

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 25-1039

BY REPRESENTATIVE(S) Titone and Smith, Lukens, McCormick, Valdez, McCluskie;
also SENATOR(S) Roberts and Catlin.

CONCERNING MUFFLER REQUIREMENTS FOR COMMERCIAL VEHICLES.

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

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

42-4-225. Mufflers - prevention of noise - penalty - definition.
(1.5) (a) AS USED IN THIS SUBSECTION (1.5), "COMMERCIAL VEHICLE" HAS THE MEANING SET FORTH IN SECTION 42-4-235 (1)(a).

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(I) EVIDENCE THAT THE COMMERCIAL VEHICLE HAS HAD A MUFFLER INSTALLED THAT, WHEN INSTALLED, COMPLIED WITH THE MANUFACTURING NOISE STANDARDS FOR THE MODEL YEAR OF THAT VEHICLE AS ADOPTED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY;

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

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

(A) THE DATE OF PURCHASE;

(B) THE MAKE AND MODEL; AND

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

(d) THIS SUBSECTION (1.5):

(I) APPLIES ONLY TO A COMMERCIAL VEHICLE THAT IS POWERED BY AN INTERNAL COMBUSTION ENGINE; AND

(II) DOES NOT APPLY TO A FARM VEHICLE.

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

(b) ~~Any~~ A person ~~who~~ THAT violates subsection (1.5) of this section shall, upon conviction, be punished by a fine of ~~five hundred~~ ONE THOUSAND dollars. Fifty percent of any fine for a violation of subsection (1.5) of this section occurring within the corporate limits of a city or town, or within the unincorporated area of a county, shall be transmitted to the treasurer or chief financial officer of ~~said~~ THE city, town, or county, and the

remaining fifty percent shall be transmitted to the state treasurer, credited to the highway users tax fund, and allocated and expended as specified in section 43-4-205 (5.5)(a). ~~C.R.S.~~ A COURT SHALL NOT IMPOSE THE FINE IF THE OWNER OR OPERATOR PROVIDES THE DOCUMENTATION DESCRIBED IN SUBSECTION (1.5)(c) OF THIS SECTION DEMONSTRATING THAT A MUFFLER WAS IN PLACE PRIOR TO THE CITATION. A COURT SHALL REDUCE THE FINE BY FIFTY PERCENT IF THE OWNER OR OPERATOR OF THE COMMERCIAL VEHICLE PROVIDES PROOF THAT AN APPROPRIATE MUFFLER WAS INSTALLED WITHIN THIRTY DAYS AFTER THE CITATION WAS ISSUED.

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

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

SECTION 3. Act subject to petition - effective date - applicability. (1) This act takes effect July 1, 2027; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect July 1, 2027, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO