

741 41-6a-1120, or a device used exclusively on stationary rails or tracks.

742 Section 4. Section **41-6a-1626** is amended to read:

743 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**
744 **control devices.**

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

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

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

750 (2) (a) [~~Except while the engine is being warmed to the recommended operating~~
751 ~~temperature, the~~] The engine and power mechanism of a gasoline-powered ~~H→~~ [or diesel-powered]
751a ~~←H~~

752 motor vehicle may not emit visible contaminants during operation[:] unless:

753 (i) the engine of the motor vehicle is being warmed to the recommended operating
754 temperature; or

755 (ii) the motor vehicle is exempt from an emissions inspection under Section
756 41-6a-1642 ~~H→~~ [or 41-6a-1644] ~~←H~~ .

757 (b) (i) As used in this Subsection (2)(b), "heavy tow" means a tow that exceeds the
758 vehicle's maximum tow weight.

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

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

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

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

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

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