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Unsecured Load Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Wayne A. Harper

2

LONG TITLE**Committee Note:**

The Transportation Interim Committee recommended this bill.

Legislative Vote: 14 voting for 1 voting against 2 absent

General Description:

This bill addresses unsecured loads, litter, and landfills.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-1201, as last amended by Laws of Utah 2024, Chapter 483

41-1a-1206, as last amended by Laws of Utah 2024, Chapter 483

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:

30

31 **72-2-135**, Utah Code Annotated 1953

32 **72-7-410**, Utah Code Annotated 1953

33

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

35 Section 1. Section **41-1a-1201** is amended to read:

36 **41-1a-1201 . Disposition of fees.**

37 (1) All fees received and collected under this part shall be transmitted daily to the state
38 treasurer.

39 (2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections 41-1a-1205,
40 41-1a-1206, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603, all fees
41 collected under this part shall be deposited into the Transportation Fund.

42 (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), (7), and (9), and
43 Section 41-1a-1212 shall be deposited into the License Plate Restricted Account created
44 in Section 41-1a-122.

45 (4)(a) Except as provided in Subsections (3) and (4)(b) and Section 41-1a-1205, the
46 expenses of the commission in enforcing and administering this part shall be
47 provided for by legislative appropriation from the revenues of the Transportation
48 Fund.

49 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)
50 and (b) for each vehicle registered for a six-month registration period under Section
51 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing
52 and administering this part.

53 (c) Fifty cents of the registration fee imposed under Subsection [~~41-1a-1206(1)(i)~~]
54 41-1a-1206(1)(k) for each vintage vehicle that has a model year of 1983 or newer
55 may be used by the commission to cover the costs incurred in enforcing and
56 administering this part.

57 (5)(a) The following portions of the registration fees imposed under Section 41-1a-1206
58 for each vehicle shall be deposited into the Transportation Investment Fund of 2005
59 created in Section 72-2-124:

60 (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),
61 (1)(f), (4), and (7);

62 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and
63 (1)(c)(ii);

64 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

- 65 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
66 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i);
67 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii); and
68 (vii) \$17 of the registration fee imposed under Subsection [~~41-1a-1206(1)(j)~~]
69 41-1a-1206(1)(l).
- 70 (b) The following portions of the registration fees collected for each vehicle registered
71 for a six-month registration period under Section 41-1a-215.5 shall be deposited into
72 the Transportation Investment Fund of 2005 created in Section 72-2-124:
- 73 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
74 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).
- 75 (6)(a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206
76 (1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted
77 Account created in Section 53-3-106.
- 78 (b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206
79 (2)(a) and (b) for each vehicle registered for a six-month registration period under
80 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account
81 created in Section 53-3-106.
- 82 (7)(a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a)
83 and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact
84 Restricted Account created in Section 53-8-214.
- 85 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and
86 (b) for each vehicle registered for a six-month registration period under Section
87 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted
88 Account created in Section 53-8-214.
- 89 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each
90 motorcycle shall be deposited into the Brain and Spinal Cord Injury Fund created in
91 Section 26B-1-318.
- 92 (9)(a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each
93 registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural
94 Transportation Infrastructure Fund created in Section 72-2-133.
- 95 (b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described
96 in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the
97 previous year and adding an amount equal to the greater of:
- 98 (i) an amount calculated by multiplying the amount deposited by the previous year by

99 the actual percentage change during the previous fiscal year in the Consumer Price
100 Index; and

101 (ii) 0.

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

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

106 Section 2. Section **41-1a-1206** is amended to read:

107 **41-1a-1206 . Registration fees -- Fees by gross laden weight.**

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

111 (a) \$46.00 for each motorcycle;

112 (b) \$44 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding
113 motorcycles;

114 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202
115 or is registered under Section 41-1a-301:

116 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

117 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or
118 less gross unladen weight;

119 (d)(i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
120 gross laden weight; plus

121 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

122 (e)(i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding
123 farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden
124 weight; plus

125 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

126 (f)(i) \$69.50 for each park model recreational vehicle over 12,000 pounds, but not
127 exceeding 14,000 pounds gross laden weight; plus

128 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight;

129 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;

130 (h) in addition to the fee described in Subsection (1)(b):

131 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:

132 (A) each electric motor vehicle; and

- 133 (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled
134 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
135 propane;
- 136 (ii) \$21.75 for each hybrid electric motor vehicle; and
137 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;
- 138 (i) in addition to the fee described in Subsection (1)(c), three dollars for a trailer or
139 semitrailer, unless the trailer or semitrailer is exempt from registration under Section
140 41-1a-202 or is registered under Section 41-1a-301;
- 141 (j) in addition to the fee described in Subsection (1)(e), three dollars for a motor vehicle
142 or combination of motor vehicles, excluding farm trucks, over 14,000 pounds gross
143 laden weight;
- 144 [~~(i)~~] (k) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that
145 has a model year of 1983 or newer, 50 cents; and
- 146 [~~(j)~~] (l) \$28.50 for each roadable aircraft.
- 147 (2)(a) At the time application is made for registration or renewal of registration of a
148 vehicle under this chapter for a six-month registration period under Section
149 41-1a-215.5, a registration fee shall be paid to the division as follows:
- 150 (i) \$34.50 for each motorcycle; and
151 (ii) \$33.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
152 excluding motorcycles.
- 153 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of
154 registration of a vehicle under this chapter for a six-month registration period under
155 Section 41-1a-215.5 a registration fee shall be paid to the division as follows:
- 156 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
157 (A) each electric motor vehicle; and
158 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled
159 exclusively by a source other than motor fuel, diesel fuel, natural gas, or
160 propane;
- 161 (ii) \$16.50 for each hybrid electric motor vehicle; and
162 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.
- 163 (3)(a) Beginning on January 1, 2024, at the time of registration:
- 164 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i),
165 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual
166 shall also pay an additional \$7 as part of the registration fee; and

167 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also
168 pay an additional \$5 as part of the registration fee.

169 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually
170 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),
171 (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), [~~(1)(j)~~] (1)(l), (2)(a), (3)(a), (4)(a), and
172 (7), by taking the registration fee rate for the previous year and adding an amount
173 equal to the greater of:

174 (A) an amount calculated by multiplying the registration fee of the previous year
175 by the actual percentage change during the previous fiscal year in the
176 Consumer Price Index; and

177 (B) 0.

178 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually
179 adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and
180 (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and
181 adding an amount equal to the greater of:

182 (A) an amount calculated by multiplying the registration fee of the previous year
183 by the actual percentage change during the previous fiscal year in the
184 Consumer Price Index; and

185 (B) 0.

186 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the
187 nearest 25 cents.

188 (4)(a) The initial registration fee for a vintage vehicle that has a model year of 1982 or
189 older is \$40.

190 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal
191 of registration fees under Subsection (1).

192 (c) A vehicle with a Purple Heart special group license plate issued on or before
193 December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group
194 License Plates, is exempt from the registration fees under Subsection (1).

195 (d) A camper is exempt from the registration fees under Subsection (1).

196 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor
197 vehicle shall register for the total gross laden weight of all units of the combination if the
198 total gross laden weight of the combination exceeds 12,000 pounds.

199 (6)(a) Registration fee categories under this section are based on the gross laden weight
200 declared in the licensee's application for registration.

201 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of
202 2,000 pounds is a full unit.

203 (7) The owner of a commercial trailer or commercial semitrailer may, as an alternative to
204 registering under Subsection (1)(c), apply for and obtain a special registration and
205 license plate for a fee of \$130.

206 (8) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck
207 unless:

208 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and

209 (b)(i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

210 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
211 submits to the division a certificate of emissions inspection or a waiver in
212 compliance with Section 41-6a-1642.

213 (9) A violation of Subsection (8) is an infraction that shall be punished by a fine of not less
214 than \$200.

215 (10) Trucks used exclusively to pump cement, bore wells, or perform crane services with a
216 crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees
217 required for those vehicles under this section.

218 Section 3. Section **41-6a-1712** is amended to read:

219 **41-6a-1712 . Destructive or injurious materials on highways -- Throwing lighted**
220 **material from moving vehicle -- Enforcement officers.**

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

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

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

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

230 [(2)] (3) A person who drops, throws, deposits, or discards, or permits to be dropped,
231 thrown, deposited, or discarded, on any public road or highway any destructive,
232 injurious, or unsightly material shall:

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

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

234 [(3)] (4) A person distributing commercial handbills, leaflets, or other advertising shall take
235 whatever measures are reasonably necessary to keep the material from littering public
236 roadways or highways.

237 [(4)] (5) A person removing a wrecked or damaged vehicle from a public road or highway
238 shall remove any glass or other injurious substance dropped from the vehicle on the road
239 or highway.

240 [(5)] (6) A person may not throw any lighted material from a moving vehicle.

241 [(6)] (7) Except as provided in Section 72-7-409, any person transporting loose cargo by
242 truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to
243 prevent the cargo from littering or spilling on both public and private property or public
244 roadways.

245 [(7)] (8) A law enforcement officer as defined in Section 53-13-103, within the law
246 enforcement officer's jurisdiction:

- 247 (a) shall enforce the provisions of this section;
- 248 (b) may issue citations to a person who violates any of the provisions of this section; and
- 249 (c) may serve and execute all warrants, citations, and other process issued by any court
250 in enforcing this section.

251 [(8)] (9) A municipality within its corporate limits and a county outside of incorporated
252 municipalities may enact local ordinances to carry out the provisions of this section.

253 Section 4. Section **41-6a-1713** is amended to read:

254 **41-6a-1713 . Penalty for littering on a highway.**

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

- 257 (a) not less than \$200 for a violation; or
- 258 (b) not less than \$500 for a second or subsequent violation within three years of a
259 previous violation of this section.

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

- 262 (a) litter caused by the offender; and
- 263 (b) existing litter from a safe area designated by the sentencing judge.

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

266 Section 5. Section **53-8-105** is amended to read:

267 **53-8-105 . Duties of Highway Patrol.**

- 268 (1) In addition to the duties in this chapter, the Highway Patrol shall:
- 269 (a) enforce the state laws and rules governing use of the state highways;
- 270 (b) regulate traffic on all highways and roads of the state;
- 271 (c) assist the governor in an emergency or at other times at his discretion;
- 272 (d) in cooperation with federal, state, and local agencies, enforce and assist in the
- 273 enforcement of all state and federal laws related to the operation of a motor carrier on
- 274 a highway, including all state and federal rules and regulations;
- 275 (e) inspect certain vehicles to determine road worthiness and safe condition as provided
- 276 in Section 41-6a-1630;
- 277 (f) upon request, assist with any condition of unrest existing or developing on a campus
- 278 or related facility of an institution of higher education;
- 279 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the
- 280 state liquor laws;
- 281 (h) provide security and protection for both houses of the Legislature while in session as
- 282 the speaker of the House of Representatives and the president of the Senate find
- 283 necessary;
- 284 (i) enforce the state laws and rules governing use of capitol hill; and
- 285 (j) carry out the following for the Supreme Court and the Court of Appeals:
- 286 (i) provide security and protection to those courts when in session in the capital city
- 287 of the state;
- 288 (ii) execute orders issued by the courts; and
- 289 (iii) carry out duties as directed by the courts.
- 290 (2)(a) The division and the department shall annually:
- 291 (i) evaluate the inventory of new and existing state highways, in coordination with
- 292 relevant local law enforcement agencies, to determine which law enforcement
- 293 agency is best suited to patrol and enforce state laws and regulate traffic on each
- 294 state highway; and
- 295 (ii) before October 1 of each year, report to the Transportation Interim Committee
- 296 and the Executive Offices and Criminal Justice Appropriations Subcommittee
- 297 regarding:
- 298 (A) significant changes to the patrol and enforcement responsibilities resulting
- 299 from the evaluation described in Subsection (2)(a)(i); and
- 300 (B) any budget request necessary to accommodate additional patrol and
- 301 enforcement responsibilities.

302 (b) The division and the department shall, before July 1 of each year, coordinate with the
303 Department of Transportation created in Section 72-1-201 regarding patrol and
304 enforcement responsibilities described in Subsection (2)(a) and incident management
305 services on state highways.

306 (3)(a) A district court and a justice court shall collect and maintain data regarding
307 violations in Sections 41-6a-1712, 41-6a-1713, and 72-7-409.

308 (b) Each court shall transmit dispositions described in (3)(a) electronically to the
309 department.

310 Section 6. Section **72-1-201** is amended to read:

311 **72-1-201 . Creation of Department of Transportation -- Functions, powers,**
312 **duties, rights, and responsibilities.**

313 (1) There is created the Department of Transportation which shall:

- 314 (a) have the general responsibility for planning, research, design, construction,
315 maintenance, security, and safety of state transportation systems;
- 316 (b) provide administration for state transportation systems and programs;
- 317 (c) implement the transportation policies of the state;
- 318 (d) plan, develop, construct, and maintain state transportation systems that are safe,
319 reliable, environmentally sensitive, and serve the needs of the traveling public,
320 commerce, and industry;
- 321 (e) establish standards and procedures regarding the technical details of administration
322 of the state transportation systems as established by statute and administrative rule;
- 323 (f) advise the governor and the Legislature about state transportation systems needs;
- 324 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
325 installation, maintenance, operation, relocation, and upgrade of utilities within state
326 highway rights-of-way;
- 327 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
328 make rules for the administration of the department, state transportation systems, and
329 programs;
- 330 (i) jointly with the commission annually report to the Transportation Interim Committee,
331 by November 30 of each year, as to the operation, maintenance, condition, mobility,
332 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 333 (j) ensure that any training or certification required of a public official or public
334 employee, as those terms are defined in Section 63G-22-102, complies with Title
335 63G, Chapter 22, State Training and Certification Requirements, if the training or

- 336 certification is required:
- 337 (i) under this title;
- 338 (ii) by the department; or
- 339 (iii) by an agency or division within the department;
- 340 (k) study and make recommendations to the Legislature on potential managed lane use
- 341 and implementation on selected transportation systems within the state;
- 342 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
- 343 in Section 53-8-103 regarding:
- 344 (i) future highway projects that will add additional capacity to the state transportation
- 345 system;
- 346 (ii) potential changes in law enforcement responsibilities due to future highway
- 347 projects; and
- 348 (iii) incident management services on state highways; [~~and~~]
- 349 (m) provide public transit services, in consultation with any relevant public transit
- 350 provider[-] ; and
- 351 (n) implement a public service campaign as described in Section 72-2-135, in
- 352 coordination with relevant stakeholders including permitted landfills and transfer
- 353 stations, to generate public awareness regarding the importance of proper
- 354 transportation and disposal of waste and maintaining clean roads and highways.
- 355 (2)(a) The department shall exercise reasonable care in designing, constructing, and
- 356 maintaining a state highway in a reasonably safe condition for travel.
- 357 (b) Nothing in this section shall be construed as:
- 358 (i) creating a private right of action; or
- 359 (ii) expanding or changing the department's common law duty as described in
- 360 Subsection (2)(a) for liability purposes.
- 361 Section 7. Section **72-2-135** is enacted to read:
- 362 **72-2-135 . Litter Abatement Expendable Special Revenue Fund.**
- 363 (1) There is created an expendable special revenue fund, known as the "Litter Abatement
- 364 Expendable Special Revenue Fund."
- 365 (2) The fund shall consist of:
- 366 (a) the fees described in Subsections 41-1a-1206(1)(i) and (1)(j); and
- 367 (b) the landfill minimum fee for an unsecured load as described in Section 72-7-410.
- 368 (3) The department shall use money in the fund for:
- 369 (a) litter cleanup efforts on or near highways, including highways near waste

- 370 management facilities and other high-litter areas the department identifies;
 371 (b) a public service campaign to generate awareness regarding the importance of proper
 372 transportation and disposal of waste, the negative impact of littering, and the need to
 373 maintain clean highways; and
 374 (c) increased enforcement of Sections 41-6a-1712, 41-6a-1713, and 72-7-410.

375 Section 8. Section **72-7-409** is amended to read:

376 **72-7-409 . Loads on vehicles -- Limitations -- Confining, securing, and fastening**
 377 **load required -- Penalty.**

378 (1) As used in this section:

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

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

384 (ii) "Unsecured load" includes materials such as dirt, sand, gravel, rock fragments,
 385 pebbles, crushed base, aggregate, any other similar material, or scrap metal or
 386 other loose material on any portion of the vehicle not designed to carry the
 387 material.

388 (c) "Vehicle" means the same as that term is defined in Section 41-1a-102.

389 (2) Except as provided in Subsections (3) through (5), a person may not:

390 (a) operate a vehicle with an unsecured load on any highway; or

391 (b) operate a vehicle carrying trash or garbage without a covering over the entire load.

392 (3)(a) A vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base,
 393 aggregate, any other similar material, or scrap metal shall have a covering over the
 394 entire load unless:

395 (i) the highest point of the load does not extend above the top of any exterior wall or
 396 sideboard of the cargo compartment of the vehicle; and

397 (ii) the outer edges of the load are at least six inches below the top inside edges of the
 398 exterior walls or sideboards of the cargo compartment of the vehicle.

399 (b) The following material is exempt from the provisions of Subsection (3)(a):

400 (i) hot mix asphalt;

401 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a
 402 form not susceptible to being blown out of the vehicle;

403 (iii) material being transported across a highway between two parcels of property that

- 404 would be contiguous but for the highway that is being crossed; and
- 405 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,
- 406 bags, or packaging.
- 407 (c) A chemical substance capable of coating or bonding a load so that the load is
- 408 confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a)
- 409 so long as the chemical substance remains effective at confining the load.
- 410 (4) Subsection (2) does not apply to a vehicle or implement of husbandry carrying an
- 411 agricultural product, if the agricultural product is:
- 412 (a) being transported in a manner which is not a hazard or a potential hazard to the safe
- 413 operation of the vehicle or to other highway users; and
- 414 (b) loaded in a manner that only allows minimal spillage.
- 415 (5)(a) An authorized vehicle performing snow removal services on a highway is exempt
- 416 from the requirements of this section.
- 417 (b) This section does not prohibit the necessary spreading of any substance connected
- 418 with highway maintenance, construction, securing traction, or snow removal.
- 419 (6)(a) Any person suspected of operating a vehicle with an unsecured load on a
- 420 highway may be issued a warning.
- 421 (b) Any person who violates this section is guilty of:
- 422 (i) ~~[an infraction]~~ a class C misdemeanor, if the violation creates a hazard but does not
- 423 lead to a motor vehicle accident;
- 424 (ii) a class B misdemeanor, if the violation creates a hazard that leads to a motor
- 425 vehicle accident; or
- 426 (iii) a class A misdemeanor, if the violation creates a hazard that leads to a motor
- 427 vehicle accident that results in the serious bodily injury or death of a person.
- 428 (c) A person who violates a provision of this section shall be fined not less than:
- 429 (i) \$200 for a violation; or
- 430 (ii) \$500 for a second or subsequent violation within six years of a previous violation
- 431 of this section.
- 432 (d) A person who violates a provision of this section while operating a commercial
- 433 vehicle as defined in Section 72-9-102 shall be fined:
- 434 (i) not less than \$500 for a violation; or
- 435 (ii) \$1,000 for a second or subsequent violation within six years of a previous
- 436 violation of this section.
- 437 (7) As resources and opportunities allow, the department shall implement programs or

438 activities that increase public awareness on the importance of properly securing loads.

439 Section 9. Section **72-7-410** is enacted to read:

440 **72-7-410 . Public landfill litter abatement fee.**

441 (1) As used in this section:

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

444 (b) "Securely covered" means that the content of a load is completely covered by a solid
445 barrier which will prevent the load from blowing, spilling, or falling from the vehicle.

446 (2) A driver utilizing a landfill shall ensure that the vehicle's load is securely covered from
447 the destination of origin until the driver deposits the load at the landfill.

448 (3)(a) A landfill shall collect a \$10 minimum fee for a vehicle in violation of Subsection
449 (2), beginning no later than July 1, 2026.

450 (b) Five dollars of the fee described in Subsection (3)(a) shall be collected by the
451 Department of Environmental Quality and deposited into the Litter Abatement
452 Expendable Special Revenue Fund created in Section 72-2-135.

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

455 (d) The minimum fee described in Subsection (3)(a) does not preclude a landfill from
456 imposing an additional or higher fee for an unsecured load.

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

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

461 Section 10. **Effective Date.**

462 This bill takes effect on May 7, 2025.