

**Representative Lee B. Perry** proposes the following substitute bill:

**MOTOR VEHICLE EMISSIONS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends the Traffic Code.

**Highlighted Provisions:**

This bill:

- ▶ amends the penalty for violation of motor vehicle visible emissions limits; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6a-1626**, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

Section 1. Section **41-6a-1626** is amended to read:

**41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution control devices.**



26 (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or  
 27 unusual noise.

28 (b) A motor vehicle shall be equipped with a muffler or other effective noise  
 29 suppressing system in good working order and in constant operation.

30 (c) A person may not use a muffler cut-out, bypass, or similar device on a vehicle.

31 (2) (a) Except while the engine is being warmed to the recommended operating  
 32 temperature, the engine and power mechanism of a ~~[(i)]~~ gasoline-powered motor vehicle may  
 33 not emit visible contaminants during operation~~[:];~~.

34 ~~[(ii) diesel engine manufactured on or after January 1, 1973, may not emit visible  
 35 contaminants of a shade or density darker than 20% opacity, and]~~

36 ~~[(iii) diesel engine manufactured before January 1, 1973, may not emit visible  
 37 contaminants of a shade or density darker than 40% opacity.]~~

38 ~~[(b) A person who violates the provisions of Subsection (2)(a) is guilty of a class C  
 39 misdemeanor.]~~

40 (b) (i) A diesel engine manufactured on or after January 1, 2008, may not emit visible  
 41 contaminants during operation:

42 (A) except while the engine is being warmed to the recommended operating  
 43 temperature ~~Ŝ~~ → **or under a heavy tow** ← ~~Ŝ~~ ; or

44 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
 45 rating in excess of 26,000 pounds.

46 (ii) A diesel engine manufactured before January 1, 2008, may not emit visible  
 47 contaminants of a shade or density that obscures a contrasting background by more than 20%,  
 48 for more than five consecutive seconds:

49 (A) except while the engine is being warmed to the recommended operating  
 50 temperature ~~Ŝ~~ → **or under a heavy tow** ← ~~Ŝ~~ ; or

51 (B) unless the diesel engine is in a vehicle with a manufacturer's gross vehicle weight  
 52 rating in excess of 26,000 pounds.

53 (c) A violation of Subsection (2)(a) or (b) is a:

54 (i) class C misdemeanor on the first offense; and

55 (ii) class B misdemeanor on the second or subsequent offense.

56 (3) (a) ~~[A]~~ If a motor vehicle is equipped by a manufacturer with air pollution control

57 devices [~~shall maintain~~], the devices shall be maintained in good working order and in constant  
58 operation.

59 (b) For purposes of the first sale of a vehicle at retail, an air pollution control device  
60 may be substituted for the manufacturer's original device if the substituted device is at least as  
61 effective in the reduction of emissions from the vehicle motor as the air pollution control  
62 device furnished by the manufacturer of the vehicle as standard equipment for the same vehicle  
63 class.

64 (c) A person who renders inoperable an air pollution control device on a motor vehicle  
65 is guilty of a class B misdemeanor.

66 (4) Subsection (3) does not apply to a motor vehicle altered and modified to use clean  
67 fuel, as defined under Section [59-13-102](#), when the emissions from the modified or altered  
68 motor vehicle are at levels that comply with existing state or federal standards for the emission  
69 of pollutants from a motor vehicle of the same class.