

SENATE BILL NO. 397

INTRODUCED BY C. KAUFMANN

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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 OF LESS THAN 26,000 POUNDS GVW 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~~ AND 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.

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