

**CS FOR HOUSE BILL NO. 259(TRA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 2/9/18

Referred: Judiciary

Sponsor(s): REPRESENTATIVES STUTES, Tuck, Kito, Drummond, LeDoux

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to containing or confining loads being transported on highways."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 28.35.251(a) is amended to read:

4 (a) A person may not drive **or move** a motor vehicle loaded with **any**  
5 **material** [SAND, GRAVEL, ROCK, OR SIMILAR MATERIALS] on a highway  
6 unless

7 (1) the load is

8 **(A)** contained or confined to prevent the load from

9 **(i)** dropping, [SHIFTING,] leaking, or escaping; **or**

10 **(ii) shifting on or within the vehicle to the extent that**  
11 **the motor vehicle's stability or maneuverability is adversely**  
12 **affected; or**

13 **(B)** [, EXCEPT THAT SAND OR OTHER SUBSTANCES  
14 MAY BE DROPPED, SPRINKLED, OR SPRAYED FOR THE PURPOSE  
15 OF CLEANING OR MAINTAINING THE HIGHWAY OR PROVIDING

1 TRACTION; AND (2) THE LOAD IS] subjected to treatment by methods,  
 2 approved by the commissioner of public safety by regulation, designed to settle  
 3 the load or remove loose material before the vehicle is driven **or moved** on the  
 4 highway; **or**

5 **(2) at least six inches of freeboard is maintained around the entire**  
 6 **perimeter of a load consisting of sand, gravel, dirt, rock, or similar materials or**  
 7 **the load is covered and securely fastened to prevent the cover from becoming**  
 8 **loose or detached or from being a hazard to other users of the highway.**

9 \* **Sec. 2.** AS 28.35.251 is amended by adding new subsections to read:

10 (c) This section does not apply to

11 (1) a vehicle that drops, sprinkles, or sprays sand, liquids, or other  
 12 materials for the purpose of cleaning or maintaining the highway or providing or  
 13 improving traction;

14 (2) the natural accumulation of snow, ice, mud, dirt, or similar  
 15 materials on a motor vehicle; or

16 (3) a vehicle that is removing snow or hauling snow after removal.

17 (d) A person who violates (a) of this section

18 (1) is guilty of a class A misdemeanor and is punishable as provided in  
 19 AS 12.55 if the

20 (A) violation results in serious physical injury; or

21 (B) person has been previously convicted three or more times  
 22 of a violation under (a) of this section;

23 (2) under circumstances other than in (1) of this subsection, is guilty of  
 24 a class B misdemeanor and is punishable as provided in AS 12.55 if the person has  
 25 been previously convicted twice of a violation under (a) of this section; or

26 (3) under circumstances other than in (1) or (2) of this subsection, is  
 27 guilty of an infraction and upon conviction is punishable by a fine of not more than

28 (A) \$600 if the person has been previously convicted one time  
 29 of a violation under (a) of this section; or

30 (B) \$300 if the person has not been previously convicted of a  
 31 violation under (a) of this section.

- 1     \* **Sec. 3.** AS 28.35.253 is amended by adding a new subsection to read:
- 2                     (b) Violation of this section is an infraction.
- 3     \* **Sec. 4.** AS 28.35.251(b) and 28.35.255 are repealed.