
ENGROSSED SUBSTITUTE HOUSE BILL 1007

State of Washington

63rd Legislature

2013 Regular Session

By House Transportation (originally sponsored by Representatives Kagi, Clibborn, Stanford, Ryu, Moscoso, Hudgins, Reykdal, Fitzgibbon, Appleton, Maxwell, Green, and Fey)

READ FIRST TIME 02/19/13.

1 AN ACT Relating to covering loads on public highways; amending RCW
2 46.61.655; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.61.655 and 2005 c 431 s 1 are each amended to read
5 as follows:

6 (1) No vehicle shall be driven or moved on any public highway
7 unless such vehicle is so constructed or loaded as to prevent any of
8 its load from dropping, sifting, leaking, or otherwise escaping
9 therefrom, except that sand may be dropped for the purpose of securing
10 traction.

11 (2) No person may operate on any public highway any vehicle with
12 any load unless the load and such covering as required thereon by
13 subsection (3) of this section is securely fastened to prevent the
14 covering or load from becoming loose, detached, or in any manner a
15 hazard to other users of the highway.

16 (3)(a) From August 1, 2013, through June 30, 2015: Any vehicle
17 operating on a paved public highway with a load of dirt, sand, rocks,
18 or gravel susceptible to being dropped, spilled, leaked, or otherwise
19 escaping (~~therefrom shall~~) from the vehicle must be covered so as to

1 prevent spillage((-)); and the covering of such loads is not required
2 if six inches of freeboard is maintained within the bed, but if a
3 vehicle hauling such loads is equipped with a cover the cover must be
4 used.

5 (b) After June 30, 2015: Any vehicle over eighty-five hundred
6 pounds gross vehicle weight operating on a paved public highway with a
7 load of dirt, sand, rocks, or gravel susceptible to being dropped,
8 spilled, leaked, or otherwise escaping from the vehicle must be covered
9 so as to prevent spillage.

10 (c)(i) The department of transportation, counties, and cities are
11 exempt from the requirements in (a) and (b) of this subsection if the
12 vehicle is:

13 (A) Applying sand or deicers for snow and ice control;

14 (B) Performing maintenance operations in response to emergency
15 events; or

16 (C) Performing maintenance operations within work zones where roads
17 or sections of roads are closed to the public.

18 (ii) The department of transportation, counties, and cities must
19 continue to maintain the requirement of six inches of freeboard on the
20 types of loads described in (c)(i) of this subsection.

21 (d) The Washington state patrol must conduct random emphasis
22 patrols to enforce the covering of loads requirements under this
23 section.

24 (e) (a) and (b) of this subsection do not apply to farm vehicles
25 carrying farm commodities.

26 (f) (a) and (b) of this subsection do not apply to vehicles
27 traveling on gravel roads.

28 (g) For purposes of this subsection (3), "cover" means a tarp,
29 other informal covering device, or a manufactured cover to fit a
30 vehicle, which is securely fastened to the vehicle to cover the load
31 that the vehicle is hauling.

32 (h) For the purposes of this subsection (3), "susceptible to being
33 dropped, spilled, leaked, or otherwise escaping" means that the load,
34 or particles, portions, or pieces of the load, is of such a low density
35 that the load, or particles, portions, or pieces of the load, can be
36 influenced by wind, other atmospheric and weather conditions, or road
37 conditions.

1 (4)(a) Any person operating a vehicle from which any glass or
2 objects have fallen or escaped, which would constitute an obstruction
3 or injure a vehicle or otherwise endanger travel upon such public
4 highway shall immediately cause the public highway to be cleaned of all
5 such glass or objects and shall pay any costs therefor.

6 (b) Any vehicle with deposits of mud, rocks, or other debris on the
7 vehicle's body, fenders, frame, undercarriage, wheels, or tires shall
8 be cleaned of such material before the operation of the vehicle on a
9 paved public highway.

10 (5) The state patrol may make necessary rules to carry into effect
11 the provisions of this section, applying such provisions to specific
12 conditions and loads and prescribing means, methods, and practices to
13 effectuate such provisions.

14 (6) Nothing in this section may be construed to prohibit a public
15 maintenance vehicle from dropping sand on a highway to enhance
16 traction, or sprinkling water or other substances to clean or maintain
17 a highway.

18 (7)(a)(i) A person is guilty of failure to secure a load in the
19 first degree if he or she, with criminal negligence, fails to secure a
20 load or part of a load to his or her vehicle in compliance with
21 subsection (1), (2), or (3) of this section and causes substantial
22 bodily harm to another.

23 (ii) Failure to secure a load in the first degree is a gross
24 misdemeanor.

25 (b)(i) A person is guilty of failure to secure a load in the second
26 degree if he or she, with criminal negligence, fails to secure a load
27 or part of a load to his or her vehicle in compliance with subsection
28 (1) or (2) of this section and causes damage to property of another.

29 (ii) Failure to secure a load in the second degree is a
30 misdemeanor.

31 (c) A person who fails to secure a load or part of a load to his or
32 her vehicle in compliance with subsection (1), (2), or (3) of this
33 section is guilty of an infraction if such failure does not amount to
34 a violation of (a) or (b) of this subsection.

35 NEW SECTION. **Sec. 2.** This act takes effect August 1, 2013.

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