

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 120

By: Senator F. Love

For An Act To Be Entitled

AN ACT TO AMEND THE LAW REQUIRING COVERS FOR LOADS TO
AVOID SPILLING LOADS ON HIGHWAYS; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW REQUIRING COVERS FOR
LOADS TO AVOID SPILLING LOADS ON
HIGHWAYS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-35-101 is amended to read as follows:
27-35-101. Violations.

Except as provided under § 27-35-110(d), ~~It~~ it is a misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway, any vehicle of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter.

SECTION 2. Arkansas Code § 27-35-110 is amended to read as follows:

27-35-110. Spilling loads on highways prohibited – Covers required ~~for~~
~~loads of sand, gravel, and rock~~ certain loads – ~~Exceptions~~ Penalty.

(a) ~~No vehicle~~ A person shall ~~not be driven or moved on any highway~~
~~unless the~~ operate a motor vehicle on a highway unless the motor vehicle is



~~so~~ constructed or loaded ~~as~~ to prevent any of its load from dropping, sifting, leaking, or otherwise escaping ~~therefrom~~ from the vehicle, except that:-

~~(b)(1)~~ Sand may be dropped for the purpose of securing traction; or
(2) water Water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) A cover or tarp:

(A) Is mandatory when a motor vehicle's cargo consists of sand, gravel, rock, cement trash, or any other product that may be a hazard to other users of the highway; and

(3) Shall cover the complete cargo area.

~~(c) (b) For a motor vehicle or a trailer with an open bed manufactured after September 30, 2001, no sand, gravel, or rock shall be transported on the paved public streets and highways of this state in a motor vehicle or trailer with an open bed unless the open bed is securely covered with a material which will prevent the load from dropping, sifting, leaking, or otherwise escaping therefrom. The cover shall be securely fastened to prevent the covering from becoming loose, detached, or in any manner a hazard to other users of the highway~~ A person shall not operate a motor vehicle on a highway with a load unless the load and its covering are securely fastened to prevent the load or covering from becoming loose, detached, or otherwise creating a hazard to other motorists.

(c) A cover or tarp that completely covers the entire cargo area is required when the load consists of sand, gravel, rock, cement trash, or other product whose spillage may create a hazard to other motorists.

~~(d) For a motor vehicle or a trailer with an open bed manufactured on or before September 30, 2001, a vehicle with an open bed transporting sand, gravel, or rock is required to be covered as prescribed in subsection (c) of this section unless six inches (6") of freeboard is maintained at the perimeter of the load within the open bed of the vehicle or trailer carrying the load. Measurements are to be taken at the perimeter of the vehicle's or trailer's bed and measured from the top edge of the bed down to the sand, gravel, or rock being transported~~ The owner or operator of a motor vehicle in violation of this section upon conviction shall be fined at least one hundred dollars (\$100) but not more than five hundred dollars (\$500).