

CHAPTER 312

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 98-1144

BY REPRESENTATIVES Sullivant, Agler, Entz, Epps, Lawrence, Pankey, Paschall, Tupa, and Young;
also SENATORS Bishop, Arnold, Congrove, Hopper, Linkhart, Rupert, Schroeder, and Tebedo.

AN ACT

CONCERNING THE SECURING OF AGGREGATE MATERIALS DURING TRANSPORT BY MOTOR VEHICLE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly hereby finds and declares that there is a danger to the public from motor vehicles carrying aggregate materials that are not properly secured. The general assembly finds that it is necessary to require that persons transporting such materials cover the material or otherwise secure the material to prevent spillage.

SECTION 2. 42-4-1407, Colorado Revised Statutes, is amended to read:

42-4-1407. Spilling loads on highways prohibited - prevention of spilling of aggregate. (1) No vehicle shall be driven or moved on any highway unless such vehicle is constructed or loaded or the load thereof securely covered to prevent any of its load from BLOWING, dropping, sifting, leaking, or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(2) (a) NO VEHICLE SHALL BE DRIVEN OR MOVED ON ANY HIGHWAY FOR A DISTANCE OF MORE THAN TWO MILES IF THE VEHICLE IS TRANSPORTING AGGREGATE MATERIAL WITH A DIAMETER OF ONE INCH OR LESS UNLESS:

(I) THE LOAD IS COVERED BY A TARP OR OTHER COVER IN A MANNER THAT PREVENTS THE AGGREGATE MATERIAL FROM BLOWING, DROPPING, SIFTING, LEAKING, OR OTHERWISE ESCAPING FROM THE VEHICLE; OR

(II) THE VEHICLE UTILIZES OTHER TECHNOLOGY THAT PREVENTS THE AGGREGATE MATERIAL FROM BLOWING, DROPPING, SIFTING, LEAKING, OR OTHERWISE ESCAPING

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FROM THE VEHICLE.

(b) FOR THE PURPOSES OF THIS SECTION, "AGGREGATE MATERIAL" MEANS ANY ROCK, CLAY, SILTS, GRAVEL, LIMESTONE, DIMENSION STONE, MARBLE, AND SHALE.

(3) Any person who violates any provision of this section commits a class B traffic infraction.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 1998