

CHAPTER 102

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**MOTOR VEHICLES AND TRAFFIC REGULATION**

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HOUSE BILL 99-1033

BY REPRESENTATIVES Sullivant and Gotlieb;  
also SENATORS Hillman, Congrove, Hernandez, and Musgrave.

**AN ACT**

CONCERNING PROTECTION OF VEHICLES.

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

**SECTION 1.** 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~~ MATERIAL 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, unless the vehicle is equipped with rear flaps that provide sufficient protection against such aggregate material from spraying on other vehicles.~~

~~(b) Nothing in this subsection (2) shall apply to sand dropped for the purpose of securing traction or water or other substances that may be sprinkled on a roadway in cleaning or maintaining such roadway.~~

(2.5) (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

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

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 from the vehicle.

(b) NOTHING IN THIS SUBSECTION (2.5) SHALL APPLY TO A VEHICLE:

(I) OPERATING ENTIRELY WITHIN A MARKED CONSTRUCTION ZONE;

(II) INVOLVED IN MAINTENANCE OF PUBLIC ROADS DURING SNOW OR ICE REMOVAL OPERATIONS; OR

(III) INVOLVED IN EMERGENCY OPERATIONS WHEN REQUESTED BY A LAW ENFORCEMENT AGENCY OR AN EMERGENCY RESPONSE AUTHORITY DESIGNATED IN OR PURSUANT TO SECTION 29-22-102, C.R.S.

(2.7) For the purposes of this section, "aggregate material" means any rock, clay, silts, gravel, limestone, dimension stone, marble, and shale; EXCEPT THAT "AGGREGATE MATERIAL" DOES NOT INCLUDE HOT ASPHALT, INCLUDING ASPHALT PATCHING MATERIAL, WET CONCRETE, OR OTHER MATERIALS NOT SUSCEPTIBLE TO BLOWING.

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

**SECTION 2.** Part 14 of article 4 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**42-4-1407.5. Splash guards when required.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "SPLASH GUARDS" MEANS MUD FLAPS, RUBBER, PLASTIC OR FABRIC APRONS, OR OTHER DEVICES DIRECTLY BEHIND THE REAR-MOST WHEELS, DESIGNED TO MINIMIZE THE SPRAY OF WATER AND OTHER SUBSTANCES TO THE REAR.

(b) "SPLASH GUARDS" MUST, AT A MINIMUM, BE WIDE ENOUGH TO COVER THE FULL TREAD OF THE TIRE OR TIRES BEING PROTECTED, HANG PERPENDICULAR FROM THE VEHICLE NOT MORE THAN TEN INCHES ABOVE THE SURFACE OF THE STREET OR HIGHWAY WHEN THE VEHICLE IS EMPTY, AND GENERALLY MAINTAIN THEIR PERPENDICULAR RELATIONSHIP UNDER NORMAL DRIVING CONDITIONS.

(2) EXCEPT AS OTHERWISE PERMITTED IN THIS SECTION, NO VEHICLE OR MOTOR VEHICLE SHALL BE DRIVEN OR MOVED ON ANY STREET OR HIGHWAY UNLESS THE VEHICLE OR MOTOR VEHICLE IS EQUIPPED WITH SPLASH GUARDS.

(3) THIS SECTION DOES NOT APPLY TO:

(a) PASSENGER-CARRYING MOTOR VEHICLES REGISTERED PURSUANT TO SECTION 42-3-134 (4);

(b) TRUCKS AND TRUCK TRACTORS REGISTERED PURSUANT TO SECTION 42-3-134 (12) OR (13) HAVING AN EMPTY WEIGHT OF TEN THOUSAND POUNDS OR LESS;

(c) TRAILERS EQUIPPED WITH FENDERS OR UTILITY POLE TRAILERS;

(d) VEHICLES WHILE INVOLVED IN CHIP AND SEAL OR PAVING OPERATIONS OR ROAD WIDENING EQUIPMENT;

(e) TRUCK TRACTORS OR CONVERTER DOLLIES WHEN USED IN COMBINATION WITH OTHER VEHICLES;

(f) VEHICLES DRAWN BY ANIMALS; OR

(g) BICYCLES.

(4) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION.

**SECTION 3. Effective date - applicability.** This act shall take effect July 1, 1999, and shall apply to offenses committed on or after said date.

**SECTION 4. 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: April 14, 1999