

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

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

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

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

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

99 (c) A person who violates the provisions of Subsection (2)(a) is guilty of an infraction
100 and shall be fined:

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

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

104 (d) A person who violates the provisions of Subsection (2)(b) is guilty of an infraction
105 and shall be fined:

106 (i) not less than \$100 for a violation; or

107 (ii) not less than ~~\$~~→ ~~[\$500]~~ \$250 ←~~\$~~ for a second or subsequent violation within three
107a years of a
108 previous violation of this section.

109 (e) (i) As used in this section:

110 (A) "Local health department" means the same as that term is defined in Section
111 26A-1-102.

112 (B) "Nonattainment area" means the same as that term is defined in Section
113 63N-3-102.

114 (ii) Within a nonattainment area, for all violations of Subsection (2)(a) or (2)(b), the
115 law enforcement agency shall report the violations to the local health department at a regular
116 interval.

117 (iii) (A) If the local health department receives notification as described in Subsection
118 (2)(e)(ii), the local health department may send notification to the Motor Vehicle Division that