

IN THE SENATE

SENATE BILL NO. 1130

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 49-675, IDAHO CODE, TO PROHIBIT THE RELEASE OF  
3 EMISSIONS UNDER CERTAIN CONDITIONS, TO PROHIBIT CERTAIN MODIFICATION  
4 OF DIESEL-POWERED VEHICLES, TO DEFINE TERMS AND TO PROVIDE FOR VIOLA-  
5 TIONS AND PENALTIES; AND AMENDING SECTION 49-236, IDAHO CODE, TO PRO-  
6 VIDE FOR VIOLATIONS AND PENALTIES.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Chapter 6, Title 49, Idaho Code, be, and the same is  
10 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
11 ignated as Section 49-675, Idaho Code, and to read as follows:

12 49-675. PROHIBITION AGAINST THE RELEASE OF EMISSIONS UNDER CERTAIN  
13 CONDITIONS -- PROHIBITION AGAINST CERTAIN MODIFICATION OF DIESEL-POWERED  
14 VEHICLES. (1) No person shall purposely release significant quantities of  
15 soot, smoke or other particulate emissions into the air and onto roadways,  
16 other vehicles, bicyclists, pedestrians or others, a practice commonly  
17 referred to as "coal rolling" or "rolling coal," while operating a moving  
18 vehicle. A violation of the provisions of this subsection is a misdemeanor.

19 (2) No person shall purposely release significant quantities of soot,  
20 smoke or other particulate emissions into the air and onto roadways, other  
21 vehicles, bicyclists, pedestrians or others, a practice commonly referred  
22 to as "coal rolling" or "rolling coal," while operating a vehicle stopped at  
23 a traffic control device. A violation of the provisions of this subsection  
24 is an infraction.

25 (3) No diesel-powered vehicle owner or operator shall modify the vehi-  
26 cle with any device, smoke stack or other equipment that enhances the vehi-  
27 cle's capacity for "coal rolling" or "rolling coal" by the release of signif-  
28 icant quantities of soot, smoke or other particulate emissions. A violation  
29 of the provisions of this subsection is an infraction, and in the event of  
30 a continuing violation, each day that the violation continues constitutes a  
31 separate and distinct offense.

32 (4) "Coal rolling" or "rolling coal" includes, but is not limited to,  
33 any modification of the manufacturer's emission control of a diesel-powered  
34 vehicle, or operating a diesel-powered vehicle in such a manner, that pro-  
35 duces particulates in excess of particulates produced under normal opera-  
36 tion of an unaltered vehicle meeting federal emission requirements.

37 (5) Any person who violates any provision of this section shall be sub-  
38 ject to the penalties established pursuant to section 49-236, Idaho Code.

39 SECTION 2. That Section 49-236, Idaho Code, be, and the same is hereby  
40 amended to read as follows:

1           49-236. PENALTIES. (1) It is a misdemeanor for any person to violate  
2 any of the provisions of this title, except the provisions of chapter 3,  
3 other than sections 49-301, 49-316, 49-331 and 49-332, Idaho Code, chapter 4  
4 and chapters 6 through 9 of this title, other than section 49-675(1), Idaho  
5 Code, unless otherwise specifically provided.

6           (2) It is an infraction for any person to violate any of the provisions  
7 of chapters 3, 4 and 6 through 9 of this title, including section 49-675(2)  
8 and (3), Idaho Code, unless otherwise specifically provided.

9           (3) Any offense punishable by imprisonment in the state penitentiary is  
10 a felony.

11           (4) Punishments shall be as provided in sections 18-111, 18-112, 18-113  
12 and 18-113A, Idaho Code, unless otherwise specifically provided.

13           (5) Whenever a person is arrested for any violation of the provisions of  
14 this title declared to be a felony, he shall be dealt with in like manner as  
15 upon arrest for the commission of any other felony.

16           (6) It is an infraction punishable by a fine of seventy-five dollars  
17 (\$75.00) for any person to violate the provisions of either section 49-1229,  
18 49-1232 or 49-1428, Idaho Code.