

Brady Brammer proposes the following substitute bill:

Litter Cleanup Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses unsecured loads, litter, and landfills.

Highlighted Provisions:

This bill:

- establishes the Litter Abatement Expendable Special Revenue Fund;
- modifies penalties for certain offenses;
- requires reporting for certain entities;
- imposes a landfill fine for an unsecured load; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-1712, as last amended by Laws of Utah 2008, Chapter 22

41-6a-1713, as last amended by Laws of Utah 2015, Chapter 412

53-8-105, as last amended by Laws of Utah 2024, Chapter 425

72-1-201, as last amended by Laws of Utah 2024, Chapter 517

72-7-409, as last amended by Laws of Utah 2021, Chapter 327

ENACTS:

72-2-135, Utah Code Annotated 1953

72-7-410, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 41-6a-1712 is amended to read:

41-6a-1712 . Destructive or injurious materials on highways – Throwing lighted material from moving vehicle – Enforcement officers.

(1) As used in this section, "lighted material" means an item that is flaming, burning, or smoking, including lighted charcoal, fireworks, matches, tobacco, cigars, or cigarettes.

(2) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any public road or highway in the state, whether under state, county, municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could:

(a) create a safety or health hazard on the public road or highway; or

(b) mar or impair the scenic aspect or beauty of the public road or highway.

~~[(2)]~~ (3) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road or highway any destructive, injurious, or unsightly material shall:

(a) immediately remove the material or cause it to be removed; and

(b) deposit the material in a receptacle designed to receive the material.

~~[(3)]~~ (4) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public roadways or highways.

~~[(4)]~~ (5) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road or highway.

~~[(5)]~~ (6) A person may not throw any lighted material from a moving vehicle.

~~[(6)]~~ (7) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.

~~[(7)]~~ (8) A law enforcement officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction:

(a) shall enforce the provisions of this section;

(b) may issue citations to a person who violates any of the provisions of this section; and

(c) may serve and execute all warrants, citations, and other process issued by any court in enforcing this section.

63 ~~[(8)]~~ (9) A municipality within its corporate limits and a county outside of incorporated
64 municipalities may enact local ordinances to carry out the provisions of this section.

65 Section 2. Section 41-6a-1713 is amended to read:

66 **41-6a-1713 . Penalty for littering on a highway.**

67 (1) ~~[A person]~~ Except as provided in Subsection (3), an individual who violates any of the
68 provisions of Section 41-6a-1712 is guilty of an infraction and shall be fined:

69 (a) not less than \$200 for a violation; or

70 (b) not less than \$500 for a second or subsequent violation within three years of a
71 previous violation of this section.

72 (2) The sentencing judge may require that the offender devote at least eight hours in
73 cleaning up:

74 (a) litter caused by the offender; and

75 (b) existing litter from a safe area designated by the sentencing judge.

76 (3) An individual who violates Subsection 41-6a-1712(6) is guilty of a class C
77 misdemeanor.

78 Section 3. Section 53-8-105 is amended to read:

79 **53-8-105 . Duties of Highway Patrol.**

80 (1) In addition to the duties in this chapter, the Highway Patrol shall:

81 (a) enforce the state laws and rules governing use of the state highways;

82 (b) regulate traffic on all highways and roads of the state;

83 (c) assist the governor in an emergency or at other times at his discretion;

84 (d) in cooperation with federal, state, and local agencies, enforce and assist in the
85 enforcement of all state and federal laws related to the operation of a motor carrier on
86 a highway, including all state and federal rules and regulations;

87 (e) inspect certain vehicles to determine road worthiness and safe condition as provided
88 in Section 41-6a-1630;

89 (f) upon request, assist with any condition of unrest existing or developing on a campus
90 or related facility of an institution of higher education;

91 (g) assist the Alcoholic Beverage Services Commission in an emergency to enforce the
92 state liquor laws;

93 (h) provide security and protection for both houses of the Legislature while in session as
94 the speaker of the House of Representatives and the president of the Senate find
95 necessary;

96 (i) enforce the state laws and rules governing use of capitol hill; and

- 97 (j) carry out the following for the Supreme Court and the Court of Appeals:
- 98 (i) provide security and protection to those courts when in session in the capital city
- 99 of the state;
- 100 (ii) execute orders issued by the courts; and
- 101 (iii) carry out duties as directed by the courts.
- 102 (2)(a) The division and the department shall annually:
- 103 (i) evaluate the inventory of new and existing state highways, in coordination with
- 104 relevant local law enforcement agencies, to determine which law enforcement
- 105 agency is best suited to patrol and enforce state laws and regulate traffic on each
- 106 state highway; and
- 107 (ii) before October 1 of each year, report to the Transportation Interim Committee
- 108 and the Executive Offices and Criminal Justice Appropriations Subcommittee
- 109 regarding:
- 110 (A) significant changes to the patrol and enforcement responsibilities resulting
- 111 from the evaluation described in Subsection (2)(a)(i); and
- 112 (B) any budget request necessary to accommodate additional patrol and
- 113 enforcement responsibilities.
- 114 (b) The division and the department shall, before July 1 of each year, coordinate with the
- 115 Department of Transportation created in Section 72-1-201 regarding patrol and
- 116 enforcement responsibilities described in Subsection (2)(a) and incident management
- 117 services on state highways.
- 118 (3)(a) A district court and a justice court shall collect and maintain data regarding
- 119 violations in Sections 41-6a-1712, 41-6a-1713, and 72-7-409.
- 120 (b) Each court shall transmit dispositions described in (3)(a) electronically to the
- 121 department.
- 122 Section 4. Section 72-1-201 is amended to read:
- 123 **72-1-201 . Creation of Department of Transportation – Functions, powers,**
- 124 **duties, rights, and responsibilities.**
- 125 (1) There is created the Department of Transportation which shall:
- 126 (a) have the general responsibility for planning, research, design, construction,
- 127 maintenance, security, and safety of state transportation systems;
- 128 (b) provide administration for state transportation systems and programs;
- 129 (c) implement the transportation policies of the state;
- 130 (d) plan, develop, construct, and maintain state transportation systems that are safe,

- 131 reliable, environmentally sensitive, and serve the needs of the traveling public,
132 commerce, and industry;
- 133 (e) establish standards and procedures regarding the technical details of administration
134 of the state transportation systems as established by statute and administrative rule;
- 135 (f) advise the governor and the Legislature about state transportation systems needs;
- 136 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
137 installation, maintenance, operation, relocation, and upgrade of utilities within state
138 highway rights-of-way;
- 139 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
140 make rules for the administration of the department, state transportation systems, and
141 programs;
- 142 (i) jointly with the commission annually report to the Transportation Interim Committee,
143 by November 30 of each year, as to the operation, maintenance, condition, mobility,
144 safety needs, and wildlife and livestock mitigation for state transportation systems;
- 145 (j) ensure that any training or certification required of a public official or public
146 employee, as those terms are defined in Section 63G-22-102, complies with Title
147 63G, Chapter 22, State Training and Certification Requirements, if the training or
148 certification is required:
- 149 (i) under this title;
- 150 (ii) by the department; or
- 151 (iii) by an agency or division within the department;
- 152 (k) study and make recommendations to the Legislature on potential managed lane use
153 and implementation on selected transportation systems within the state;
- 154 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division created
155 in Section 53-8-103 regarding:
- 156 (i) future highway projects that will add additional capacity to the state transportation
157 system;
- 158 (ii) potential changes in law enforcement responsibilities due to future highway
159 projects; and
- 160 (iii) incident management services on state highways;[-and]
- 161 (m) provide public transit services, in consultation with any relevant public transit
162 provider[-]; and
- 163 (n) implement a public service campaign as described in Section 72-2-135, in
164 coordination with relevant stakeholders including permitted landfills and transfer

stations, to generate public awareness regarding the importance of proper transportation and disposal of waste and maintaining clean roads and highways.

(2)(a) The department shall exercise reasonable care in designing, constructing, and maintaining a state highway in a reasonably safe condition for travel.

(b) Nothing in this section shall be construed as:

(i) creating a private right of action; or

(ii) expanding or changing the department's common law duty as described in Subsection (2)(a) for liability purposes.

Section 5. Section 72-2-135 is enacted to read:

72-2-135 . Litter Abatement Expendable Special Revenue Fund.

(1) There is created an expendable special revenue fund, known as the "Litter Abatement Expendable Special Revenue Fund."

(2) The fund shall consist of:

(a) the landfill minimum fine for an unsecured load as described in Section 72-7-410; and

(b) interest earnings on cash balances.

(3) The department shall use money in the fund:

(a) for litter cleanup efforts on or near highways, including highways near waste management facilities and other high-litter areas the department identifies;

(b) for a public service campaign to generate awareness regarding the importance of proper transportation and disposal of waste, the negative impact of littering, and the need to maintain clean highways;

(c) for increased enforcement of Sections 41-6a-1712, 41-6a-1713, and 72-7-410; and

(d) for the department's costs in administering the account.

Section 6. Section 72-7-409 is amended to read:

72-7-409 . Loads on vehicles -- Limitations -- Confining, securing, and fastening load required -- Penalty.

(1) As used in this section:

(a) "Agricultural product" means any raw product which is derived from agriculture, including silage, hay, straw, grain, manure, and other similar product.

(b)(i) "Unsecured load" means the contents of a vehicle, operated on a highway, not sufficiently covered, confined, fastened, or otherwise secured in a way to prevent the contents from escaping the vehicle.

(ii) "Unsecured load" includes materials such as dirt, sand, gravel, rock fragments,

- 199 pebbles, crushed base, aggregate, any other similar material, or scrap metal or
200 other loose material on any portion of the vehicle not designed to carry the
201 material.
- 202 (c) "Vehicle" means the same as that term is defined in Section 41-1a-102.
- 203 (2) Except as provided in Subsections (3) through (5), a person may not:
- 204 (a) operate a vehicle with an unsecured load on any highway; or
- 205 (b) operate a vehicle carrying trash or garbage without a covering over the entire load.
- 206 (3)(a) A vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base,
207 aggregate, any other similar material, or scrap metal shall have a covering over the
208 entire load unless:
- 209 (i) the highest point of the load does not extend above the top of any exterior wall or
210 sideboard of the cargo compartment of the vehicle; and
- 211 (ii) the outer edges of the load are at least six inches below the top inside edges of the
212 exterior walls or sideboards of the cargo compartment of the vehicle.
- 213 (b) The following material is exempt from the provisions of Subsection (3)(a):
- 214 (i) hot mix asphalt;
- 215 (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a
216 form not susceptible to being blown out of the vehicle;
- 217 (iii) material being transported across a highway between two parcels of property that
218 would be contiguous but for the highway that is being crossed; and
- 219 (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers,
220 bags, or packaging.
- 221 (c) A chemical substance capable of coating or bonding a load so that the load is
222 confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a)
223 so long as the chemical substance remains effective at confining the load.
- 224 (4) Subsection (2) does not apply to a vehicle or implement of husbandry carrying an
225 agricultural product, if the agricultural product is:
- 226 (a) being transported in a manner which is not a hazard or a potential hazard to the safe
227 operation of the vehicle or to other highway users; and
- 228 (b) loaded in a manner that only allows minimal spillage.
- 229 (5)(a) An authorized vehicle performing snow removal services on a highway is exempt
230 from the requirements of this section.
- 231 (b) This section does not prohibit the necessary spreading of any substance connected
232 with highway maintenance, construction, securing traction, or snow removal.

(6)(a) Any person suspected of operating a vehicle with an unsecured load on a highway may be issued a warning.

(b) Any person who violates this section is guilty of:

(i) ~~§→ [f]an infraction[~~~~a class C misdemeanor]~~ ←§

, if the violation creates a hazard but does not lead to a motor vehicle accident;

(ii) a class B misdemeanor, if the violation creates a hazard that leads to a motor vehicle accident; or

(iii) a class A misdemeanor, if the violation creates a hazard that leads to a motor vehicle accident that results in the serious bodily injury or death of a person.

(c) A person who violates a provision of this section shall be fined not less than:

(i) \$200 for a violation; or

(ii) \$500 for a second or subsequent violation within six years of a previous violation of this section.

(d) A person who violates a provision of this section while operating a commercial vehicle as defined in Section 72-9-102 shall be fined:

(i) not less than \$500 for a violation; or

(ii) \$1,000 for a second or subsequent violation within six years of a previous violation of this section.

(7) As resources and opportunities allow, the department shall implement programs or activities that increase public awareness on the importance of properly securing loads.

Section 7. Section 72-7-410 is enacted to read:

72-7-410 . Public landfill litter abatement fine.

(1) As used in this section:

(a) "Landfill" means a landfill or transfer station that is permitted by the Department of Environmental Quality.

(b) "Securely covered" means that the content of a load is completely covered by a solid barrier which will prevent the load from blowing, spilling, or falling from the vehicle.

(2) A driver utilizing a landfill shall ensure that the vehicle's load is securely covered from the destination of origin until the driver deposits the load at the landfill.

(3)(a) A landfill shall collect a \$10 minimum fine for a vehicle in violation of Subsection (2), beginning no later than July 1, 2026.

(b) Five dollars of the fine described in Subsection (3)(a) shall be collected by the Department of Environmental Quality and deposited into the Litter Abatement

- 266 Expendable Special Revenue Fund created in Section 72-2-135.
- 267 (c) The remainder of the fine described in Subsection (3)(a) shall be retained by the
- 268 collecting landfill.
- 269 (d) The minimum fine described in Subsection (3)(a) does not preclude a landfill from
- 270 imposing an additional or higher fine or fee for an unsecured load.
- 271 (e) A landfill may impose an additional penalty for a driver who repeatedly violates
- 272 Subsection (2).
- 273 (4) The Department of Environmental Quality may retain its associated administrative costs
- 274 from the funds described in Subsection (3)(b).
- 275 (5) A landfill shall provide an annual report to the Department of Environmental Quality on
- 276 or before March 1 regarding violations of Subsection (2).
- 277 Section 8. **Effective Date.**
- 278 This bill takes effect on May 7, 2025.