

1 **LOADED VEHICLES - EXEMPTION FOR**
2 **FARM VEHICLES**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Joseph L. Hull**

6 AN ACT RELATING TO HIGHWAYS; PROVIDING DEFINITIONS; AMENDING
7 PROVISIONS RELATED TO LOADS ON VEHICLES; PROVIDING CERTAIN
8 EXCEPTIONS FOR CERTAIN FARM VEHICLES.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **27-12-146**, as last amended by Chapter 50, Laws of Utah 1997

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

13 Section 1. Section **27-12-146** is amended to read:

14 **27-12-146. Loads on vehicles -- Limitations -- Confining, securing, and fastening load**
15 **required -- Penalty.**

16 (1) As used in this section:

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

19 (b) "Vehicle" has the same meaning set forth in Section 41-1a-102.

20 ~~[(1)]~~ (2) A vehicle may not be operated or moved on any highway unless the vehicle is
21 constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.

22 ~~[(2)]~~ (3) (a) In addition to the requirements under Subsection ~~[(1)]~~ (2), a vehicle carrying
23 dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or
24 scrap metal shall have a covering over the entire load unless:

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

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

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

2 (b) The following material is exempt from the provisions of Subsection [(2)] (3)(a):

3 (i) hot mix asphalt;

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

6 (iii) material being transported across a highway between two parcels of property that
7 would be contiguous but for the highway that is being crossed; and

8 (iv) material listed under Subsection [(2)] (3)(a) that is enclosed on all sides by containers,
9 bags, or packaging.

10 (c) A chemical substance capable of coating or bonding a load so that the load is confined
11 on a vehicle, may be considered a covering for purposes of Subsection [(2)] (3)(a) so long as the
12 chemical substance remains effective at confining the load.

13 (4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry carrying
14 an agricultural product, if the agricultural product is being transported in a manner which is not
15 a hazard to the safe operation of the vehicle or to other highway users.

16 [(3)] (5) (a) An authorized vehicle performing snow removal services on a highway is
17 exempt from the requirements of this section if the vehicle's load is screened to a particle size
18 established by a rule of the department.

19 (b) This section does not prohibit the necessary spreading of any substance connected with
20 highway maintenance, construction, securing traction, or snow removal.

21 [(4)] (6) A person may not operate a vehicle with a load on any highway unless the load
22 and any load covering is fastened, secured, and confined to prevent the covering or load from
23 becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to
24 other highway users.

25 [(5)] (7) Before entering a highway, the operator of a vehicle carrying any material listed
26 under Subsection [(2)] (3), shall remove all loose material on any portion of the vehicle not
27 designed to carry the material.

28 [(6)] (8) Any person who violates this section is guilty of a class B misdemeanor.

Legislative Review Note
as of 1-9-98 8:43 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel