

Representative Angela Romero proposes the following substitute bill:

MOTOR VEHICLE EMISSIONS AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill amends provisions related to violations of motor vehicle emission standards.

Highlighted Provisions:

This bill:

- ▶ amends the penalties for a vehicle that violates the emission standards;
- ▶ prohibits the distraction or endangerment of a vulnerable highway user by emission of excessive exhaust;
- ▶ requires the court to report repeat offenders of emission standards to the local health department in certain circumstances;
- ▶ requires the local health department to report repeat offenders of emission standards to the Motor Vehicle Division in certain circumstances; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 [41-1a-110](#), as last amended by Laws of Utah 2015, Chapter 304

27 [41-6a-706.5](#), as last amended by Laws of Utah 2015, Chapter 412

28 [41-6a-1626](#), as last amended by Laws of Utah 2016, Chapter 303

29

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

31 Section 1. Section [41-1a-110](#) is amended to read:

32 **[41-1a-110. Authority of division to suspend or revoke registration, certificate of](#)**
33 **[title, license plate, or permit.](#)**

34 (1) Except as provided in Subsections (3) and (4), the division may suspend or revoke
35 a registration, certificate of title, license plate, or permit if:

36 (a) the division is satisfied that a registration, certificate of title, license plate, or permit
37 was fraudulently procured or erroneously issued;

38 (b) the division determines that a registered vehicle is mechanically unfit or unsafe to
39 be operated or moved upon the highways;

40 (c) a registered vehicle has been dismantled;

41 (d) the division determines that the required fee has not been paid and the fee is not
42 paid upon reasonable notice and demand;

43 (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle
44 other than the one for which issued;

45 (f) the division determines that the owner has committed any offense under this chapter
46 involving the registration, certificate of title, registration card, license plate, registration decal,
47 or permit; or

48 (g) the division receives notification by the Department of Transportation that the
49 owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

50 (2) (a) The division shall revoke the registration of a vehicle if the division receives
51 notification by the:

52 (i) Department of Public Safety that a person:

53 (A) has been convicted of operating a registered motor vehicle in violation of Section
54 [41-12a-301](#) or [41-12a-303.2](#); or

55 (B) is under an administrative action taken by the Department of Public Safety for
56 operating a registered motor vehicle in violation of Section [41-12a-301](#); or

- 57 (ii) designated agent that the owner of a motor vehicle:
- 58 (A) has failed to provide satisfactory proof of owner's or operator's security to the
- 59 designated agent after the second notice provided under Section 41-12a-804; or
- 60 (B) provided a false or fraudulent statement to the designated agent.
- 61 (b) The division shall notify the Driver License Division if the division revokes the
- 62 registration of a vehicle under Subsection (2)(a)(ii)(A).
- 63 (3) The division may not suspend or revoke the registration of a vessel or outboard
- 64 motor unless authorized under Section 73-18-7.3.
- 65 (4) The division may not suspend or revoke the registration of an off-highway vehicle
- 66 unless authorized under Section 41-22-17.
- 67 (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220,
- 68 if the registration is revoked under Subsection (1)(f).
- 69 (6) Except as provided in Subsections (3), (4), and (7), the division may suspend or
- 70 revoke a registered vehicle's registration if the division is notified by a local health department,
- 71 as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or local air
- 72 emissions standards or violates Subsection 41-6a-1626(2)(a) or (b).
- 73 (7) The division may not suspend or revoke a registered vehicle's registration under
- 74 Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating that is
- 75 greater than 26,000 pounds.

76 Section 2. Section 41-6a-706.5 is amended to read:

77 **41-6a-706.5. Definitions -- Operation of motor vehicle near a vulnerable user of a**
78 **highway prohibited -- Endangering a vulnerable user of a highway prohibited.**

- 79 (1) As used in this section, "vulnerable user of a highway" means:
- 80 (a) a pedestrian, including a person engaged in work upon a highway or upon utilities
- 81 facilities along a highway or providing emergency services within the right-of-way of a
- 82 highway;
- 83 (b) a person riding an animal; or
- 84 (c) a person operating any of the following on a highway:
- 85 (i) a farm tractor or implement of husbandry, without an enclosed shell;
- 86 (ii) a skateboard;
- 87 (iii) roller skates;

- 88 (iv) in-line skates;
- 89 (v) a bicycle;
- 90 (vi) an electric-assisted bicycle;
- 91 (vii) an electric personal assistive mobility device;
- 92 (viii) a moped;
- 93 (ix) a motor-driven cycle;
- 94 (x) a motorized scooter;
- 95 (xi) a motorcycle; or
- 96 (xii) a manual wheelchair.

97 (2) An operator of a motor vehicle may not knowingly, intentionally, or recklessly:

- 98 (a) operate a motor vehicle within three feet of a vulnerable user of a highway;
- 99 (b) distract or attempt to distract a vulnerable user of a highway for the purpose of
- 100 causing violence or injury to the vulnerable user of a highway; [~~or~~]
- 101 (c) force or attempt to force a vulnerable user of a highway off of the roadway for a
- 102 purpose unrelated to public safety[-]; or
- 103 (d) cause a motor vehicle to emit an excessive amount of exhaust in a manner that
- 104 distracts or endangers a vulnerable user of a highway.

105 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is an

106 infraction.

107 (b) A violation of Subsection (2) that results in bodily injury to the vulnerable user of a

108 highway is a class C misdemeanor.

109 Section 3. Section **41-6a-1626** is amended to read:

110 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**

111 **control devices.**

112 (1) (a) A vehicle shall be equipped, maintained, and operated to prevent excessive or

113 unusual noise.

114 (b) A motor vehicle shall be equipped with a muffler or other effective noise

115 suppressing system in good working order and in constant operation.

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

117 (2) (a) Except while the engine is being warmed to the recommended operating

118 temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not

119 emit visible contaminants during operation.

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

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

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

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

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

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

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

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

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

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

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

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

143 (ii) not less than \$500 for a second or subsequent violation within three years of a
144 previous violation of this section.

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

146 (A) "Local health department" means the same as that term is defined in Section
147 26A-1-102.

148 (B) "Nonattainment area" means the same as that term is defined in Section
149 63N-3-102.

150 (ii) Within a nonattainment area, for a second or subsequent violation of Subsection
151 (2)(a) or (2)(b), the court shall report the violations to the local health department at a regular
152 interval.

153 (iii) If the local health department receives a notification as described in Subsection
154 (2)(e)(ii), and the local health department determines that the registered vehicle is unable to
155 meet state or local air emission standards, the local health department shall send notification to
156 the Motor Vehicle Division.

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

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

164 (c) A person who renders inoperable an air pollution control device on a motor vehicle
165 is guilty of an infraction.

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

170 (5) A violation of Subsection (1), (2), or (3) is an infraction.