

1 **MOTOR VEHICLE EMISSIONS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lee B. Perry**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Traffic Code.

10 **Highlighted Provisions:**

11 This bill:

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

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **41-6a-1626**, as renumbered and amended by Laws of Utah 2005, Chapter 2

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

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

24 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**
25 **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:

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

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.

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