

By: Carona

S.B. No. 387

A BILL TO BE ENTITLED

AN ACT

relating to loose material transported by vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 725.001, Transportation Code, is amended by amending Subdivision (2) and adding Subdivisions (8) and (9) to read as follows:

(2) "Loose material" means material that can be blown or spilled from a vehicle because of movement or exposure to air, wind currents, or other weather. The term includes dirt, sand, gravel, refuse, aggregates, and wood chips but excludes an agricultural product in its natural state.

(8) "Refuse" means trash, rubbish, garbage, or any other discarded material.

(9) "Aggregates" has the meaning assigned by Section 133.003, Natural Resources Code.

SECTION 2. Section 725.002, Transportation Code, is amended to read as follows:

Sec. 725.002. APPLICABILITY. This chapter applies to any motor vehicle having a manufacturer's rated carrying capacity of three tons or more, trailer, or semitrailer operated on a public highway except[+]

[~~1~~] a vehicle or construction or mining equipment that is:

(1) [~~A~~] moving between construction barricades on a

1 public works project; or

2 (2) ~~[(B)]~~ crossing a public highway~~[, or~~

3 ~~[(2) a vehicle that is operated at a speed less than 30~~
4 ~~miles per hour]~~.

5 SECTION 3. Subsection (a), Section 725.003, Transportation
6 Code, is amended to read as follows:

7 (a) A person or the person's agent or employee may not
8 transport loose material~~[, aggregates, or refuse]~~ in violation of
9 this chapter.

10 SECTION 4. Subsections (c) and (e), Section 725.021,
11 Transportation Code, are amended to read as follows:

12 (c) Except as provided by Subsection (e), the load shall be
13 covered and the covering firmly secured at the front and back,
14 unless the load:

15 (1) is completely enclosed by the load-carrying
16 compartment; or

17 (2) does not blow from or spill over the top of the
18 load-carrying compartment.

19 (e) If the vehicle is a commercial motor vehicle
20 transporting loose material ~~[aggregates, as defined by Section~~
21 ~~133.003, Natural Resources Code, or refuse]~~, the load shall be
22 covered and the covering firmly secured at the front and back or
23 shall be completely enclosed by the load-carrying compartment. For
24 purposes of this section, "commercial motor vehicle" means a motor
25 vehicle, trailer, or semitrailer used primarily in the business of
26 transporting property.

27 SECTION 5. This Act takes effect September 1, 2007.