

**Representative Angela Romero** proposes the following substitute bill:

**MOTOR VEHICLE EMISSIONS AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Angela Romero**

Senate Sponsor: \_\_\_\_\_

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**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;
- ▶ requires a law enforcement agency to report repeat offenders of emission standards to the local health department;
- ▶ requires the local health department to report repeat offenders of emission standards to the Motor Vehicle Division; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-1a-110**, as last amended by Laws of Utah 2015, Chapter 304

**41-6a-1626**, as last amended by Laws of Utah 2016, Chapter 303



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

Section 1. Section **41-1a-110** is amended to read:

**41-1a-110. Authority of division to suspend or revoke registration, certificate of title, license plate, or permit.**

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

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

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

(c) a registered vehicle has been dismantled;

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

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

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

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

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

(i) Department of Public Safety that a person:

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

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

(ii) designated agent that the owner of a motor vehicle:

(A) has failed to provide satisfactory proof of owner's or operator's security to the designated agent after the second notice provided under Section [41-12a-804](#); or

57 (B) provided a false or fraudulent statement to the designated agent.

58 (b) The division shall notify the Driver License Division if the division revokes the  
59 registration of a vehicle under Subsection (2)(a)(ii)(A).

60 (3) The division may not suspend or revoke the registration of a vessel or outboard  
61 motor unless authorized under Section 73-18-7.3.

62 (4) The division may not suspend or revoke the registration of an off-highway vehicle  
63 unless authorized under Section 41-22-17.

64 (5) The division shall charge a registration reinstatement fee under Section 41-1a-1220,  
65 if the registration is revoked under Subsection (1)(f).

66 (6) Except as provided in Subsections (3), (4), and (7), the division may suspend or  
67 revoke a registered vehicle's registration if the division is notified by a local health department,  
68 as defined in Section 26A-1-102, that the registered vehicle is unable to meet state or local air  
69 emissions standards or violates Subsection 41-6a-1626(2)(a) or (b).

70 (7) The division may not suspend or revoke a registered vehicle's registration under  
71 Subsection (6) if the registered vehicle has a manufacturer's gross vehicle weight rating that is  
72 greater than 26,000 pounds.

73 Section 2. Section 41-6a-1626 is amended to read:

74 **41-6a-1626. Mufflers -- Prevention of noise, smoke, and fumes -- Air pollution**  
75 **control devices.**

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

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

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

81 (2) (a) Except while the engine is being warmed to the recommended operating  
82 temperature, the engine and power mechanism of a gasoline-powered motor vehicle may not  
83 emit visible contaminants during operation.

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

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

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 for a second or subsequent violation within three 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

119 the registered vehicle is unable to meet state or local air emission standards.

120 (B) If the report described in Subsection (2)(e)(ii) includes a notification of a second or  
121 subsequent violation for a certain motor vehicle, the local health department shall report to the  
122 Motor Vehicle Division that the vehicle is unable to meet state or local air emission standards.

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

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

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

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

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