

**Senate Bill No. 624**

**CHAPTER 279**

An act to amend Section 23115 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 8, 2001. Filed with Secretary of State September 10, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

SB 624, Soto. Vehicles: garbage: cover.

(1) Existing law prohibits a vehicle loaded with garbage, swill, cans, bottles, wastepapers, ashes, refuse, trash, or rubbish, or any other noisome, nauseous, or offensive matter, or anything being transported to a dumpsite for disposal from being driven or moved upon any highway unless the load is totally covered, as specified.

This bill would recast this prohibition to prohibit a vehicle from transporting, rather than prohibiting a vehicle loaded with, the materials specified above, and would include waste cardboard as one of the materials that would be required to be totally covered while being transported. The bill would also include transporting the matter for recycling, and would delete reference to a dumpsite. The bill would provide that vehicles transporting wastepaper, waste cardboard, or used cans or bottles, are in compliance with these provisions if appropriate binders including, but not limited to, bands, wires, straps, or netting are used to prevent the load, or any part of the load, from spilling or falling from the vehicle. The bill would exempt any vehicle transporting wet waste fruit or vegetable matter, or waste products to or from a food processing establishment, from application of its provisions.

Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 23115 of the Vehicle Code is amended to read:



23115. (a) No vehicle transporting garbage, swill, used cans or bottles, wastepapers, waste cardboard, ashes, refuse, trash, or rubbish, or any noisome, nauseous, or offensive matter, or anything being transported for disposal or recycling shall be driven or moved upon any highway unless the load is totally covered in a manner that will prevent the load or any part of the load from spilling or falling from the vehicle.

(b) Subdivision (a) does not prohibit a rubbish vehicle from being without cover while in the process of acquiring its load if no law, administrative regulation, or local ordinance requires that it be covered in those circumstances.

(c) Vehicles transporting wastepaper, waste cardboard, or used cans or bottles, are in compliance with subdivision (a) if appropriate binders including, but not limited to, bands, wires, straps, or netting are used to prevent the load, or any part of the load, from spilling or falling from the vehicle.

(d) This section does not apply to any vehicle engaged in transporting wet waste fruit or vegetable matter, or waste products to or from a food processing establishment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

