

## HB0271S01 compared with HB0271

~~deleted text~~ shows text that was in HB0271 but was deleted in HB0271S01.

inserted text shows text that was not in HB0271 but was inserted into HB0271S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: \_\_\_\_\_

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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:

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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 ~~gasoline-powered motor vehicle~~ gasoline-powered motor vehicle may not emit visible contaminants during operation ~~;~~.

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

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

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

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

(A) except while the engine is being warmed to the recommended operating temperature; or

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

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

(A) except while the engine is being warmed to the recommended operating

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temperature; or

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

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

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

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

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

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

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

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

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### Legislative Review Note

~~as of 1-20-14 10:21 AM~~

~~Office of Legislative Research and General Counsel~~