

AMENDED IN ASSEMBLY APRIL 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1379

Introduced by Assembly Member Hill

February 27, 2009

An act to amend Section 23114 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1379, as amended, Hill. Cargo loads: spilling.

~~(1) Existing~~

Existing law prohibits a vehicle, except as specified, from being driven or moved on any highway unless the vehicle is so constructed, covered, or loaded as to prevent any of its contents or load other than clear water or feathers from live birds from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle. A violation of this provision is a crime.

Existing law also provides that a violation of this provision is an infraction punishable by a fine not exceeding \$100 for a first offense.

~~This bill would require a commercial motor vehicle that transports an uncovered load to be plainly marked with a telephone number and a company name. By creating a new crime, the bill would impose a state-mandated local program.~~

This bill would establish a base fine of \$50 not to exceed \$100 for *a second or subsequent violation*, of the above-described offenses.

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23114 of the Vehicle Code is amended
2 to read:

3 23114. (a) ~~(1)~~ Except as provided in Subpart I (commencing
4 with Section 393.100) of Title 49 of the Code of Federal
5 Regulations related to hay and straw, a vehicle shall not be driven
6 or moved on any highway unless the vehicle is so constructed,
7 covered, or loaded as to prevent any of its contents or load other
8 than clear water or feathers from live birds from dropping, sifting,
9 leaking, blowing, spilling, or otherwise escaping from the vehicle.

10 ~~(2) A commercial motor vehicle transporting an uncovered load~~
11 ~~shall be plainly marked with a telephone number and a company~~
12 ~~name.~~

13 (b) (1) Aggregate material shall only be carried in the cargo
14 area of a vehicle. The cargo area shall not contain any holes, cracks,
15 or openings through which that material may escape, regardless
16 of the degree to which the vehicle is loaded, except as provided
17 in paragraph (2).

18 (2) Every vehicle used to transport aggregate materials,
19 regardless of the degree to which the vehicle is loaded, shall be
20 equipped with all of the following:

21 (A) Properly functioning seals on any openings used to empty
22 the load, including, but not limited to, bottom dump release gates
23 and tailgates.

24 (B) Splash flaps behind every tire, or set of tires, regardless of
25 the position on the truck, truck tractor, or trailer.

26 (C) Center flaps at a location to the rear of each bottom dump
27 release gate as to trucks or trailers equipped with bottom dump
28 release gates. The center flap may be positioned directly behind
29 the bottom dump release gate and in front of the rear axle of the
30 vehicle, or it may be positioned to the rear of the rear axle in line
31 with the splash flaps required behind the tires. The width of the
32 center flap may extend not more than one inch from one sidewall
33 to the opposite sidewall of the inside tires and shall extend to within

1 five inches of the pavement surface, and may be not less than 24
2 inches from the bottom edge to the top edge of that center flap.

3 (D) Fenders starting at the splash flap with the leading edge of
4 the fenders extending forward at least six inches beyond the center
5 of the axle that cover the tops of tires not already covered by the
6 truck, truck tractor, or trailer body.

7 (E) Complete enclosures on all vertical sides of the cargo area,
8 including, but not limited to, tailgates.

9 (F) Shed boards designed to prevent aggregate materials from
10 being deposited on the vehicle body during top loading.

11 (c) Vehicles comprised of full rigid enclosures are exempt only
12 from subparagraphs (C) and (F) of paragraph (2) of subdivision
13 (b).

14 (d) For purposes of this section, "aggregate material" means
15 rock fragments, pebbles, sand, dirt, gravel, cobbles, crushed base,
16 asphalt, and other similar materials.

17 (e) (1) In addition to subdivisions (a) and (b), a vehicle may
18 not transport any aggregate material upon a highway unless the
19 material is covered.

20 (2) Vehicles transporting loads composed entirely of asphalt
21 material are exempt only from the provisions of this section
22 requiring that loads be covered.

23 (3) Vehicles transporting loads composed entirely of petroleum
24 coke material are not required to cover their loads if they are loaded
25 using safety procedures, specialized equipment, and a chemical
26 surfactant designed to prevent materials from blowing, spilling,
27 or otherwise escaping from the vehicle.

28 (4) Vehicles transporting loads of aggregate materials are not
29 required to cover their loads if the load, where it contacts the sides,
30 front, and back of the cargo container area, remains six inches
31 from the upper edge of the container area, and if the load does not
32 extend, at its peak, above any part of the upper edge of the cargo
33 container area.

34 (f) A person who provides a location for vehicles to be loaded
35 with an aggregate material or other material shall provide a location
36 for vehicle operators to comply with this section before entering
37 a highway.

38 (1) A person is exempt from the requirements of this subdivision
39 if the location that he or she provides for vehicles to be loaded
40 with the materials described in this subdivision has 100 yards or

1 less between the scale houses where the trucks carrying aggregate
2 material are weighed and the point of egress to a public road.

3 (2) A driver of a vehicle loaded with aggregate material leaving
4 locations exempted from the requirements of this subdivision is
5 authorized to operate on public roads only until that driver is able
6 to safely cover the load at a site near the location's point of egress
7 to the public road. Except as provided under paragraph (4) of
8 subdivision (e), an uncovered vehicle described in this paragraph
9 may not operate more than 200 yards from the point of egress to
10 the public road.

11 (g) A person convicted of a *second or subsequent* violation of
12 this section, who is not subject to Section 40000.16 or 42001, shall
13 be punished by a base fine of fifty dollars (\$50) not to exceed one
14 hundred dollars (\$100).

15 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
16 ~~Section 6 of Article XIII B of the California Constitution because~~
17 ~~the only costs that may be incurred by a local agency or school~~
18 ~~district will be incurred because this act creates a new crime or~~
19 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
20 ~~for a crime or infraction, within the meaning of Section 17556 of~~
21 ~~the Government Code, or changes the definition of a crime within~~
22 ~~the meaning of Section 6 of Article XIII B of the California~~
23 ~~Constitution.~~