

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2714**

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**Introduced by Assembly Member Keene**

February 22, 2008

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An act to amend Section 23114 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2714, as amended, Keene. Cargo loads: spilling.

Existing law requires, among other things, that a vehicle may not be driven or moved on any highway unless the vehicle is so constructed, covered, or loaded as to prevent any of its contents or load other than clear water or feathers from live birds from dropping, sifting, leaking, blowing, spilling, or otherwise escaping from the vehicle.

This bill would ~~delete “clear water or feathers from live birds” from the above exception for vehicle contents and instead except “a de minimis amount of organic material”~~ *specify that the above requirement does not apply to the loss of hay or straw that is not considered to be a loss of load by the federal regulations relating to cargo securement or proposed amendment to those federal regulations.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 23114 of the Vehicle Code is amended
- 2 to read:

1 23114. (a) ~~Except as provided in Subpart I (commencing~~  
 2 ~~with Section 393.100) of Title 49 of the Code of Federal~~  
 3 ~~Regulations or a proposed amendment to that subpart related to~~  
 4 ~~hay and straw, a vehicle may not be driven or moved on any~~  
 5 ~~highway unless the vehicle is so constructed, covered, or loaded~~  
 6 ~~as to prevent any of its contents or load other than a de minimis~~  
 7 ~~amount of organic material clear water or feathers from live birds~~  
 8 from dropping, sifting, leaking, blowing, spilling, or otherwise  
 9 escaping from the vehicle.

10 (b) (1) Aggregate material shall only be carried in the cargo  
 11 area of a vehicle. The cargo area shall not contain any holes, cracks,  
 12 or openings through which that material may escape, regardless  
 13 of the degree to which the vehicle is loaded, except as provided  
 14 in paragraph (2).

15 (2) Every vehicle used to transport aggregate materials,  
 16 regardless of the degree to which the vehicle is loaded, shall be  
 17 equipped with all of the following:

18 (A) Properly functioning seals on any openings used to empty  
 19 the load, including, but not limited to, bottom dump release gates  
 20 and tailgates.

21 (B) Splash flaps behind every tire, or set of tires, regardless of  
 22 the position on the truck, truck tractor, or trailer.

23 (C) Center flaps at a location to the rear of each bottom dump  
 24 release gate as to trucks or trailers equipped with bottom dump  
 25 release gates. The center flap may be positioned directly behind  
 26 the bottom dump release gate and in front of the rear axle of the  
 27 vehicle, or it may be positioned to the rear of the rear axle in line  
 28 with the splash flaps required behind the tires. The width of the  
 29 center flap may extend not more than one inch from one sidewall  
 30 to the opposite sidewall of the inside tires and shall extend to within  
 31 five inches of the pavement surface, and may be not less than 24  
 32 inches from the bottom edge to the top edge of that center flap.

33 (D) Fenders starting at the splash flap with the leading edge of  
 34 the fenders extending forward at least six inches beyond the center  
 35 of the axle that cover the tops of tires not already covered by the  
 36 truck, truck tractor, or trailer body.

37 (E) Complete enclosures on all vertical sides of the cargo area,  
 38 including, but not limited to, tailgates.

39 (F) Shed boards designed to prevent aggregate materials from  
 40 being deposited on the vehicle body during top loading.

1 (c) Vehicles comprised of full rigid enclosures are exempt only  
2 from subparagraphs (C) and (F) of paragraph (2) of subdivision  
3 (b).

4 (d) For purposes of this section, “aggregate material” means  
5 rock fragments, pebbles, sand, dirt, gravel, cobbles, crushed base,  
6 asphalt, and other similar materials.

7 (e) (1) In addition to subdivisions (a) and (b), a vehicle may  
8 not transport any aggregate material upon a highway unless the  
9 material is covered.

10 (2) Vehicles transporting loads composed entirely of asphalt  
11 material are exempt only from the provisions of this section  
12 requiring that loads be covered.

13 (3) Vehicles transporting loads composed entirely of petroleum  
14 coke material are not required to cover their loads if they are loaded  
15 using safety procedures, specialized equipment, and a chemical  
16 surfactant designed to prevent materials from blowing, spilling,  
17 or otherwise escaping from the vehicle.

18 (4) Vehicles transporting loads of aggregate materials are not  
19 required to cover their loads if the load, where it contacts the sides,  
20 front, and back of the cargo container area, remains six inches  
21 from the upper edge of the container area, and if the load does not  
22 extend, at its peak, above any part of the upper edge of the cargo  
23 container area.

24 (f) Any person who provides a location for vehicles to be loaded  
25 with any aggregate material or any other material shall provide a  
26 location for vehicle operators to comply with this section before  
27 entering a highway.

28 (1) A person is exempt from the requirements of this subdivision  
29 if the location that he or she provides for vehicles to be loaded  
30 with the materials described in this subdivision has 100 yards or  
31 less between the scale houses where the trucks carrying aggregate  
32 material are weighed and the point of egress to a public road.

33 (2) A driver of a vehicle loaded with aggregate material leaving  
34 locations exempted from the requirements of this subdivision is  
35 authorized to operate on public roads only until that driver is able  
36 to safely cover the load at a site near the location’s point of egress  
37 to the public road. Except as provided under paragraph (4) of  
38 subdivision (e), an uncovered vehicle described in this paragraph

- 1 may not operate more than 200 yards from the point of egress to
- 2 the public road.

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