (ii) execute orders issued by the courts; and
- 286 (iii) carry out duties as directed by the courts.
- 287 (2)
- (a) The division and the department shall annually:
- 288 (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
- 292 (ii) before October 1 of each year, report to the Transportation Interim Committee and the
Executive Offices and Criminal Justice Appropriations Subcommittee regarding:
- 295 (A) significant changes to the patrol and enforcement responsibilities resulting from the evaluation
described in Subsection (2)(a)(i); and
- 297 (B) any budget request necessary to accommodate additional patrol and enforcement responsibilities.
- 299 (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.
- 303 (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.
- 305 (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:

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- 123 **72-1-201. ~~{(Effective 05/07/25)}~~Creation of Department of Transportation -- Functions,**
 powers, duties, rights, and responsibilities.
- 310 (1) There is created the Department of Transportation which shall:
- 311 (a) have the general responsibility for planning, research, design, construction, maintenance, security,
 and safety of state transportation systems;
- 313 (b) provide administration for state transportation systems and programs;
- 314 (c) implement the transportation policies of the state;
- 315 (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;
- 318 (e) establish standards and procedures regarding the technical details of administration of the state
 transportation systems as established by statute and administrative rule;
- 320 (f) advise the governor and the Legislature about state transportation systems needs;
- 321 (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;
- 324 (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;
- 327 (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;
- 330 (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:
- 334 (i) under this title;
- 335 (ii) by the department; or
- 336 (iii) by an agency or division within the department;
- 337 (k) study and make recommendations to the Legislature on potential managed lane use and
 implementation on selected transportation systems within the state;
- 339 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created in Section
 53-8-103 regarding:
- 341 (i) future highway projects that will add additional capacity to the state transportation system;
- 343 (ii) potential changes in law enforcement responsibilities due to future highway projects; and

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- 345 (iii) incident management services on state highways;~~[-and]~~
346 (m) provide public transit services, in consultation with any relevant public transit provider~~[-]~~ ; and
348 (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.

352 (2)

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

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

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

356 (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.** ~~{(Effective 05/07/25)}~~**Litter Abatement Expendable Special Revenue Fund.**

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

363 (2) The fund shall consist of:

364 ~~{(a) {the fees described in Subsections 41-1a-1206(1)(i) and (1)(j);-}}~~

365 ~~{(b)}~~ (a) the landfill minimum fine for an unsecured load as described in Section 72-7-410; and

367 ~~{(e)}~~ (b) interest earnings on cash balances.

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

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

371 (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;

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

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

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

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72-7-409. ~~{(Effective 05/07/25)}~~ Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.

- 379 (1) As used in this section:
- 380 (a) "Agricultural product" means any raw product which is derived from agriculture, including silage,
hay, straw, grain, manure, and other similar product.
- 382 (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.
- 385 (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.
- 389 (c) "Vehicle" means the same as that term is defined in Section 41-1a-102.
- 390 (2) Except as provided in Subsections (3) through (5), a person may not:
- 391 (a) operate a vehicle with an unsecured load on any highway; or
- 392 (b) operate a vehicle carrying trash or garbage without a covering over the entire load.
- 393 (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:
- 396 (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
- 398 (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.
- 400 (b) The following material is exempt from the provisions of Subsection (3)(a):
- 401 (i) hot mix asphalt;
- 402 (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;
- 404 (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
- 406 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers, bags, or
packaging.

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- (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.
- 411 (4) Subsection (2) does not apply to a vehicle or implement of husbandry carrying an agricultural product, if the agricultural product is:
- 413 (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
- 415 (b) loaded in a manner that only allows minimal spillage.
- 416 (5)
- (a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section.
- 418 (b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.
- 420 (6)
- (a) Any person suspected of operating a vehicle with an unsecured load on a highway may be issued a warning.
- 422 (b) Any person who violates this section is guilty of:
- 423 (i) ~~[an infraction]~~ a class C misdemeanor, if the violation creates a hazard but does not lead to a motor vehicle accident;
- 425 (ii) a class B misdemeanor, if the violation creates a hazard that leads to a motor vehicle accident; or
- 427 (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.
- 429 (c) A person who violates a provision of this section shall be fined not less than:
- 430 (i) \$200 for a violation; or
- 431 (ii) \$500 for a second or subsequent violation within six years of a previous violation of this section.
- 433 (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:
- 435 (i) not less than \$500 for a violation; or
- 436 (ii) \$1,000 for a second or subsequent violation within six years of a previous violation of this section.
- 438 (7) As resources and opportunities allow, the department shall implement programs or activities that increase public awareness on the importance of properly securing loads.

HB0053S04 compared with HB0053S05

253 Section 7. Section 7 is enacted to read:

254 **72-7-410. ~~{(Effective 05/07/25)}~~Public landfill litter abatement fine.**

442 (1) As used in this section:

443 (a) "Landfill" means a landfill or transfer station that is permitted by the Department of Environmental Quality.

445 (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.

447 (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.

449 (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.

451 (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.

454 (c) The remainder of the fine described in Subsection (3)(a) shall be retained by the collecting landfill.

456 (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.

458 (e) A landfill may impose an additional penalty for a driver who repeatedly violates Subsection (2).

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

462 (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.**

465 (1) ~~{Except as provided in Subsection (2), this }~~ This bill takes effect on May 7, 2025.

466 ~~{(2) {The actions affecting the following sections take effect on January 1, 2026:} }~~

467 ~~{(a) {Section 41-1a-1206 (Effective 01/01/26); and} }~~

468 ~~{(b) {Section 41-1a-1201 (Effective 01/01/26).} }~~

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