

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2379 Session of
2002

INTRODUCED BY SAYLOR, GEIST, WATSON, LEH, ADOLPH, ARGALL,
ARMSTRONG, M. BAKER, BASTIAN, BELARDI, BOYES, BUNT, BUXTON,
CALTAGIRONE, CIVERA, M. COHEN, CORNELL, COSTA, CREIGHTON,
DALLY, DeLUCA, DERMODY, DeWEESE, EGOLF, FEESE, FICHTER,
FLEAGLE, FRANKEL, GRUCELA, GRUITZA, HALUSKA, HARHAI, HASAY,
HENNESSEY, KAISER, KREBS, LaGROTTA, LAUGHLIN, LEWIS, LUCYK,
LYNCH, MAITLAND, MANDERINO, MANN, MARKOSEK, McGEEHAN,
McILHATTAN, McNAUGHTON, MELIO, METCALFE, R. MILLER,
S. MILLER, NAILOR, PERZEL, PHILLIPS, PIPPY, PISTELLA,
READSHAW, ROONEY, RUBLEY, SAINATO, B. SMITH, SOLOBAY,
R. STEVENSON, T. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR,
TRAVAGLIO, VEON, WILT, WOJNAROSKI, G. WRIGHT, YEWCIC AND
YOUNGBLOOD, FEBRUARY 14, 2002

REFERRED TO COMMITTEE ON TRANSPORTATION, FEBRUARY 14, 2002

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

1 fastened so as to prevent the load or covering from becoming
2 loose, detached or in any manner a hazard to other users of the
3 highway.

4 (c) Load of logs.--

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

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

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

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

26 (c.1) Load of loose garbage.--Every load of loose, nonbaled
27 garbage, waste, refuse or rubbish being transported through or
28 within this Commonwealth shall be transported in a vehicle with
29 four solid sides and with a cover or top of a type to prevent
30 any of the load from escaping. The cover or top shall remain

1 tightly in place going to a disposal site. The load shall be no
2 higher than the solid sides of the vehicle. It is imperative
3 that all garbage, waste, refuse or rubbish be removed from the
4 vehicle at the disposal site to prevent any scattering of litter
5 on the highway during the return trip. No truck, trailer or
6 semitrailer with an open body or stake body shall be used for
7 such purposes. This subsection shall not apply to vehicles
8 engaged in the systematic collection of garbage or refuse and
9 which are designed to be open in the rear for the loading of
10 garbage or refuse.

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

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

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

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

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

(2) spreading water or other substance to construct, clean or maintain a highway; or

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

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

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

(1) Unless paragraph (2) applies, the fine collected

1 shall be paid to the Commonwealth for deposit into the Motor
2 License Fund.

3 (2) If the county where the offense was committed has a
4 litter control program approved by the department, 50% of the
5 fine collected shall be paid to the county for expenditure in
6 the approved litter control program; and 50% of the fine
7 collected shall be paid to the Commonwealth for deposit into
8 the Motor License Fund.

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

10 § 4903.1. Loose material.

11 (a) Carrying loose material.--A Person may not, in violation
12 of this section, carry any loose material in any vehicle on or
13 across any highway in this Commonwealth.

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

17 (c) Enclosures generally.--

18 (1) Subject to the provisions of subsection (d), the bed
19 of the vehicle carrying a load of loose material shall be
20 fully enclosed:

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

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

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

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

28 (ii) No part of the load touching any of these
29 enclosures may be within six inches of the top of the
30 part of the enclosure that it touches, unless the load is

1 covered with a firmly secured canvas or similar type
2 covering.

3 (iii) If the vehicle manufacturer's original design
4 specifications for bed enclosures have been altered to
5 increase the vehicle's load capacity, no part of the load
6 touching any of these enclosures may be within six inches
7 of the top of the part of the enclosure that it touches
8 and the highest point of the load may not be higher than
9 any of these enclosures, unless the load is covered with
10 a canvas or other type cover approved by the department
11 that is secured as provided in paragraph (3).

12 (3) This subsection does not apply to:

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

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

18 (d) Canvas enclosures.--

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

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

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

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

27 (e) Removal of spillage; securing tailgate; maintenance of
28 bed.--

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

1 (i) is moving between construction barricades on a
2 public works project; or

3 (ii) only is crossing a highway.

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

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

8 (ii) Whether the vehicle is loaded or empty, the
9 tailgate is closed securely to prevent spillage of a load
10 or of any residue.

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

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

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

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

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

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