

NOTIFICATION OF ENHANCEMENT – FAILURE TO SECURE LOAD

Defendant: _____, Case No. _____

ELEMENTS / ENHANCEMENT / PENALTIES

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) "Vehicle" has the same meaning set forth in Section 41-1a-102.
- (2) A vehicle may not be operated or moved on any highway unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping.
- (3) (a) In addition to the requirements under Subsection (2), a vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless: (i) the highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and (ii) the outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle. (b) In addition to the requirements under Subsection (2), a vehicle carrying trash or garbage shall have a covering over the entire load. (c) The following material is exempt from the provisions of Subsection (3)(a): (i) hot mix asphalt; (ii) construction debris or scrap metal if the debris or scrap metal is a size and in a form not susceptible to being blown out of the vehicle; (iii) material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; and (iv) material listed under Subsection (3)(a) that is enclosed on all sides by containers, bags, or packaging. (d) A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may be considered a covering for purposes of Subsection (3)(a) so long as the chemical substance remains effective at confining the load.
- (4) Subsections (2) and (3) do not apply to a vehicle or implement of husbandry carrying an agricultural product, if the agricultural product is: (a) being transported in a manner which is not a hazard or a potential hazard to the safe operation of the vehicle or to other highway users; and (b) loaded in a manner that only allows minimal spillage.
- (5) (a) An authorized vehicle performing snow removal services on a highway is exempt from the requirements of this section. (b) This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.
- (6) A person may not operate a vehicle with a load on any highway unless the load and any load covering is fastened, secured, and confined to prevent the covering or load from becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to other highway users.
- (7) Before entering a highway, the operator of a vehicle carrying any material listed under Subsection (3), shall remove all loose material on any portion of the vehicle not designed to carry the material.
- (8) (a) Any person who violates this section is guilty of an Infraction. (b) A person who violates a provision of this section shall be fined not less than: (i) \$230 for a violation; or (ii) \$500.00 for a second or subsequent violation within three years of a previous violation of this section. (c) 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 \$500.00 for a violation; or (ii) \$1000 for a second or subsequent violation within three years of a previous violation of this section.

Minimum / Maximum Sentence

Infraction: Amounts listed above to \$750.00 fines and surcharges, plus interest

I understand the foregoing Notification of Enhancement as explained here and as orally explained to me.

Date

Defendant