

SB 5846-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Requires a vehicle with a model year of 2011 or later that has a gross vehicle weight rating of 16,001 pounds or more, and is designed primarily to haul loads of materials, such as dirt, sand, or gravel, to be equipped with a permanently affixed manual or automated load covering device, and requires any person operating the vehicle on a public highway with a load of dirt, sand, or gravel to engage the load covering device.

Exempts a person operating a vehicle on public highways from this requirement when operating the vehicle: (1) In response to emergency conditions, including flooding or natural disaster;

(2) On a public highway that is closed for repair or emergency purposes; or

(3) For the purpose of dropping sand or de-icer on the roadway pursuant to instruction from a state or local authority.

Provides that, if a violation occurs in the course of the person's employment, the person's employer is liable for a monetary penalty of one thousand dollars. However, the employer is not liable if, prior to the violation, the employer installed a permanently affixed load covering device to the vehicle and the person failed to engage the load covering device when hauling loads of dirt, sand, or gravel on a public highway.

Eliminates the six-inch freeboard exception on January 1, 2014.