

**MOTOR VEHICLE EMISSIONS**

2015 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to motor vehicle emissions.

**Highlighted Provisions:**

This bill:

- ▶ amends the penalty for violating the motor vehicle visible emissions limits; and
- ▶ makes technical corrections.

**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.**

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

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

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

(2) (a) Except while the engine is being warmed to the recommended operating temperature, the engine and power mechanism of a:

(i) gasoline-powered motor vehicle may not emit visible contaminants during operation;

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

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

37 (b) A person who violates the provisions of Subsection (2)(a) is guilty of:

38 (i) a class C misdemeanor[-] for a first offense; or

39 (ii) a class B misdemeanor for a second or subsequent offense.

40 (3) (a) [~~A~~] If a motor vehicle is equipped by a manufacturer with air pollution control  
41 devices [~~shall maintain~~], the devices shall be maintained in good working order and in constant  
42 operation.

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

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

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