

CHAPTER 24

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 05-1011

BY REPRESENTATIVE(S) Riesberg, Buescher, Frangas, Garcia, Harvey, Merrifield, Pommer, Ragsdale, Todd, Vigil, and Coleman;
also SENATOR(S) Williams.

AN ACT

CONCERNING THE PROHIBITION ON THE TRANSPORTATION OF CERTAIN LOADS ON THE HIGHWAY WITHOUT APPROPRIATELY SECURING SUCH LOAD FROM ESCAPING THE MOTOR VEHICLE.

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

SECTION 1. 42-4-1407 (2.4) (a), Colorado Revised Statutes, is amended to read:

42-4-1407. Spilling loads on highways prohibited - prevention of spilling of 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 AT LEAST ONE OF THE FOLLOWING CONDITIONS IS MET:

(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 AND COMPLIES WITH 49 CFR parts 392 and 393; OR

(IV) THE VEHICLE IS LOADED IN SUCH A MANNER OR THE LOAD ITSELF HAS PHYSICAL CHARACTERISTICS SUCH THAT THE CONTENTS WILL NOT ESCAPE FROM THE VEHICLE. SUCH A LOAD MAY INCLUDE, BUT IS NOT LIMITED TO, HEAVY SCRAP METAL OR HYDRAULICALLY COMPRESSED SCRAP RECYCLABLES.

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

SECTION 2. 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 5, 2005