

Representative Lee B. Perry proposes the following substitute bill:

MOTOR VEHICLE EMISSIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions relating to motor vehicle emissions.

Highlighted Provisions:

This bill:

- ▶ amends the visible contaminant emission standards for certain diesel engines;
- ▶ 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

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



26 **control devices.**

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

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

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

32 (2) (a) Except while the engine is being warmed to the recommended operating
33 temperature, the engine and power mechanism of a~~[-(i)]~~ gasoline-powered motor vehicle may
34 not emit visible contaminants during 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) (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the
40 vehicle's maximum tow weight.

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

43 (A) except while the engine is being warmed to the recommended operating
44 temperature or under a heavy tow; or

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

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

50 (A) except while the engine is being warmed to the recommended operating
51 temperature or under a heavy tow; or

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

54 ~~[(b)]~~ (c) A person who violates the provisions of Subsection (2)(a) is guilty of a class C
55 misdemeanor and shall be fined:

56 (i) not less than \$50 for a violation; or

57 (ii) not less than \$100 for a second or subsequent violation within three years of a
58 previous violation of this section.

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

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

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

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