

## CHAPTER 132

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**MOTOR VEHICLES AND TRAFFIC REGULATION**


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**SENATE BILL 04-110**

BY SENATOR(S) Cairns, Groff, May R., and Teck;  
 also REPRESENTATIVE(S) Frangas, Berry, Borodkin, Boyd, Butcher, Carroll, Coleman, Garcia, Madden, Marshall, Ragsdale,  
 Romanoff, Sinclair, Spence, Stafford, Vigil, Weddig, and Williams S.

**AN ACT**

**CONCERNING A PROHIBITION AGAINST TRANSPORTING UNCOVERED TRASH UPON THE HIGHWAY.**

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

**SECTION 1.** 42-4-1407 (2.7), Colorado Revised Statutes, is amended, and the said 42-4-1407 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**42-4-1407. Spilling loads on highways prohibited - prevention of spilling aggregate, trash, or recyclables.** (2.4) (a) A VEHICLE SHALL NOT BE DRIVEN OR MOVED ON A HIGHWAY IF THE VEHICLE IS TRANSPORTING TRASH OR RECYCLABLES UNLESS:

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

(II) THE VEHICLE UTILIZES OTHER TECHNOLOGY THAT PREVENTS THE LOAD FROM BLOWING, DROPPING, SHIFTING, LEAKING, OR OTHERWISE ESCAPING FROM THE VEHICLE; OR

(III) THE LOAD IS REQUIRED TO BE SECURED UNDER 49 CFR PARTS 392 AND 393.

(b) PARAGRAPH (a) OF THIS SUBSECTION (2.4) SHALL NOT APPLY TO A MOTOR VEHICLE IN THE PROCESS OF COLLECTING TRASH OR RECYCLABLES WITHIN A ONE-MILE RADIUS OF THE MOTOR VEHICLE'S LAST COLLECTION POINT.

(2.7) For the purposes of this section:

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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.*

(a) "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.

(b) "RECYCLABLES" MEANS MATERIAL OR OBJECTS THAT CAN BE REUSED, REPROCESSED, REMANUFACTURED, RECLAIMED, OR RECYCLED.

(c) "TRASH" MEANS MATERIAL OR OBJECTS THAT HAVE BEEN OR ARE IN THE PROCESS OF BEING DISCARDED OR TRANSPORTED.

**SECTION 2. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution (August 4, 2004, if adjournment sine die is on May 5, 2004); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to offenses committed on or after the effective date of this act.

Approved: April 12, 2004