

2016 Regular Session

SENATE BILL NO. 105

BY SENATOR PEACOCK

SAFETY REGULATIONS. Requires certain commodities to be covered when transported on certain highways. (1/1/18)

AN ACT

To amend and reenact R.S. 32:383(C) and to enact R.S. 32:383(D), relative to loads on motor vehicles; to require loads of certain commodities on motor vehicles to be covered on highways with a maximum speed limit of sixty-five miles per hour or greater; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:383(C) is hereby amended and reenacted and R.S. 32:383(D) is hereby enacted to read as follows:

§383. Loads on vehicles; care required thereto; penalties; definition

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C. "Loose material" means dirt, sand, gravel, nails or other material that is capable of blowing or spilling from a vehicle as a result of movement or exposure to air, wind currents, or weather, but shall not include agricultural products in their natural state or wood chips except as provided in Subsection D of this Section.

D.(1) Any load of agricultural products in their natural state or wood chips on a vehicle shall be securely covered while being transported on any highway of this state with a maximum speed limit of sixty-five miles per hour

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

4 (2) Any violation of Paragraph (1) of this Subsection shall be punishable
 5 by a fine of not less than one hundred dollars or more than three hundred
 6 dollars.

7 (3) The penalty provisions of Paragraph (2) of this Subsection shall not
 8 apply when the load was securely covered and subsequently became loose or
 9 detached as the result of an accident or circumstances beyond the control of the
 10 operator of the vehicle.

11 Section 2. The deputy secretary of the Department of Public Safety and Corrections,
 12 public safety services, and the secretary of the Department of Agriculture and Forestry are
 13 directed to work cooperatively with industry to develop a process to secure the load of
 14 agricultural products in their natural state or wood chips on a vehicle subject to the
 15 provisions of this Act.

16 Section 3. This Act shall become effective on January 1, 2018; if vetoed by the
 17 governor and subsequently approved by the legislature, this Act shall become effective on
 18 January 1, 2018, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Margaret M. Corley.

SB 105 Original	DIGEST 2016 Regular Session	Peacock
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Present law requires loads on vehicles, including garbage and other discarded material and freight containers, to be covered or secured so that the load does not spill or become loose, detached, or present a safety hazard to others on the highway.

Present law provides for a \$500 fine or six months' imprisonment, or both, for failure to cover a load or to secure freight containers.

Present law defines "loose material" as dirt, sand, gravel, nails, or other materials capable of blowing or spilling from a vehicle, but excludes agricultural products in their natural state or wood chips.

Proposed law retains present law but requires any load of agricultural products in their natural state or wood chips on a vehicle to be securely covered while being transported on any highway of this state with a maximum speed limit of 65 miles per hour or greater in such a manner so as to prevent the covering or load from spilling or dropping from the vehicle or

becoming loose, detached, or in any manner a hazard to other users of the highway.

Proposed law provides for a fine of not less than \$100 or more than \$300 but provides that the penalty does not apply when the load was securely covered and subsequently became loose or detached as the result of an accident or circumstances beyond the control of the operator of the vehicle.

Proposed law requires the deputy secretary of the Department of Public Safety and Corrections, public safety services, and the secretary of the Department of Agriculture and Forestry to work cooperatively with industry to develop a process to secure the load of agricultural products in their natural state or wood chips on a vehicle subject to the provisions of proposed law.

Effective January 1, 2018.

(Amends R.S. 32:383(C); adds R.S. 32:383(D))