

1-1 By: Carona S.B. No. 387
1-2 (In the Senate - Filed January 31, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; March 5, 2007, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; March 5, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to loose material transported by vehicle.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 725.001, Transportation Code, is amended
1-11 by amending Subdivision (2) and adding Subdivisions (8) and (9) to
1-12 read as follows:

1-13 (2) "Loose material" means material that can be blown
1-14 or spilled from a vehicle because of movement or exposure to air,
1-15 wind currents, or other weather. The term includes dirt, sand,
1-16 gravel, refuse, aggregates, and wood chips but excludes an
1-17 agricultural product in its natural state.

1-18 (8) "Refuse" means trash, rubbish, garbage, or any
1-19 other discarded material.

1-20 (9) "Aggregates" has the meaning assigned by Section
1-21 133.003, Natural Resources Code.

1-22 SECTION 2. Section 725.002, Transportation Code, is amended
1-23 to read as follows:

1-24 Sec. 725.002. APPLICABILITY. This chapter applies to any
1-25 motor vehicle, trailer, or semitrailer operated on a public highway
1-26 except [+]

1-27 [~~(1)~~] a vehicle or construction or mining equipment
1-28 that is:

1-29 (1) [~~(A)~~] moving between construction barricades on a
1-30 public works project; or

1-31 (2) [~~(B)~~] crossing a public highway [~~, or~~
1-32 [~~(2) a vehicle that is operated at a speed less than 30~~
1-33 ~~miles per hour]~~].

1-34 SECTION 3. Subsection (a), Section 725.003, Transportation
1-35 Code, is amended to read as follows:

1-36 (a) A person or the person's agent or employee may not
1-37 transport loose material [~~, aggregates, or refuse]~~ in violation of
1-38 this chapter.

1-39 SECTION 4. Subsections (c) and (e), Section 725.021,
1-40 Transportation Code, are amended to read as follows:

1-41 (c) Except as provided by Subsection (e), the load shall be
1-42 covered and the covering firmly secured at the front and back,
1-43 unless the load:

1-44 (1) is completely enclosed by the load-carrying
1-45 compartment; or

1-46 (2) does not blow from or spill over the top of the
1-47 load-carrying compartment.

1-48 (e) If the vehicle is a commercial motor vehicle
1-49 transporting loose material [~~aggregates, as defined by Section~~
1-50 ~~133.003, Natural Resources Code, or refuse]~~, the load shall be
1-51 covered and the covering firmly secured at the front and back or
1-52 shall be completely enclosed by the load-carrying compartment. For
1-53 purposes of this section, "commercial motor vehicle" means a motor
1-54 vehicle, trailer, or semitrailer used primarily in the business of
1-55 transporting property.

1-56 SECTION 5. This Act takes effect September 1, 2007.

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