

# SENATE BILL REPORT

## SB 5457

---

As Reported By Senate Committee On:  
Judiciary, February 23, 2005

**Title:** An act relating to securing vehicle loads on public highways.

**Brief Description:** Increasing penalties for failure to secure a vehicle load on a public highway.

**Sponsors:** Senators Esser, Kline, Weinstein, Prentice, Carrell, Johnson and Shin.

**Brief History:**

**Committee Activity:** Judiciary: 2/23/05 [DPS].

---

### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** That Substitute Senate Bill No. 5457 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Esser, McCaslin, Rasmussen and Thibaudeau.

**Staff:** Lidia Mori (786-7755)

**Background:** A vehicle driven or moved on a public highway must be loaded in such a manner as to prevent any contents from escaping, except that dropping sand for the purpose of securing traction is permissible. Violations of this requirement are designated as traffic infractions, subject to a base monetary penalty of \$82, not including statutory assessments. A recent report from the AAA Foundation for Traffic Safety found that 25,000 crashes a year in the United States and Canada are caused by vehicle-related road debris.

**Summary of Substitute Bill:** Failure to secure a load in the first or second degree is a gross misdemeanor and misdemeanor, respectively.

Failure to secure a load in the first degree is committed when a person negligently fails to secure all or part of a load to his or her vehicle and, as a result, causes bodily injury to another. Failure to secure a load in the second degree is committed when a person negligently fails to secure all or part of a load to his or her vehicle and, as a result, causes damage to the property of another. Other failures to secure a load to a vehicle that do not rise to the level of first or second degree continue to be designated as traffic infractions and are subject to monetary penalties.

**Substitute Bill Compared to Original Bill:** The substitute bill modifies the elements of failure to secure a load in the second degree to exclude reference to vehicles that operate on a paved public highway with a load of dirt, sand, or gravel, for the purpose of expressing the intent to exclude such vehicles from criminal prosecution so long as they have properly secured such load.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** A person who failed to secure a vehicle load and caused serious bodily injury would not receive any jail time under current law. Under this bill, it would be a gross misdemeanor and the victim could apply for crime victim's compensation. The best possible outcome from this legislation would be future deterrence. If this bill passes, there will be a large effort put forward to educate the public. The bill is about keeping our roads and streets safe and it's about responsibility. The AAA of Washington does an annual survey and the 2004 survey results showed that 95 percent of the people who responded favor a law such as this.

**Testimony Against:** None.

**Who Testified:** PRO: Senator Esser, prime sponsor; Norm Malen, King County Prosecuting Attorney; Robin Abel; Dave Overstreet, AAA.