

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0343.01 Jery Payne x2157

HOUSE BILL 25-1039

HOUSE SPONSORSHIP

Titone and Smith,

SENATE SPONSORSHIP

Roberts and Catlin,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MUFFLER REQUIREMENTS FOR COMMERCIAL VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires a commercial vehicle to have a muffler if the commercial vehicle is equipped with an engine brake. The bill requires all commercial vehicles to have a muffler. The muffler must be located so that it may be visually inspected to ensure it is present, intact, and functioning properly; except that a muffler need not be visible for inspection if certain documentation is present in the commercial vehicle and available for inspection by a peace officer. Standards are set for the necessary documentation. The fine for a violation is increased from \$500

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

to \$1,000, and the commercial vehicle may not be registered for one year unless the owner or operator shows compliance. The fine is not imposed if the owner or operator can show that a muffler was installed before the citation was issued and that the muffler complied with the manufacturing noise standards for the model year of the commercial vehicle. The fine is decreased by 50% if a muffler is installed within 30 days after the citation is written.

State agencies must include language in construction contracts stating that a contractor's or subcontractor's commercial vehicle that enters a public project site is required to comply with the bill.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-4-225, **amend**
3 (1.5) and (3) as follows:

4 **42-4-225. Mufflers - prevention of noise - penalty - definition.**

5 (1.5) (a) AS USED IN THIS SUBSECTION (1.5), "COMMERCIAL VEHICLE" HAS
6 THE MEANING SET FORTH IN SECTION 42-4-235 (1)(a).

7 (b) ~~Any~~ A PERSON SHALL NOT OPERATE A commercial vehicle as
8 ~~defined in section 42-4-235 (1)(a); subject to registration and operated on~~
9 ~~a highway, that is equipped with an engine compression brake device is~~
10 ~~required to have~~ WITHOUT a muffler. THE MUFFLER MUST BE LOCATED ON
11 THE COMMERCIAL VEHICLE IN A MANNER THAT ALLOWS THE MUFFLER TO
12 BE VISUALLY INSPECTED TO ENSURE IT IS PRESENT, INTACT, AND
13 FUNCTIONING PROPERLY UNLESS SUBSECTION (1.5)(c) OF THIS SECTION
14 APPLIES.

15 (c) THE COMMERCIAL VEHICLE NEED NOT HAVE A MUFFLER THAT
16 IS VISIBLE FOR INSPECTION AS REQUIRED IN SUBSECTION (1.5)(b) OF THIS
17 SECTION IF THE FOLLOWING DOCUMENTATION IS WITHIN THE VEHICLE AND
18 AVAILABLE FOR INSPECTION BY A PEACE OFFICER:

19 (I) EVIDENCE THAT THE COMMERCIAL VEHICLE HAS HAD A
20 MUFFLER INSTALLED THAT, WHEN INSTALLED, COMPLIED WITH THE

1 MANUFACTURING NOISE STANDARDS FOR THE MODEL YEAR OF THAT
2 VEHICLE AS ADOPTED BY THE FEDERAL ENVIRONMENTAL PROTECTION
3 AGENCY;

4 (II) THE VEHICLE IDENTIFICATION NUMBER OF THE COMMERCIAL
5 VEHICLE ON WHICH THE MUFFLER WAS INSTALLED; AND

6 (III) DOCUMENTATION THAT CONTAINS THE FOLLOWING FOR THE
7 MUFFLER DESCRIBED IN SUBSECTION (1.5)(c)(I) OF THIS SECTION:

8 (A) THE DATE OF PURCHASE;

9 (B) THE MAKE AND MODEL; AND

10 (C) THE NAME OF THE BUSINESS THAT SOLD AND INSTALLED THE
11 MUFFLER.

12 (3) (a) ~~Any~~ A person ~~who~~ THAT violates subsection (1) of this
13 section commits a class B traffic infraction.

14 (b) (I) ~~Any~~ A person ~~who~~ THAT violates subsection (1.5) of this
15 section shall, upon conviction, be punished by a fine of ~~five hundred~~ ONE
16 THOUSAND dollars. Fifty percent of any fine for a violation of subsection
17 (1.5) of this section occurring within the corporate limits of a city or
18 town, or within the unincorporated area of a county, shall be transmitted
19 to the treasurer or chief financial officer of ~~said~~ THE city, town, or county,
20 and the remaining fifty percent shall be transmitted to the state treasurer,
21 credited to the highway users tax fund, and allocated and expended as
22 specified in section 43-4-205 (5.5)(a). ~~C.R.S.~~ A COURT SHALL NOT IMPOSE
23 THE FINE IF THE OWNER OR OPERATOR PROVIDES THE DOCUMENTATION
24 DESCRIBED IN SUBSECTION (1.5)(c) OF THIS SECTION DEMONSTRATING
25 THAT A MUFFLER WAS IN PLACE PRIOR TO THE CITATION. A COURT SHALL
26 REDUCE THE FINE BY FIFTY PERCENT IF THE OWNER OR OPERATOR OF THE
27 COMMERCIAL VEHICLE PROVIDES PROOF THAT AN APPROPRIATE MUFFLER

1 WAS INSTALLED WITHIN THIRTY DAYS AFTER THE CITATION WAS ISSUED.

2 (II) THE DEPARTMENT SHALL NOT REGISTER A COMMERCIAL
3 VEHICLE THAT WAS NOT IN COMPLIANCE WITH SUBSECTION (1.5) OF THIS
4 SECTION IF THE OWNER OR OPERATOR HAS BEEN CONVICTED OF VIOLATING
5 SUBSECTION (1.5) OF THIS SECTION IN THE PRIOR TWELVE MONTHS WITH
6 RESPECT TO THE COMMERCIAL VEHICLE UNLESS THE OWNER OR OPERATOR
7 HAS PRESENTED PROOF, ACCEPTABLE TO THE DEPARTMENT, THAT THE
8 COMMERCIAL VEHICLE COMPLIES WITH THIS SECTION.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 24-93-111 as
10 follows:

11 **24-93-111. Muffler requirements.** AN AGENCY SHALL INCLUDE
12 LANGUAGE IN EVERY CONSTRUCTION CONTRACT STATING THAT EACH
13 CONTRACTOR'S OR SUBCONTRACTOR'S COMMERCIAL VEHICLE THAT
14 ENTERS THE SITE OF A PUBLIC PROJECT MUST COMPLY WITH SECTION
15 42-4-225.

16 **SECTION 3. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly; except that, if a referendum petition is filed pursuant
20 to section 1 (3) of article V of the state constitution against this act or an
21 item, section, or part of this act within such period, then the act, item,
22 section, or part will not take effect unless approved by the people at the
23 general election to be held in November 2026 and, in such case, will take
24 effect on the date of the official declaration of the vote thereon by the
25 governor.

26 (2) This act applies to offenses committed on or after the
27 applicable effective date of this act.