

Ken Ivory proposes the following substitute bill:

Litter Cleanup Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Wayne A. Harper

LONG TITLE

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 fine for an unsecured load; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

41-1a-1201 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 483

41-1a-1206 (Effective 01/01/26), as last amended by Laws of Utah 2024, Chapter 483

41-6a-1712 (Effective 05/07/25), as last amended by Laws of Utah 2008, Chapter 22

41-6a-1713 (Effective 05/07/25), as last amended by Laws of Utah 2015, Chapter 412

53-8-105 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 425

72-1-201 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 517

72-7-409 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 327

ENACTS:

72-2-135 (Effective 05/07/25), Utah Code Annotated 1953

29 **72-7-410 (Effective 05/07/25)**, Utah Code Annotated 1953

30

31 *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 (Effective 01/01/26). Disposition of fees.**

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

36 (2) Except as provided in Subsections (3), (5), (6), (7), (8), ~~and (9)~~, and (10) and Sections
37 41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603, all fees
38 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
40 Section 41-1a-1212 shall be deposited into the License Plate Restricted Account created
41 in Section 41-1a-122.

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

46 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)
47 and (b) for each vehicle registered for a six-month registration period under Section
48 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing
49 and administering this part.

50 (c) Fifty cents of the registration fee imposed under Subsection ~~41-1a-1206(1)(i)~~
51 41-1a-1206(1)(k) for each vintage vehicle that has a model year of 1983 or newer
52 may be used by the commission to cover the costs incurred in enforcing and
53 administering this part.

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

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

59 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and
60 (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)~~]
66 41-1a-1206(1)(l).
- 67 (b) The following portions of the registration fees collected for each vehicle registered
68 for a six-month registration period under Section 41-1a-215.5 shall be deposited into
69 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
73 (1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted
74 Account created in Section 53-3-106.
- 75 (b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206
76 (2)(a) and (b) for each vehicle registered for a six-month registration period under
77 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account
78 created in Section 53-3-106.
- 79 (7)(a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a)
80 and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact
81 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
83 (b) for each vehicle registered for a six-month registration period under Section
84 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted
85 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
87 motorcycle shall be deposited into the Brain and Spinal Cord Injury Fund created in
88 Section 26B-1-318.
- 89 (9)(a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each registration
90 fee imposed under Section 41-1a-1206 shall be deposited into the Rural
91 Transportation Infrastructure Fund created in Section 72-2-133.
- 92 (b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described
93 in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the
94 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
96 the actual percentage change during the previous fiscal year in the Consumer Price

97 Index; and

98 (ii) 0.

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

101 (10) The amount described in Subsections 41-1a-1206(1)(i) and(1)(j) shall be deposited into
102 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 (Effective 01/01/26). Registration fees -- Fees by gross laden weight.**

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

108 (a) \$46.00 for each motorcycle;

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

111 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202
112 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
115 less gross unladen weight;

116 (d)(i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
117 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
120 farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden
121 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
124 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

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

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

167 (b)(i) Beginning on January 1, 2019, the commission shall, on January 1, annually
168 adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i),
169 (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
170 (7), by taking the registration fee rate for the previous year and adding an amount
171 equal to the greater of:

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

175 (B) 0.

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

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

183 (B) 0.

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

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

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

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

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

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

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

199 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of
200 2,000 pounds is a full unit.

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

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

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

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

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

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

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

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

217 **41-6a-1712 (Effective 05/07/25). Destructive or injurious materials on highways**
218 **-- Throwing lighted material from moving vehicle -- Enforcement officers.**

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

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

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

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

228 [(2)] (3) A person who drops, throws, deposits, or discards, or permits to be dropped,
229 thrown, deposited, or discarded, on any public road or highway any destructive,
230 injurious, or unsightly material shall:

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

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

233 ~~[(3)]~~ (4) A person distributing commercial handbills, leaflets, or other advertising shall take
234 whatever measures are reasonably necessary to keep the material from littering public
235 roadways or highways.

236 ~~[(4)]~~ (5) A person removing a wrecked or damaged vehicle from a public road or highway
237 shall remove any glass or other injurious substance dropped from the vehicle on the road
238 or highway.

239 ~~[(5)]~~ (6) A person may not throw any lighted material from a moving vehicle.

240 ~~[(6)]~~ (7) Except as provided in Section 72-7-409, any person transporting loose cargo by
241 truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to
242 prevent the cargo from littering or spilling on both public and private property or public
243 roadways.

244 ~~[(7)]~~ (8) A law enforcement officer as defined in Section 53-13-103, within the law
245 enforcement officer's jurisdiction:

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

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

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

250 ~~[(8)]~~ (9) A municipality within its corporate limits and a county outside of incorporated
251 municipalities may enact local ordinances to carry out the provisions of this section.

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

253 **41-6a-1713 (Effective 05/07/25). Penalty for littering on a highway.**

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

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

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

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

261 (a) litter caused by the offender; and

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

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

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

266 **53-8-105 (Effective 05/07/25). Duties of Highway Patrol.**

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

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

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

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

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

310 **72-1-201 (Effective 05/07/25). Creation of Department of Transportation --**
311 **Functions, powers, duties, rights, and responsibilities.**

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

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

- 335 certification is required:
- 336 (i) under this title;
- 337 (ii) by the department; or
- 338 (iii) by an agency or division within the department;
- 339 (k) study and make recommendations to the Legislature on potential managed lane use
- 340 and implementation on selected transportation systems within the state;
- 341 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
- 342 in Section 53-8-103 regarding:
- 343 (i) future highway projects that will add additional capacity to the state transportation
- 344 system;
- 345 (ii) potential changes in law enforcement responsibilities due to future highway
- 346 projects; and
- 347 (iii) incident management services on state highways; ~~and~~
- 348 (m) provide public transit services, in consultation with any relevant public transit
- 349 provider[-] ; and
- 350 (n) implement a public service campaign as described in Section 72-2-135, in
- 351 coordination with relevant stakeholders including permitted landfills and transfer
- 352 stations, to generate public awareness regarding the importance of proper
- 353 transportation and disposal of waste and maintaining clean roads and highways.
- 354 (2)(a) The department shall exercise reasonable care in designing, constructing, and
- 355 maintaining a state highway in a reasonably safe condition for travel.
- 356 (b) Nothing in this section shall be construed as:
- 357 (i) creating a private right of action; or
- 358 (ii) expanding or changing the department's common law duty as described in
- 359 Subsection (2)(a) for liability purposes.
- 360 Section 7. Section **72-2-135** is enacted to read:
- 361 **72-2-135 (Effective 05/07/25). Litter Abatement Expendable Special Revenue**
- 362 **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);
- 367 (b) the landfill minimum fine for an unsecured load as described in Section 72-7-410;
- 368 and

- 369 (c) interest earnings on cash balances.
- 370 (3) The department shall use money in the fund:
- 371 (a) for litter cleanup efforts on or near highways, including highways near waste
- 372 management facilities and other high-litter areas the department identifies;
- 373 (b) for a public service campaign to generate awareness regarding the importance of
- 374 proper transportation and disposal of waste, the negative impact of littering, and the
- 375 need to maintain clean highways;
- 376 (c) for increased enforcement of Sections 41-6a-1712, 41-6a-1713, and 72-7-410; and
- 377 (d) for the department's costs in administering the account.

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

379 **72-7-409 (Effective 05/07/25). Loads on vehicles -- Limitations -- Confining,**

380 **securing, and fastening load required -- Penalty.**

381 (1) As used in this section:

- 382 (a) "Agricultural product" means any raw product which is derived from agriculture,
- 383 including silage, hay, straw, grain, manure, and other similar product.
- 384 (b)(i) "Unsecured load" means the contents of a vehicle, operated on a highway, not
- 385 sufficiently covered, confined, fastened, or otherwise secured in a way to prevent
- 386 the contents from escaping the vehicle.
- 387 (ii) "Unsecured load" includes materials such as dirt, sand, gravel, rock fragments,
- 388 pebbles, crushed base, aggregate, any other similar material, or scrap metal or
- 389 other loose material on any portion of the vehicle not designed to carry the
- 390 material.
- 391 (c) "Vehicle" means the same as that term is defined in Section 41-1a-102.

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

- 393 (a) operate a vehicle with an unsecured load on any highway; or
- 394 (b) operate a vehicle carrying trash or garbage without a covering over the entire load.

395 (3)(a) A vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base,

396 aggregate, any other similar material, or scrap metal shall have a covering over the

397 entire load unless:

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

399 sideboard of the cargo compartment of the vehicle; and

400 (ii) the outer edges of the load are at least six inches below the top inside edges of the

401 exterior walls or sideboards of the cargo compartment of the vehicle.

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

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

- 437 (i) not less than \$500 for a violation; or
438 (ii) \$1,000 for a second or subsequent violation within six years of a previous
439 violation of this section.
- 440 (7) As resources and opportunities allow, the department shall implement programs or
441 activities that increase public awareness on the importance of properly securing loads.

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

443 **72-7-410 (Effective 05/07/25). Public landfill litter abatement fine.**

444 (1) As used in this section:

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

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

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

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

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

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

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

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

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

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

466 Section 10. **Effective Date.**

467 (1) Except as provided in Subsection (2), this bill takes effect on May 7, 2025.

468 (2) The actions affecting the following sections take effect on January 1, 2026:

469 (a) Section 41-1a-1206 (Effective 01/01/26); and

470 (b) Section 41-1a-1201 (Effective 01/01/26).