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HOUSE BILL NO. 987

House Amendments in [] — January 28, 2002

A BILL to amend and reenact § 46.2-1156 of the Code of Virginia [and to amend the Code of Virginia by adding a section numbered 46.2-1083.1, relating to sides and tailgates of dump trucks; relating to] covers used to contain the loads of commercial vehicles; penalty.

Patron Prior to Engrossment—Delegate Morgan

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1156 of the Code of Virginia is amended and reenacted [, and that the Code of Virginia is amended by adding a section numbered 46.2-1083.1] as follows:

[§ 46.2-1083.1. Tailgates of dump trucks.

The rear end of the cargo compartment of every vehicle designed and equipped to be capable of unloading its cargo by elevating the front end of the cargo compartment so as to dump or spill its cargo through the rear end of the cargo compartment shall have sides, side boards, or stakes and a rear endgate, endboard, or stakes. These devices shall be strong enough and high enough to ensure that cargo will not sift upon or fall from the vehicle. Such devices shall have no aperture large enough to permit cargo in contact with one or more of the devices to pass through it.]

§ 46.2-1156. Construction, maintenance and loading must prevent escape of contents; load covers; exemptions.

A. No vehicle shall be operated or moved on any highway unless it is so constructed, maintained, and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping. No provision of this section, however, shall apply to any (i) motor vehicle that is used exclusively for agricultural purposes as provided in § 46.2-698 and is not licensed in any other state; (ii) agricultural vehicle, tractor, or other vehicle exempted from registration and licensing requirements pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6 of this title; or (iii) motor vehicle transporting forest products, poultry, or livestock.

B. The loads of all trucks, trailers and semitrailers carrying gravel, sand, coal or other nonagricultural and nonforestry products on interstate, primary, or secondary highways or roads maintained by cities, counties or incorporated towns shall be either (i) secured to the vehicle in which they are being transported or (ii) covered. [Such covers shall be adequately maintained. Covers] [Every cover] used to prevent the escape of material from commercial vehicles used to transport solid waste shall [(i)] be of such design, installation, and construction as to contain the vehicle's cargo within the vehicle, regardless of the vehicle's speed or weather conditions [; (ii) be strong enough and large enough to ensure that cargo will not sift upon or fall from the vehicle; and (iii) have no aperture large enough to permit cargo in contact with it to pass through] . Public service company vehicles, pickup trucks, and emergency snow removal equipment while engaged in snow removal operations shall be excluded from the provisions of this subsection.

ENGROSSED

HB987E