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**SUBSTITUTE SENATE BILL 5215**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Shewmake, Wellman, Bateman, Trudeau, Valdez, Chapman, Saldaña, Stanford, Orwall, Dhingra, Cleveland, Frame, Hasegawa, Nobles, and C. Wilson)

AN ACT Relating to debris escaping from vehicles on public highways; amending RCW 46.61.655 and 70A.200.120; prescribing penalties; and providing an effective date.

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

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

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

(2) No person may operate on any public highway any vehicle with any load unless:

(a) The load ((~~and such covering as required thereon by subsection (3) of this section~~)) is ((~~securely fastened~~)) secured to prevent the ((~~covering or~~)) load from becoming loose, detached, or in any manner a hazard to other users of the highway; and

(b) The covering required by subsection (3) of this section is secured to prevent the covering from becoming loose, detached, damaged, or in any manner a hazard to other users of the highway.

(3)(a) Until January 1, 2028, any vehicle operating on a paved public highway with a load of dirt, sand, ((~~or~~)) pebbles, cobbles, gravel, or any aggregate materials susceptible to being dropped, spilled, leaked, sifted, blown, or otherwise escaping ((~~therefrom shall be covered~~)) from the vehicle must use a covering so as to prevent spillage((~~.~~)) or any hazard to other users of the highway. The covering of such loads is not required if six inches of freeboard is maintained within the bed, but if a vehicle hauling such loads is equipped with a covering, the covering must be used.

(b) Beginning January 1, 2028: Any vehicle operating on a paved public highway with a load of dirt, sand, pebbles, cobbles, gravel, or any aggregate materials susceptible to being dropped, spilled, leaked, sifted, blown, or otherwise escaping from the vehicle must use a covering so as to prevent spillage or any hazard to other users of the highway.

(c) The department of transportation, counties, cities, public utility districts, and any contractors working for such public entities, are exempt from the requirements in (a) and (b) of this subsection if the vehicle is:

(i) Responding to or preparing for inclement weather or any other emergency when the work must be performed immediately to ensure the safety of the public;

(ii) Performing maintenance and preservation operations;

(iii) Performing operations within work zones where roads or sections of roads are closed to the public.

(d) For purposes of this subsection (3):

(i) "Aggregate materials" means fine, medium, or coarse inert particulate materials used in construction whether natural, manufactured, or recycled. Aggregate materials do not include logs.

(ii) "Covering" means a tarp, other protective layer or device, or a manufactured cap to fit a vehicle, which is secured to contain the load that the vehicle is hauling.

(iii) "Susceptible to being dropped, spilled, leaked, sifted, blown, or otherwise escaping" means that the load, or particles, portions, or pieces of the load, is of such a density that the load, or particles, portions, or pieces of the load, can be influenced by wind, other atmospheric and weather conditions, vehicle speed, or road conditions.

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

(b) Any person operating a vehicle with deposits of mud, rocks, dirt, sand, gravel, or other debris on the vehicle's body, fenders, frame, undercarriage, wheels, or tires shall ((~~be cleaned of such material~~)) clean and remove deposits or debris from the vehicle before the operation of the vehicle on a paved public highway.

(5) The state patrol, or local law enforcement when appropriate, shall enforce the requirements under subsections (3) and (4) of this section.

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

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

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

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

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

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

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

(d) The penalties in this subsection are not applicable when a violation of this section occurs and the materials spilled are forage feed crops.

**Sec.**  RCW 70A.200.120 and 1993 c 399 s 1 are each amended to read as follows:

(1) By January 1, 1994, each county or city with a staffed transfer station or landfill in its jurisdiction shall adopt an ordinance to reduce litter from vehicles. The ordinance shall require the operator of a vehicle transporting solid waste to a staffed transfer station or landfill to secure or cover the vehicle's waste in a manner that will prevent spillage. The ordinance may provide exemptions for vehicle operators transporting waste that is unlikely to spill from a vehicle.

The ordinance shall, in the absence of an exemption, require a fee, in addition to other landfill charges, for a person arriving at a staffed landfill or transfer station without a cover on the vehicle's waste or without the waste secured.

(2) The fee collected under subsection (1) of this section shall be deposited, no less often than quarterly, with the city or county in which the landfill or transfer station is located.

((~~(3) A vehicle transporting sand, dirt, or gravel in compliance with the provisions of RCW 46.61.655 shall not be required to secure or cover a load pursuant to ordinances adopted under this section.~~))

NEW SECTION. **Sec.**  This act takes effect October 1, 2025.

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