

**Senator Patricia W. Jones** proposes the following substitute bill:

**HIGHWAY LITTERING AND FAILING TO SECURE A  
LOAD AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: Patricia W. Jones

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to littering or failing to secure a load on a highway.

**Highlighted Provisions:**

This bill:

- ▶ increases the fines for littering on a highway; and
- ▶ increases the fines for failing to secure a load while operating a motor vehicle on a highway.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-1713**, as last amended by Laws of Utah 2008, Chapter 22

**72-7-409**, as last amended by Laws of Utah 2008, Chapters 22 and 140

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

27 Section 1. Section **41-6a-1713** is amended to read:

28 **41-6a-1713. Penalty for littering on a highway.**

29 (1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of a  
30 class C misdemeanor and shall be fined:

31 (a) not less than [~~\$100~~] \$200 for a violation; or

32 (b) not less than [~~\$250~~] \$500 for a second or subsequent violation within three years of  
33 a previous violation of this section.

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

36 (a) litter caused by the offender; and

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

38 Section 2. Section **72-7-409** is amended to read:

39 **72-7-409. Loads on vehicles -- Limitations -- Confining, securing, and fastening**  
40 **load required -- Penalty.**

41 (1) As used in this section:

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

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

45 (2) A vehicle may not be operated or moved on any highway unless the vehicle is  
46 constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise  
47 escaping.

48 (3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt,  
49 sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or  
50 scrap metal shall have a covering over the entire load unless:

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

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

55 (b) In addition to the requirements under Subsection (2), a vehicle carrying trash or  
56 garbage shall have a covering over the entire load.

- 57 (c) The following material is exempt from the provisions of Subsection (3)(a):
- 58 (i) hot mix asphalt;
- 59 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form
- 60 not susceptible to being blown out of the vehicle;
- 61 (iii) material being transported across a highway between two parcels of property that
- 62 would be contiguous but for the highway that is being crossed; and
- 63 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,
- 64 bags, or packaging.
- 65 (d) A chemical substance capable of coating or bonding a load so that the load is
- 66 confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long
- 67 as the chemical substance remains effective at confining the load.
- 68 (4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry
- 69 carrying an agricultural product, if the agricultural product is:
- 70 (a) being transported in a manner which is not a hazard or a potential hazard to the safe
- 71 operation of the vehicle or to other highway users; and
- 72 (b) loaded in a manner that only allows minimal spillage.
- 73 (5) (a) An authorized vehicle performing snow removal services on a highway is
- 74 exempt from the requirements of this section.
- 75 (b) This section does not prohibit the necessary spreading of any substance connected
- 76 with highway maintenance, construction, securing traction, or snow removal.
- 77 (6) A person may not operate a vehicle with a load on any highway unless the load and
- 78 any load covering is fastened, secured, and confined to prevent the covering or load from
- 79 becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to
- 80 other highway users.
- 81 (7) Before entering a highway, the operator of a vehicle carrying any material listed
- 82 under Subsection (3), shall remove all loose material on any portion of the vehicle not designed
- 83 to carry the material.
- 84 (8) (a) Any person who violates this section is guilty of a class B misdemeanor.
- 85 (b) A person who violates a provision of this section shall be fined not less than:
- 86 (i) [~~\$100~~] \$200 for a violation; or
- 87 (ii) [~~\$250~~] \$500 for a second or subsequent violation within three years of a previous

88 violation of this section.

89 (c) A person who violates a provision of this section while operating a commercial  
90 vehicle as defined in Section 72-9-102 shall be fined:

91 (i) not less than [~~\$250~~] \$500 for a violation; or

92 (ii) [~~\$500~~] \$1,000 for a second or subsequent violation within three years of a previous  
93 violation of this section.