By: Hall S.B. No. 439

A BILL TO BE ENTITLED

AN ACT

relating to transporting an unsecured load; creating a criminal offense.

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

SECTION 1. The heading to Chapter 725, Transportation Code, is amended to read as follows:

CHAPTER 725. TRANSPORTATION OF UNSECURED LOAD [~~LOOSE MATERIALS~~]

SECTION 2. Section 725.001(1), Transportation Code, is amended to read as follows:

(1) "Load" means any object placed on a vehicle for transportation [~~a load of loose material~~].

SECTION 3. Section 725.002, Transportation Code, is amended to read as follows:

Sec. 725.002. APPLICABILITY. (a) Except as provided by this section, this [~~This~~] chapter applies to any motor vehicle, trailer, or semitrailer operated on a public highway.

(b) This chapter does not apply to:

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

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

(B) [~~(2)~~] crossing a public highway;

(2) an agricultural product in its natural state that is loaded or contained on a vehicle manufactured specifically to

transport the product; or

(3) a commercial motor vehicle as defined by Section 644.001 in intrastate or interstate commerce that is regulated by 49 C.F.R. Sections 392.9 and 393.100-136, unless a peace officer not certified under Section 644.101:

(A) witnesses the load is unsecured and poses an imminent hazard to other users of a highway; or

(B) is conducting an investigation as the result of the load falling from a vehicle.

SECTION 4. Section 725.003, Transportation Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) A person or the person's agent or employee may not transport a load [~~loose material~~] in violation of this chapter.

(b-1) A person commits an offense if the person operates a vehicle and a load:

(1) falls from the vehicle onto the roadway; or

(2) is positioned on the vehicle in a manner to create an imminent hazard while the vehicle is in operation on a public street or highway.

SECTION 5. The heading to Subchapter B, Chapter 725, Transportation Code, is amended to read as follows:

SUBCHAPTER B. REQUIREMENTS FOR TRANSPORTING LOAD [~~LOOSE MATERIALS~~]

SECTION 6. Subchapter B, Chapter 725, Transportation Code, is amended by adding Section 725.0201 to read as follows:

Sec. 725.0201. CONTAINING LOAD GENERALLY. A vehicle subject to this chapter shall be operated to prevent a load from

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

SECTION 7. Sections 725.021(b) and (c), Transportation Code, are amended to read as follows:

(b) A vehicle bed carrying a load of loose material:

(1) may not have a hole, crack, or other opening through which loose material can escape; and

(2) shall be enclosed:

(A) on both sides by side panels;

(B) on the front by a panel or the vehicle cab; and

(C) on the rear by a tailgate or panel.

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

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

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

SECTION 8. This Act takes effect July 1, 2027, if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary to take effect on that date, this Act takes effect September 1, 2027.