

1 **UNSECURED LOAD AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Robert M. Spendlove

6

7 **LONG TITLE**

8 **General Description:**

9 This bill defines an unsecured load on a highway and creates new penalties for
10 operating a vehicle with an unsecured load on a highway.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines unsecured load;
- 14 ▶ creates new penalties for certain violations;
- 15 ▶ instructs the department, when possible, to educate the public regarding unsecured
- 16 loads; and
- 17 ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **72-7-409**, as last amended by Laws of Utah 2016, Chapter 303

25 **78A-5-110**, as last amended by Laws of Utah 2008, Chapter 22 and renumbered and
26 amended by Laws of Utah 2008, Chapter 3

27 **78A-7-120**, as last amended by Laws of Utah 2012, Chapter 205



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

Section 1. Section **72-7-409** is amended to read:

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

(1) As used in this section:

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

(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.

(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.

~~[(b)]~~ (c) "Vehicle" [has the same meaning set forth] means the same as that term is defined in Section 41-1a-102.

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

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

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

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

~~(3) (a) [In addition to the requirements under Subsection (2), 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:~~

~~(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~~

~~(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.~~

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

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

60 (i) hot mix asphalt;

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

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

65 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,
66 bags, or packaging.

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

70 (4) ~~[Subsections (2) and (3) do]~~ Subsection (2) does not apply to a vehicle or
71 implement of husbandry carrying an agricultural product, if the agricultural product is:

72 (a) being transported in a manner which is not a hazard or a potential hazard to the safe
73 operation of the vehicle or to other highway users; and

74 (b) loaded in a manner that only allows minimal spillage.

75 (5) (a) An authorized vehicle performing snow removal services on a highway is
76 exempt from the requirements of this section.

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

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

83 ~~[(7) Before entering a highway, the operator of a vehicle carrying any material listed
84 under Subsection (3), shall remove all loose material on any portion of the vehicle not designed
85 to carry the material.]~~

86 (6) (a) Any person suspected of operating a vehicle with an unsecured load on a
87 highway may be issued a warning.

88 ~~[(8)(a)]~~ (b) Any person who violates this section is guilty of:

89 (i) an infraction[-], if the violation creates a hazard but does not lead to a motor vehicle

90 accident;

91 (ii) a class B misdemeanor, if the violation creates a hazard that leads to a motor
92 vehicle accident; or

93 (iii) a class A misdemeanor, if the violation creates a hazard that leads to a motor
94 vehicle accident that results in the serious bodily injury or death of a person.

95 ~~[(b)]~~ (c) A person who violates a provision of this section shall be fined not less than:

96 (i) \$200 for a violation; or

97 (ii) \$500 for a second or subsequent violation within three years of a previous violation
98 of this section.

99 ~~[(c)]~~ (d) A person who violates a provision of this section while operating a
100 commercial vehicle as defined in Section 72-9-102 shall be fined:

101 (i) not less than \$500 for a violation; or

102 (ii) \$1,000 for a second or subsequent violation within three years of a previous
103 violation of this section.

104 (7) As resources and opportunities allow, the department shall implement programs or
105 activities that increase public awareness on the importance of properly securing loads.

106 Section 2. Section 78A-5-110 is amended to read:

107 **78A-5-110. Allocation of district court fees and forfeitures.**

108 (1) Except as provided in this section, district court fines and forfeitures collected for
109 violation of state statutes shall be paid to the state treasurer.

110 (2) Fines and forfeitures collected by the court for violation of a state statute or county
111 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the
112 state treasurer and 1/2 to the treasurer of the state or local governmental entity which
113 prosecutes or which would prosecute the violation.

114 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code
115 of Utah, Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating
116 Act, shall be paid to the state treasurer.

117 (a) For violations of Title 23, Wildlife Resources Code of Utah, the state treasurer shall
118 allocate 85% to the Division of Wildlife Resources and 15% to the General Fund.

119 (b) For violations of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
120 18, State Boating Act, the state treasurer shall allocate 85% to the Division of Parks and

121 Recreation and 15% to the General Fund.

122 (4) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406, less
123 fees established by the Judicial Council, shall be paid to the state treasurer for deposit in the B
124 and C road account. Fees established by the Judicial Council shall be deposited in the state
125 General Fund. Money deposited in the class B and C road account is supplemental to the
126 money appropriated under Section 72-2-107 but shall be expended in the same manner as other
127 class B and C road funds.

128 (5) (a) Fines and forfeitures collected by the court for a second or subsequent violation
129 under Section 41-6a-1713 or Subsection [~~72-7-409(8)(b)~~] 72-7-409(6)(c) shall be remitted:

130 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and

131 (ii) 40% in accordance with Subsection (2).

132 (b) Fines and forfeitures collected by the court for a second or subsequent violation
133 under Subsection [~~72-7-409(8)(c)~~] 72-7-409(6)(d) shall be remitted:

134 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and

135 (ii) 50% in accordance with Subsection (2).

136 (6) Fines and forfeitures collected for any violations not specified in this chapter or
137 otherwise provided for by law shall be paid to the state treasurer.

138 (7) Fees collected in connection with civil actions filed in the district court shall be
139 paid to the state treasurer.

140 (8) The court shall remit money collected in accordance with Title 51, Chapter 7, State
141 Money Management Act.

142 Section 3. Section 78A-7-120 is amended to read:

143 **78A-7-120. Disposition of fines.**

144 (1) Except as otherwise specified by this section, fines and forfeitures collected by a
145 justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the
146 court and 1/2 to the treasurer of the local government which prosecutes or which would
147 prosecute the violation. An interlocal agreement created pursuant to Title 11, Chapter 13,
148 Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section
149 if the parties agree.

150 (2) (a) For violation of Title 23, Wildlife Resources Code of Utah, the court shall
151 allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or

152 county government responsible for the justice court.

153 (b) For violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter
154 18, State Boating Act, the court shall allocate 85% to the Division of Parks and Recreation and
155 15% to the general fund of the city or county government responsible for the justice court.

156 (3) The surcharge established by Section 51-9-401 shall be paid to the state treasurer.

157 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice
158 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations
159 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial
160 Council, shall be paid to the state treasurer and distributed to the class B and C road account.

161 (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is
162 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the
163 same manner as other class B and C road funds.

164 (6) (a) Fines and forfeitures collected by the court for a second or subsequent violation
165 under Section 41-6a-1713 or Subsection ~~[72-7-409(8)(b)]~~ 72-7-409(6)(c) shall be remitted:

- 166 (i) 60% to the state treasurer to be deposited in the Transportation Fund; and
- 167 (ii) 40% in accordance with Subsection (1).

168 (b) Fines and forfeitures collected by the court for a second or subsequent violation
169 under Subsection ~~[72-7-409(8)(c)]~~ 72-7-409(6)(d) shall be remitted:

- 170 (i) 50% to the state treasurer to be deposited in the Transportation Fund; and
- 171 (ii) 50% in accordance with Subsection (1).

Legislative Review Note
Office of Legislative Research and General Counsel