

SENATE BILL NO. 397

INTRODUCED BY C. KAUFMANN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE OPERATION ON STATE HIGHWAYS OF CERTAIN DIESEL-POWERED VEHICLES RETROFITTED TO ENHANCE THE VEHICLE'S CAPACITY TO EMIT SOOT, SMOKE, OR OTHER PARTICULATE EMISSIONS; AMENDING SECTION 61-9-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-403, MCA, is amended to read:

"61-9-403. Mufflers -- prevention of noise or excessive exhaust. (1) Every motor vehicle ~~shall~~ must at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, ~~and no,~~

(2) A person shall may not:

(a) use a muffler cutout, bypass, or similar device ~~upon~~ on a motor vehicle operating on a highway; or

(b) operate on a highway a diesel-powered vehicle registered in this state that is retrofitted with a device, a smokestack, or other equipment that enhances the vehicle's capacity to emit soot, smoke, or other particulate emissions or that purposely releases significant quantities of soot, smoke, or other particulate emissions into the air or onto a highway, another vehicle, bicyclists, pedestrians, or others.

~~(2)(3)~~ (3) The engine and power mechanism of every motor vehicle ~~shall be so~~ must be equipped and adjusted ~~as~~ to prevent the escape of excessive fumes or smoke."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

- END -