

# SENATE BILL REPORT

## ESHB 1007

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As of March 22, 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:** Passed House: 3/09/13, 53-42.

**Committee Activity:** Transportation: 3/19/13.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kim Johnson (786-7472)

**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. However, a cover is not required if six inches of freeboard is maintained within the bed.

A person is guilty of failure to secure a load in the first degree if, with criminal negligence, the person fails to secure a load to the person's vehicle in compliance with state law, and causes substantial bodily harm to another. Failure to secure a load in the first degree is a gross misdemeanor. When a person fails to secure a load to the person's vehicle and such failure does not cause substantial bodily harm to another or cause damage to property of another, it is an infraction.

**Summary of 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, or gravel is equipped with a cover, then the cover must be used.

After June 30, 2015, the six inches of freeboard exception to the cover requirement is removed and any vehicle over 8500 pounds gross weight operating on a paved public highway hauling a load of dirt, sand, rocks, or gravel susceptible to being dropped or spilled must be covered. The Washington State Department of Transportation (WSDOT), counties, and cities are exempt from the load-covering requirements if the vehicle is applying sand or

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

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

The term cover is defined. The phrase susceptible to being dropped, spilled, leaked, or otherwise escaping is defined.

The load-covering requirements do not apply to farm vehicles carrying farm commodities or to vehicles that are traveling on gravel roads.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony:** PRO: This is the last exception to load covering that needs to be cleaned up. This is not a bill against truckers. We, the taxpayers, spend a lot of money picking up debris, sweeping, and cleaning our roads every year. I ask that you support this bill. We all drive down the freeways and see gravel or dirt trucks and you can hear the rocks hitting your windshield. Sometimes you end up with a shattered windshield. This is the last loophole in the secure-your-load bill. It will solve a big problem and is recognized by some companies already as a good way to do business. This is a common sense bill to protect our citizens. It will cost some truck owners a bit to add covers, but that cost is currently being borne on all of us who are damaged by the debris that blow off their trucks.

We support this bill because whether a truck is equipped with a cover or not is not up to truck drivers, yet the driver of the truck is the one who ends up responsible. There is a lot of construction going on in Washington right now and these trucks should be covered. The bill improves public safety and provides a definition of cover. We think the farm commodity language needs to be fixed as it references the section on dirt, gravel, and rocks. The bill is well negotiated and provides some reasonable exemptions and a delayed effective date to allow companies to bring themselves into compliance.

CON: There will be a significant impact on counties having to install covers. The exceptions in the bill are not broad enough to cover all the activities counties perform. We will need to install covers on all of our trucks if this bill passes.

**Persons Testifying:** PRO: Representative Kagi, prime sponsor; Dave Overstreet, AAA WA; Robin Abel, citizen; Larry Boyd, Teamsters Local 174; Rob Huss, WSP; Rico Baroga, WSDOT; Scott Hazlegrove, Cadman; Larry Walker, WA Road Riders Assn.

CON: Gary Rowe, WA Assn. of Counties.