

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 880 Session of  
2003

INTRODUCED BY SAYLOR, GEIST, McCALL, BARD, WATSON, DERMODY,  
MELIO, BELARDI, CRUZ, DeWEESE, FRANKEL, GILLESPIE, HARHAI,  
HORSEY, MANN, METCALFE, NAILOR, SOLOBAY, E. Z. TAYLOR AND  
YOUNGBLOOD, MARCH 13, 2003

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 13, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for securing loads in vehicles;  
3 and providing requirements for transporting loose material.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 4903 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 4903. Securing loads in vehicles.

9 (a) General rule.--No vehicle shall be driven or moved on  
10 any highway unless the vehicle is so constructed or loaded as to  
11 prevent any of its load from dropping, sifting, leaking or  
12 otherwise escaping.

13 (b) Fastening load.--Every load on a vehicle shall be  
14 fastened so as to prevent the load or covering from becoming  
15 loose, detached or in any manner a hazard to other users of the  
16 highway.

17 (c) Load of logs.--

1           (1) Every load of logs on a vehicle shall be securely  
2           fastened with binders, chains or straps and, in the case of  
3           an open-body or stake-body vehicle, trailer or semitrailer  
4           there shall be a sufficient number of vertical metal stakes  
5           or posts securely attached on each side of the vehicle,  
6           trailer or semitrailer at least as high as the top of the  
7           load to secure such load in the event of a failure of the  
8           binders, chains or straps.

9           (2) A load of logs which are greater than six feet in  
10          length must be secured by three binders for each stack of  
11          logs, except that, if the stacks are tiered so that one stack  
12          rests upon the bottom stack or stacks, a total of three  
13          binders is necessary for that tiered combination.

14          (3) A load of logs which are six feet or less in length  
15          must be secured by two binders for each stack of logs, except  
16          that, if the stacks are tiered so that one stack rests upon  
17          the bottom stack or stacks, a total of three binders is  
18          necessary for that tiered combination.

19          (4) A tiered combination which includes logs which are  
20          greater than six feet and logs which are six feet or less  
21          shall be governed by paragraph (2).

22          (c.1) Load of loose garbage.--Every load of loose, nonbaled  
23          garbage, waste, refuse or rubbish being transported through or  
24          within this Commonwealth shall be transported in a vehicle with  
25          four solid sides and with a cover or top of a type to prevent  
26          any of the load from escaping. The cover or top shall remain  
27          tightly in place going to a disposal site. The load shall be no  
28          higher than the solid sides of the vehicle. It is imperative  
29          that all garbage, waste, refuse or rubbish be removed from the  
30          vehicle at the disposal site to prevent any scattering of litter

1 on the highway during the return trip. No truck, trailer or  
2 semitrailer with an open body or stake body shall be used for  
3 such purposes. This subsection shall not apply to vehicles  
4 engaged in the systematic collection of garbage or refuse and  
5 which are designed to be open in the rear for the loading of  
6 garbage or refuse.

7 (c.2) Load of baled garbage.--Garbage, waste, refuse or  
8 rubbish in a tightly compacted and baled form being transported  
9 through or within this Commonwealth shall be securely fastened  
10 to the vehicle and covered over all exposed areas with a canvas  
11 cover or cover of a comparable type which shall be securely  
12 attached to the underside of all sides of the truck, trailer or  
13 semitrailer to prevent any of the material from the bales from  
14 escaping. No part of any bale shall be uncovered, except for  
15 inspection, at any time during transportation within or through  
16 this Commonwealth until arrival at the disposal site.

17 (c.3) Removal of debris.--The owner of a vehicle from which  
18 dirt, debris or an agricultural product has fallen on any  
19 highway is responsible for removing that dirt, debris or  
20 agricultural product within a reasonable time.

21 (d) Establishment of standards for fastening devices.--The  
22 department may promulgate regulations establishing minimum  
23 standards governing types and numbers of devices to be used in  
24 securing loads to prevent spillage and leakage of a load while  
25 in transit.

26 (e) Exceptions.--This section does not prohibit:

27 (1) [the necessary spreading of any substance in highway  
28 maintenance or construction operations] dropping sand,  
29 abrasives, chemicals or other materials to improve traction;

30 (1.1) spreading water or other substance to construct,

1     clean or maintain a highway; or

2             (2) [the] shedding or dropping [of] feathers or other  
3     matter from vehicles hauling live or slaughtered birds or  
4     animals.

5     (f) Penalty for violation of subsection (a), (b) or (c).--A  
6     person who owns or who operates a vehicle in violation of  
7     subsection (a), (b) or (c) and, as a result of the violation,  
8     any item, piece, fragment or part of the load escapes and causes  
9     injury to a person or damage to another vehicle or other  
10    property commits a summary offense and shall, upon conviction,  
11    be sentenced to pay a fine of not less than [\$300] \$500 nor more  
12    than [\$1,000] \$3,000. A violation of subsection (a), (b) or (c)  
13    which does not result in injury to a person or damage to another  
14    vehicle or other property constitutes a summary offense,  
15    punishable by a fine of not less than \$100 nor more than \$300.

16    (g) Penalty for violation of subsection (c.1) or (c.2).--A  
17    person who owns or who operates a vehicle in violation of  
18    subsection (c.1) or (c.2) commits a summary offense and shall,  
19    upon conviction, be sentenced to pay a fine of not less than  
20    [\$300] \$500 nor more than [\$1,000] \$3,000. Notwithstanding the  
21    provisions of 42 Pa.C.S. §§ 3571 (relating to Commonwealth  
22    portion of fines, etc.) and 3573 (relating to municipal  
23    corporation portion of fines, etc.), disposition of any fine  
24    collected for a violation of subsection (c.1) or (c.2) shall be  
25    as follows:

26             (1) Unless paragraph (2) applies, the fine collected  
27     shall be paid to the Commonwealth for deposit into the Motor  
28     License Fund.

29             (2) If the county where the offense was committed has a  
30     litter control program approved by the department, 50% of the

1 fine collected shall be paid to the county for expenditure in  
2 the approved litter control program; and 50% of the fine  
3 collected shall be paid to the Commonwealth for deposit into  
4 the Motor License Fund.

5 Section 2. Title 75 is amended by adding a section to read:

6 § 4903.1. Loose material.

7 (a) Carrying loose material.--A person may not, in violation  
8 of this section, carry any loose material in any vehicle on or  
9 across any highway in this Commonwealth.

10 (b) Loading loose material.--A person may not, in violation  
11 of this section, load any loose material for carrying in any  
12 vehicle on or across any highway in this Commonwealth.

13 (c) Enclosures generally.--

14 (1) Subject to the provisions of subsection (d), the bed  
15 of the vehicle carrying a load of loose material shall be  
16 fully enclosed:

17 (i) On both sides, by sideboards or sidepanels.

18 (ii) On the front, by a board or panel or by the cab  
19 of the vehicle.

20 (iii) On the rear, by a tailgate, board or panel.

21 (2) (i) The enclosures required by paragraph (1) shall  
22 be constructed so as to prevent any part of the load from  
23 blowing, falling or spilling out of the vehicle.

24 (ii) No part of the load touching any of these  
25 enclosures may be within six inches of the top of the  
26 part of the enclosure that it touches, unless the load is  
27 covered with a firmly secured canvas or similar type  
28 covering.

29 (iii) If the vehicle manufacturer's original design  
30 specifications for bed enclosures have been altered to

1 increase the vehicle's load capacity, no part of the load  
2 touching any of these enclosures may be within six inches  
3 of the top of the part of the enclosure that it touches  
4 and the highest point of the load may not be higher than  
5 any of these enclosures, unless the load is covered with  
6 a canvas or other type cover approved by the department  
7 that is secured as provided in paragraph (3).

8 (3) This subsection does not apply to:

9 (i) any load-carrying vehicle with a compartment  
10 that fully encloses the load; or

11 (ii) a vehicle in which the load is suitably covered  
12 or secured by other means that prevent the escape of the  
13 loose material.

14 (d) Canvas enclosures.--

15 (1) A vehicle carrying a load of loose material shall  
16 have its bed fully enclosed on the top by a canvas or other  
17 type cover approved by the department.

18 (2) Any cover required under this section shall be  
19 secured in a manner to prevent:

20 (i) Any part of the load from blowing, falling or  
21 spilling out of the vehicle.

22 (ii) The cover from blowing off the vehicle.

23 (e) Removal of spillage; securing tailgate; maintenance of  
24 bed.--

25 (1) This subsection does not apply to any construction  
26 vehicle or mining equipment that:

27 (i) is moving between construction barricades on a  
28 public works project; or

29 (ii) only is crossing a highway.

30 (2) A vehicle used for carrying loose material may not

1 be operated on any highway unless:

2 (i) All spillage from loading loose material is  
3 removed from the nonload-carrying parts of the vehicle.

4 (ii) Whether the vehicle is loaded or empty, the  
5 tailgate is closed securely to prevent spillage of a load  
6 or of any residue.

7 (iii) The bed does not have any holes, cracks or  
8 openings through which loose material can escape.

9 (iv) After unloading loose material, all residue is  
10 removed from the nonload-carrying parts of the vehicle.

11 (f) Definition.--As used in this section, the term "loose  
12 material" includes:

13 (1) Dirt, sand, gravel, wood chips or other material  
14 that can blow, fall or spill from a vehicle as a result of  
15 movement or of exposure to air, wind or weather.

16 (2) Any other kind of material that can blow, fall or  
17 spill as specified in rules and regulations adopted by the  
18 department. The term does not include agricultural products,  
19 including sod, in their natural state.

20 Section 3. This act shall take effect in 60 days.