

HOUSE BILL NO. 237

INTRODUCED BY BRUEGGEMAN, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A MOTOR VEHICLE EQUIPPED WITH AN ENGINE COMPRESSION BRAKE DEVICE TO HAVE A MUFFLER; ALLOWING USE OF AN ENGINE COMPRESSION BRAKE DEVICE EQUIPPED WITH A MUFFLER; AND PROVIDING A PENALTY; AND PROVIDING A DELAYED APPLICABILITY DATE."

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

NEW SECTION. Section 1. Engine compression brake device -- USE. (1) A COMMERCIAL motor vehicle, AS DEFINED IN 61-1-134, equipped with an engine compression brake device must be equipped with a muffler in good working condition to prevent excessive noise.

(2) AN OPERATOR OF A COMMERCIAL MOTOR VEHICLE THAT HAS AN ENGINE COMPRESSION BRAKE DEVICE WITH A FACTORY-INSTALLED MUFFLER OR AN EQUIVALENT AFTER-MARKET MUFFLER MAY NOT BE PROHIBITED FROM USING THE ENGINE COMPRESSION BRAKE DEVICE.

NEW SECTION. Section 2. Violation of engine compression brake device provisions. A person who violates the provisions of [section 1] is guilty of a misdemeanor and upon conviction shall be fined not to exceed \$500.

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 61, chapter 9, part 3, and the provisions of Title 61, chapter 9, part 3, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 9, part 5, and the provisions of Title 61, chapter 9, part 5, apply to [section 2].

NEW SECTION. SECTION 4. APPLICABILITY. [SECTION 2] APPLIES TO VIOLATIONS OCCURRING ON OR AFTER APRIL 1, 2004.

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