
SUBSTITUTE HOUSE BILL 2186

State of Washington

66th Legislature

2020 Regular Session

By House Transportation (originally sponsored by Representatives Kilduff, Lovick, Kloba, Walen, Thai, Callan, Frame, Fitzgibbon, Ryu, Appleton, Ramos, Slatter, and Gregerson)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to debris escaping from vehicles on public
2 highways; amending RCW 46.61.655, 46.63.020, 7.68.020, and 70.93.097;
3 prescribing penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.61.655 and 2005 c 431 s 1 are each amended to
6 read as follows:

7 (1) No vehicle shall be driven or moved on any public highway
8 unless such vehicle is so constructed or loaded as to prevent any of
9 its load from dropping, sifting, leaking, or otherwise escaping
10 therefrom, except that sand may be dropped for the purpose of
11 securing traction.

12 (2) No person may operate on any public highway any vehicle with
13 any load unless:

14 (a) The load ((and such covering as required thereon by
15 subsection (3) of this section)) is ((securely fastened)) secured to
16 prevent the ((covering or)) load from becoming loose, detached, or in
17 any manner a hazard to other users of the highway; and

18 (b) The covering required by subsection (3) of this section is
19 secured to prevent the covering from becoming loose, detached, or in
20 any manner a hazard to other users of the highway.

1 (3)(a) Until January 1, 2023, any vehicle operating on a paved
2 public highway with a load of dirt, sand, (~~or~~) pebbles, cobbles,
3 gravel, or any aggregate materials susceptible to being dropped,
4 spilled, leaked, sifted, blown, or otherwise escaping (~~therefrom~~
5 shall be covered)) from the vehicle must use a covering so as to
6 prevent spillage(~~or~~) or any hazard to other users of the highway.
7 The covering of such loads is not required if six inches of freeboard
8 is maintained within the bed, but if a vehicle hauling such loads is
9 equipped with a covering, the covering must be used.

10 (b) Beginning January 1, 2023: Any vehicle operating on a paved
11 public highway with a load of dirt, sand, pebbles, cobbles, gravel,
12 or any aggregate materials susceptible to being dropped, spilled,
13 leaked, sifted, blown, or otherwise escaping from the vehicle must
14 use a covering so as to prevent spillage or any hazard to other users
15 of the highway.

16 (c) The department of transportation, counties, cities, public
17 utility districts, and any contractors working for such public
18 entities, are exempt from the requirements in (a) and (b) of this
19 subsection if the vehicle is:

20 (i) Applying sand or deicers for snow and ice control and to
21 enhance traction;

22 (ii) Sprinkling water or other substances to maintain or clean
23 the roadway;

24 (iii) Performing maintenance operations in response to emergency
25 events;

26 (iv) Performing operations within work zones where roads or
27 sections of roads are closed to the public.

28 (d) For purposes of this subsection (3):

29 (i) "Aggregate materials" means fine, medium, or coarse inert
30 particulate materials used in construction whether natural,
31 manufactured, or recycled. Aggregate materials do not include logs.

32 (ii) "Covering" means a tarp, other protective layer or device,
33 or a manufactured cap to fit a vehicle, which is secured to contain
34 the load that the vehicle is hauling.

35 (iii) "Susceptible to being dropped, spilled, leaked, sifted,
36 blown, or otherwise escaping" means that the load, or particles,
37 portions, or pieces of the load, is of such a density that the load,
38 or particles, portions, or pieces of the load, can be influenced by
39 wind, other atmospheric and weather conditions, vehicle speed, or
40 road conditions.

1 (4) (a) Any person operating a vehicle carrying a load subject to
2 the requirements of this section, from which any ~~((glass or objects~~
3 ~~have))~~ of the load has fallen or escaped, which would constitute an
4 obstruction or injure a vehicle or otherwise endanger travel upon
5 such public highway shall immediately cause the ~~((public highway to~~
6 ~~be cleaned of all such glass or objects and shall pay any costs~~

7 ~~therefor))~~ removal of the fallen or escaped load from the highway and
8 remain at the scene until the fallen or escaped load has been removed
9 from the highway. The person shall pay any costs incurred to remove
10 the fallen or escaped load from the highway.

11 (b) Any person operating a vehicle with deposits of mud, rocks,
12 dirt, sand, gravel, or other debris on the vehicle's body, fenders,
13 frame, undercarriage, wheels, or tires shall ~~((be cleaned of such~~
14 ~~material))~~ clean and remove deposits or debris before the operation
15 of the vehicle on a paved public highway.

16 (5) The state patrol, or local law enforcement when appropriate,
17 shall enforce the requirements under subsections (3) and (4) of this
18 section.

19 (6) The state patrol may make necessary rules to carry into
20 effect the provisions of this section, applying such provisions to
21 specific conditions and loads and prescribing means, methods, and
22 practices to effectuate such provisions.

23 ~~((6) Nothing in this section may be construed to prohibit a~~
24 ~~public maintenance vehicle from dropping sand on a highway to enhance~~
25 ~~traction, or sprinkling water or other substances to clean or~~
26 ~~maintain a highway.))~~

27 (7) (a) ~~((i))~~ Except as provided in (b) and (c) of this
28 subsection, a violation of subsection (1), (2), (3), or (4) of this
29 section is an infraction.

30 (b) A person is guilty of ~~((failure to secure a load in the first~~
31 ~~degree))~~ a gross misdemeanor if he or she, with criminal negligence,
32 ~~((fails to secure a load or part of a load to his or her vehicle in~~
33 ~~compliance with))~~ violates subsection (1), (2), ~~((or))~~ (3), or (4) of
34 this section and such violation causes substantial bodily harm to
35 another.

36 ~~((ii) Failure to secure a load in the first degree is a gross~~
37 ~~misdemeanor.~~

38 ~~((b)(i))~~ (c) A person is guilty of ~~((failure to secure a load in~~
39 ~~the second degree))~~ a misdemeanor if he or she, with criminal
40 negligence, ~~((fails to secure a load or part of a load to his or her~~

1 ~~vehicle in compliance with))~~ violates subsection (1) ~~((or))~~, (2),
2 (3), or (4) of this section and such violation causes damage to
3 property of another.

4 ~~((ii) Failure to secure a load in the second degree is a~~
5 ~~misdemeanor.~~

6 ~~(c) A person who fails to secure a load or part of a load to his~~
7 ~~or her vehicle in compliance with subsection (1), (2), or (3) of this~~
8 ~~section is guilty of an infraction if such failure does not amount to~~
9 ~~a violation of (a) or (b) of this subsection.)~~

10 **Sec. 2.** RCW 46.63.020 and 2018 c 18 s 4 are each amended to read
11 as follows:

12 Failure to perform any act required or the performance of any act
13 prohibited by this title or an equivalent administrative regulation
14 or local law, ordinance, regulation, or resolution relating to
15 traffic including parking, standing, stopping, and pedestrian
16 offenses, is designated as a traffic infraction and may not be
17 classified as a criminal offense, except for an offense contained in
18 the following provisions of this title or a violation of an
19 equivalent administrative regulation or local law, ordinance,
20 regulation, or resolution:

21 (1) RCW 46.09.457(1)(b)(i) relating to a false statement
22 regarding the inspection of and installation of equipment on wheeled
23 all-terrain vehicles;

24 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
25 vehicle while under the influence of intoxicating liquor or a
26 controlled substance;

27 (3) RCW 46.09.480 relating to operation of nonhighway vehicles;

28 (4) RCW 46.10.490(2) relating to the operation of a snowmobile
29 while under the influence of intoxicating liquor or narcotics or
30 habit-forming drugs or in a manner endangering the person of another;

31 (5) RCW 46.10.495 relating to the operation of snowmobiles;

32 (6) Chapter 46.12 RCW relating to certificates of title,
33 registration certificates, and markings indicating that a vehicle has
34 been destroyed or declared a total loss;

35 (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment
36 of taxes and fees by failure to register a vehicle and falsifying
37 residency when registering a motor vehicle;

38 (8) RCW 46.16A.520 relating to permitting unauthorized persons to
39 drive;

1 (9) RCW 46.16A.320 relating to vehicle trip permits;

2 (10) RCW 46.19.050(1) relating to knowingly providing false
3 information in conjunction with an application for a special placard
4 or license plate for disabled persons' parking;

5 (11) RCW 46.19.050(8) relating to illegally obtaining a parking
6 placard, special license plate, special year tab, or identification
7 card;

8 (12) RCW 46.19.050(9) relating to sale of a parking placard,
9 special license plate, special year tab, or identification card;

10 (13) RCW 46.20.005 relating to driving without a valid driver's
11 license;

12 (14) RCW 46.20.091 relating to false statements regarding a
13 driver's license or instruction permit;

14 (15) RCW 46.20.0921 relating to the unlawful possession and use
15 of a driver's license;

16 (16) RCW 46.20.342 relating to driving with a suspended or
17 revoked license or status;

18 (17) RCW 46.20.345 relating to the operation of a motor vehicle
19 with a suspended or revoked license;

20 (18) RCW 46.20.410 relating to the violation of restrictions of
21 an occupational driver's license, temporary restricted driver's
22 license, or ignition interlock driver's license;

23 (19) RCW 46.20.740 relating to operation of a motor vehicle
24 without an ignition interlock device in violation of a license
25 notation that the device is required;

26 (20) RCW 46.20.750 relating to circumventing an ignition
27 interlock device;

28 (21) RCW 46.25.170 relating to commercial driver's licenses;

29 (22) Chapter 46.29 RCW relating to financial responsibility;

30 (23) RCW 46.30.040 relating to providing false evidence of
31 financial responsibility;

32 (24) RCW 46.35.030 relating to recording device information;

33 (25) RCW 46.37.435 relating to wrongful installation of
34 sunscreening material;

35 (26) RCW 46.37.650 relating to the manufacture, importation,
36 sale, distribution, or installation of a counterfeit air bag,
37 nonfunctional air bag, or previously deployed or damaged air bag;

38 (27) RCW 46.37.660 relating to the sale or installation of a
39 device that causes a vehicle's diagnostic system to inaccurately

- 1 indicate that the vehicle has a functional air bag when a counterfeit
2 air bag, nonfunctional air bag, or no air bag is installed;
- 3 (28) RCW 46.37.671 through 46.37.675 relating to signal
4 preemption devices;
- 5 (29) RCW 46.37.685 relating to switching or flipping license
6 plates, utilizing technology to flip or change the appearance of a
7 license plate, selling a license plate flipping device or technology
8 used to change the appearance of a license plate, or falsifying a
9 vehicle registration;
- 10 (30) RCW 46.44.180 relating to operation of mobile home pilot
11 vehicles;
- 12 (31) RCW 46.48.175 relating to the transportation of dangerous
13 articles;
- 14 (32) RCW 46.52.010 relating to duty on striking an unattended car
15 or other property;
- 16 (33) RCW 46.52.020 relating to duty in case of injury to or death
17 of a person or damage to an attended vehicle;
- 18 (34) RCW 46.52.090 relating to reports by repairers, storage
19 persons, and appraisers;
- 20 (35) RCW 46.52.130 relating to confidentiality of the driving
21 record to be furnished to an insurance company, an employer, and an
22 alcohol/drug assessment or treatment agency;
- 23 (36) RCW 46.55.020 relating to engaging in the activities of a
24 registered tow truck operator without a registration certificate;
- 25 (37) RCW 46.55.035 relating to prohibited practices by tow truck
26 operators;
- 27 (38) RCW 46.55.300 relating to vehicle immobilization;
- 28 (39) RCW 46.61.015 relating to obedience to police officers,
29 flaggers, or firefighters;
- 30 (40) RCW 46.61.020 relating to refusal to give information to or
31 cooperate with an officer;
- 32 (41) RCW 46.61.022 relating to failure to stop and give
33 identification to an officer;
- 34 (42) RCW 46.61.024 relating to attempting to elude pursuing
35 police vehicles;
- 36 (43) RCW 46.61.212(~~(+4)~~) (5) relating to reckless endangerment
37 of emergency or work zone workers;
- 38 (44) RCW 46.61.500 relating to reckless driving;
- 39 (45) RCW 46.61.502 and 46.61.504 relating to persons under the
40 influence of intoxicating liquor or drugs;

1 (46) RCW 46.61.503 relating to a person under age twenty-one
2 driving a motor vehicle after consuming alcohol;
3 (47) RCW 46.61.520 relating to vehicular homicide by motor
4 vehicle;
5 (48) RCW 46.61.522 relating to vehicular assault;
6 (49) RCW 46.61.5249 relating to first degree negligent driving;
7 (50) RCW 46.61.527(4) relating to reckless endangerment of
8 roadway workers;
9 (51) RCW 46.61.530 relating to racing of vehicles on highways;
10 (52) RCW 46.61.655(7) (~~((a) and~~) (b) and (c) relating to failure
11 to secure a load;
12 (53) RCW 46.61.685 relating to leaving children in an unattended
13 vehicle with the motor running;
14 (54) RCW 46.61.740 relating to theft of motor vehicle fuel;
15 (55) RCW 46.64.010 relating to unlawful cancellation of or
16 attempt to cancel a traffic citation;
17 (56) RCW 46.64.048 relating to attempting, aiding, abetting,
18 coercing, and committing crimes;
19 (57) Chapter 46.65 RCW relating to habitual traffic offenders;
20 (58) RCW 46.68.010 relating to false statements made to obtain a
21 refund;
22 (59) Chapter 46.70 RCW relating to unfair motor vehicle business
23 practices, except where that chapter provides for the assessment of
24 monetary penalties of a civil nature;
25 (60) Chapter 46.72 RCW relating to the transportation of
26 passengers in for hire vehicles;
27 (61) RCW 46.72A.060 relating to limousine carrier insurance;
28 (62) RCW 46.72A.070 relating to operation of a limousine without
29 a vehicle certificate;
30 (63) RCW 46.72A.080 relating to false advertising by a limousine
31 carrier;
32 (64) Chapter 46.80 RCW relating to motor vehicle wreckers;
33 (65) Chapter 46.82 RCW relating to driver's training schools;
34 (66) RCW 46.87.260 relating to alteration or forgery of a cab
35 card, letter of authority, or other temporary authority issued under
36 chapter 46.87 RCW;
37 (67) RCW 46.87.290 relating to operation of an unregistered or
38 unlicensed vehicle under chapter 46.87 RCW.

1 **Sec. 3.** RCW 7.68.020 and 2017 c 235 s 1 are each amended to read
2 as follows:

3 The following words and phrases as used in this chapter have the
4 meanings set forth in this section unless the context otherwise
5 requires.

6 (1) "Accredited school" means a school or course of instruction
7 which is:

8 (a) Approved by the state superintendent of public instruction,
9 the state board of education, or the state board for community and
10 technical colleges; or

11 (b) Regulated or licensed as to course content by any agency of
12 the state or under any occupational licensing act of the state, or
13 recognized by the apprenticeship council under an agreement
14 registered with the apprenticeship council pursuant to chapter 49.04
15 RCW.

16 (2) "Average monthly wage" means the average annual wage as
17 determined under RCW 50.04.355 as now or hereafter amended divided by
18 twelve.

19 (3) "Beneficiary" means a husband, wife, registered domestic
20 partner, or child of a victim in whom shall vest a right to receive
21 payment under this chapter, except that a husband or wife of an
22 injured victim, living separate and apart in a state of abandonment,
23 regardless of the party responsible therefor, for more than one year
24 at the time of the injury or subsequently, shall not be a
25 beneficiary. A spouse who has lived separate and apart from the other
26 spouse for the period of two years and who has not, during that time,
27 received or attempted by process of law to collect funds for
28 maintenance, shall be deemed living in a state of abandonment.

29 (4) "Child" means every natural born child, posthumous child,
30 stepchild, child legally adopted prior to the injury, child born
31 after the injury where conception occurred prior to the injury, and
32 dependent child in the legal custody and control of the victim, all
33 while under the age of eighteen years, or under the age of twenty-
34 three years while permanently enrolled as a full-time student in an
35 accredited school, and over the age of eighteen years if the child is
36 a dependent as a result of a physical, mental, or sensory handicap.

37 (5) "Consumer price index" means the consumer price index
38 compiled by the bureau of labor statistics, United States department
39 of labor for the state of Washington. If the bureau of labor
40 statistics develops more than one consumer price index for areas

1 within the state, the index covering the greatest number of people,
2 covering areas exclusively within the boundaries of the state, and
3 including all items must be used.

4 (6) "Criminal act" means an act committed or attempted in this
5 state which is: (a) Punishable as a federal offense that is
6 comparable to a felony or gross misdemeanor in this state; (b)
7 punishable as a felony or gross misdemeanor under the laws of this
8 state; (c) an act committed outside the state of Washington against a
9 resident of the state of Washington which would be compensable had it
10 occurred inside this state and the crime occurred in a state which
11 does not have a crime victims' compensation program, for which the
12 victim is eligible as set forth in the Washington compensation law;
13 or (d) trafficking as defined in RCW 9A.40.100. A "criminal act" does
14 not include the following:

15 (i) The operation of a motor vehicle, motorcycle, train, boat, or
16 aircraft in violation of law unless:

17 (A) The injury or death was intentionally inflicted;

18 (B) The operation thereof was part of the commission of another
19 nonvehicular criminal act as defined in this section;

20 (C) The death or injury was the result of the operation of a
21 motor vehicle after July 24, 1983, and one of the following applies:

22 (I) A preponderance of the evidence establishes that the death
23 was the result of vehicular homicide under RCW 46.61.520;

24 (II) The victim submits a copy of a certificate of probable cause
25 filed by the prosecutor stating that a vehicular assault under RCW
26 46.61.522 occurred;

27 (III) Charges have been filed against the defendant for vehicular
28 assault under RCW 46.61.522;

29 (IV) A conviction of vehicular assault under RCW 46.61.522 has
30 been obtained; or

31 (V) In cases where a probable criminal defendant has died in
32 perpetration of vehicular assault or, in cases where the perpetrator
33 of the vehicular assault is unascertainable because he or she left
34 the scene of the accident in violation of RCW 46.52.020 or, because
35 of physical or mental infirmity or disability the perpetrator is
36 incapable of standing trial for vehicular assault, the department
37 may, by a preponderance of the evidence, establish that a vehicular
38 assault had been committed and authorize benefits;

39 (D) The injury or death was caused by a driver in violation of
40 RCW 46.61.502; or

1 (E) The injury or death was caused by a driver in violation of
2 RCW 46.61.655(7) (~~(a), failure to secure a load in the first degree~~)
3 (b);

4 (ii) Neither an acquittal in a criminal prosecution nor the
5 absence of any such prosecution is admissible in any claim or
6 proceeding under this chapter as evidence of the noncriminal
7 character of the acts giving rise to such claim or proceeding, except
8 as provided for in (d)(i)(C) of this subsection;

9 (iii) Evidence of a criminal conviction arising from acts which
10 are the basis for a claim or proceeding under this chapter is
11 admissible in such claim or proceeding for the limited purpose of
12 proving the criminal character of the acts; and

13 (iv) Acts which, but for the insanity or mental irresponsibility
14 of the perpetrator, would constitute criminal conduct are deemed to
15 be criminal conduct within the meaning of this chapter.

16 (7) "Department" means the department of labor and industries.

17 (8) "Financial support for lost wages" means a partial
18 replacement of lost wages due to a temporary or permanent total
19 disability.

20 (9) "Gainfully employed" means engaging on a regular and
21 continuous basis in a lawful activity from which a person derives a
22 livelihood.

23 (10) "Injury" means a sudden and tangible happening, of a
24 traumatic nature, producing an immediate or prompt result, and
25 occurring from without, and such physical conditions as result
26 therefrom.

27 (11) "Invalid" means one who is physically or mentally
28 incapacitated from earning wages.

29 (12) "Permanent total disability" means loss of both legs, or
30 arms, or one leg and one arm, total loss of eyesight, paralysis, or
31 other condition permanently incapacitating the victim from performing
32 any work at any gainful occupation.

33 (13) "Private insurance" means any source of recompense provided
34 by contract available as a result of the claimed injury or death at
35 the time of such injury or death, or which becomes available any time
36 thereafter.

37 (14) "Public insurance" means any source of recompense provided
38 by statute, state or federal, available as a result of the claimed
39 injury or death at the time of such injury or death, or which becomes
40 available any time thereafter.

1 (15) "Temporary total disability" means any condition that
2 temporarily incapacitates a victim from performing any type of
3 gainful employment as certified by the victim's attending physician.

4 (16) "Victim" means a person who suffers bodily injury or death
5 as a proximate result of a criminal act of another person, the
6 victim's own good faith and reasonable effort to prevent a criminal
7 act, or his or her good faith effort to apprehend a person reasonably
8 suspected of engaging in a criminal act. For the purposes of
9 receiving benefits pursuant to this chapter, "victim" is
10 interchangeable with "employee" or "worker" as defined in chapter
11 51.08 RCW as now or hereafter amended.

12 **Sec. 4.** RCW 70.93.097 and 1993 c 399 s 1 are each amended to
13 read as follows:

14 (1) By January 1, 1994, each county or city with a staffed
15 transfer station or landfill in its jurisdiction shall adopt an
16 ordinance to reduce litter from vehicles. The ordinance shall require
17 the operator of a vehicle transporting solid waste to a staffed
18 transfer station or landfill to secure or cover the vehicle's waste
19 in a manner that will prevent spillage. The ordinance may provide
20 exemptions for vehicle operators transporting waste that is unlikely
21 to spill from a vehicle.

22 The ordinance shall, in the absence of an exemption, require a
23 fee, in addition to other landfill charges, for a person arriving at
24 a staffed landfill or transfer station without a cover on the
25 vehicle's waste or without the waste secured.

26 (2) The fee collected under subsection (1) of this section shall
27 be deposited, no less often than quarterly, with the city or county
28 in which the landfill or transfer station is located.

29 ~~((3) A vehicle transporting sand, dirt, or gravel in compliance
30 with the provisions of RCW 46.61.655 shall not be required to secure
31 or cover a load pursuant to ordinances adopted under this section.))~~

32 NEW SECTION. **Sec. 5.** This act takes effect October 1, 2020.

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