

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1039 Session of  
2006

INTRODUCED BY REGOLA, ERICKSON, COSTA, RAFFERTY, LEMMOND AND  
WONDERLING, JANUARY 3, 2006

REFERRED TO TRANSPORTATION, JANUARY 3, 2006

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.--

18 (1) Every load of logs on a vehicle shall be securely

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

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

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

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

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

1 semitrailer with an open body or stake body shall be used for  
2 such purposes. This subsection shall not apply to vehicles  
3 engaged in the systematic collection of garbage or refuse and  
4 which are designed to be open in the rear for the loading of  
5 garbage or refuse.

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

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

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

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

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

29 (1.1) spreading water or other substance to construct,  
30 clean or maintain a highway; or

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

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

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

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

28           (2) If the county where the offense was committed has a  
29       litter control program approved by the department, 50% of the  
30       fine collected shall be paid to the county for expenditure in

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

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

5 § 4903.1. Loose material.

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

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

12 (c) Enclosures generally.--

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

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

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

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

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

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

28 (iii) If the vehicle manufacturer's original design  
29 specifications for bed enclosures have been altered to  
30 increase the vehicle's load capacity, no part of the load

1 touching any of these enclosures may be within six inches  
2 of the top of the part of the enclosure that it touches  
3 and the highest point of the load may not be higher than  
4 any of these enclosures, unless the load is covered with  
5 a canvas or other type cover approved by the department  
6 that is secured as provided in paragraph (3).

7 (3) This subsection does not apply to:

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

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

13 (d) Canvas enclosures.--

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

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

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

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

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

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

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

28 (ii) only is crossing a highway.

29 (2) A vehicle used for carrying loose material may not  
30 be operated on any highway unless:

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

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

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

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

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

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

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

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