

**MOTOR VEHICLE EMISSIONS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: \_\_\_\_\_

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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.**

(1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or 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 ~~Ĥ~~ → [; :  
 33 ~~——(i) ←Ĥ~~ gasoline-powered motor vehicle may not emit visible contaminants during  
 34 operation ~~Ĥ~~ → [; ] .

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

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

38a (b)(i) Except while the engine is being warmed to the recommended operating  
 38b temperature, a diesel engine manufactured on or after January 1, 2008, may not emit visible  
 38c contaminants during operation.

38d (ii) Except while the engine is being warmed to the recommended operating  
 38e temperature, or under a heavy tow load, a diesel engine manufactured before January 1, 2008,  
 38f may not emit visible contaminants of a shade or density that obscures a contrasting  
 38g background by more than 20%, for more than five consecutive seconds. ←Ĥ

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

41 (b) Violation of Subsection (2)(a) is a:

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

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

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

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

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

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

**Legislative Review Note**  
as of 1-20-14 10:21 AM

**Office of Legislative Research and General Counsel**