

# HOUSE BILL REPORT

## ESHB 1007

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**As Passed House:**  
March 9, 2013

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

**Brief Description:** Concerning the covering of loads on public highways.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Kagi, Clibborn, Stanford, Ryu, Moscoso, Hudgins, Reykdal, Fitzgibbon, Appleton, Maxwell, Green and Fey).

**Brief History:**

**Committee Activity:**

Transportation: 1/17/13, 2/13/13 [DPS].

**Floor Activity:**

Passed House: 3/9/13, 53-42.

**Brief Summary of Engrossed Substitute Bill**

- Requires that from August 1, 2013, through June 30, 2015, any vehicles operating on a paved public highway hauling dirt, sand, rocks, or gravel susceptible to escaping must use a cover if the vehicle is equipped with a cover.
- Removes the existing freeboard and requires that after June 30, 2015, any vehicle over 8,500 pounds gross vehicle weight operating on a paved public highway hauling dirt, sand, rocks, or gravel susceptible to escaping must use a cover.
- Provides an exemption for the Washington State Department of Transportation, counties, and cities when applying deicers and sand for snow and ice control, maintenance operations for emergencies, or maintenance on closed roads, but still requires six inches of freeboard.
- Requires the Washington State Patrol to conduct random emphasis patrols to enforce covered-load requirements.
- Provides a definition for "susceptible to being dropped, spilled, leaked, or otherwise escaping".
- Provides a definition for a cover.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

- Provides an exemption for the covered load requirements for farm vehicles carrying farm commodities.
- Provides an exemption for vehicles traveling on gravel roads from the covered load requirements.

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Clibborn, Chair; Fey, Vice Chair; Liias, Vice Chair; Moscoso, Vice Chair; Bergquist, Farrell, Fitzgibbon, Freeman, Habib, Moeller, Morris, Riccelli, Ryu, Sells, Takko, Tarleton and Upthegrove.

**Minority Report:** Do not pass. Signed by 13 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel, Hayes, Johnson, Klippert, Kochmar, Kretz, Kristiansen, O'Ban, Shea and Zeiger.

**Staff:** Jerry Long (786-7306).

### **Background:**

Any vehicle operating on a paved public highway with a load of dirt, sand, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping must be covered to prevent spillage, except when there is six inches of freeboard maintained within the bed.

A person is guilty of Failure to Secure a Load in the first degree, which is a gross misdemeanor, if the person, with criminal negligence, fails to secure a load and causes substantial bodily harm to another. A person is guilty of Failure to Secure a Load in the second degree, which is a misdemeanor, if the person, with criminal negligence, fails to secure a load and causes damage to the property of another. A person that fails to secure a load or part of a load is guilty of an infraction if such failure does not cause bodily harm to another or does not cause damage to the property of another.

### **Summary of Engrossed Substitute Bill:**

From August 1, 2013, through June 30, 2015, if any vehicle operating on a paved public highway hauling a load of dirt, sand, rocks, gravel, or these types of materials is equipped with a cover, then the cover must be used.

After June 30, 2015, the substitute bill removes the existing freeboard requirement and specifies that any vehicle over 8,500 pounds gross vehicle weight operating on a paved public highway with a load of dirt, sand, rocks, or gravel susceptible to being dropped, spilled, leaked, or otherwise escaping from the vehicle must be covered to prevent spillage.

The Washington State Department of Transportation (WSDOT), counties, and cities are exempt from the requirements if the vehicle is: applying sand or deicers for snow and ice

control; performing maintenance operations in response to emergency events; and performing maintenance operations within work zones where roads or sections of the roads are closed to the public. The WSDOT, counties, and cities must continue to maintain the requirement of six inches of freeboard on these loads.

The Washington State Patrol must conduct random emphasis patrols to enforce the covering of load requirements.

Provides a definition for "susceptible to being dropped, spilled, leaked, or otherwise escaping".

Provides a definition for a cover which means a tarp, other informal covering device, or a manufactured cover to fit a vehicle securely.

Provides exemptions for the covered load requirements for farm vehicles carrying farm commodities and for vehicles traveling on gravel roads from the covered load requirements.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on August 1, 2013.

**Staff Summary of Public Testimony:**

(In support) Load securing in the State of Washington is important so as not to cause damage to another person or vehicle. Motorcyclists and motorists are at risk for bodily harm or vehicle damage especially from rocks. Motorcycles do not have windshields and tops to protect riders from rocks and sand. Rocks do not get on a roadway through migration, rocks get on a roadway by falling out of vehicles hauling the rocks. The Legislature can make a difference. In many cases, the average person does not realize that the load may need to be secured or covered. It is critical to do something to prevent future events from happening. Wind force is a factor when it can lift an item, and the item becomes a weapon.

Nationally, last year, there were 440 deaths and 10,000 injuries from items escaping from vehicles hauling loads.

The bill has responsible phase-in costs, enhances safety on the roadways, and will save money. Educating the public on covering and securing loads is critical. The existing securing-load statutes on the books have penalties for not securing loads and causing bodily harm or damaging property of another. This will enhance what is already in statute.

(With concerns) Stakeholders would like to work with the prime sponsor to allow counties and cities to have the same exemptions as the WSDOT.

One company has 46 dump trucks and trailers, along with 25 to 35 drivers at any one time. The cost to install covers is \$4,000 per unit or \$184,000 for the whole fleet. Having tarps will not save windshields. The company only pays out an average of \$519 annually for

windshield damage. Business has been down 14 percent in the last three years. Existing bad haulers should be stopped. Existing statutes require that debris on a truck be cleaned off before being operated on a public roadway.

Six inches of freeboard should take care of this issue. Insurance normally will cover six new windshields per year.

(Opposed) None.

**Persons Testifying:** (In support) Representative Kagi, prime sponsor; Robin Abel; Rico Baroga, Washington State Department of Transportation; Captain Rob Huss, Washington State Patrol; Dave Overstreet, Automobile Association of America Washington; and Larry Walker, Washington Road Riders Association.

(With concerns) Gary Rowe, Washington State Association of Counties; Alison Hellberg, Association of Washington Cities; and Don Robertson, Gary Merlino Construction Company.

**Persons Signed In To Testify But Not Testifying:** None.