

HOUSE BILL 1233  
By Odom

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 8, Part 1, relative to trucks and  
semitrailers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, Part 1, is amended by  
adding a new section thereto, as follows:

Section 55-8-194.

(a) Any commercial vehicle, subject to registration and operated on a highway,  
that is equipped with an engine compression brake device is required to be equipped  
with a muffler in good working order for such brake device.

(b) The use of an engine compression brake device is prohibited in any urban  
area.

(c) For the purposes of this section:

(1) "Commercial vehicle" means any vehicle that is operated in the  
furtherance of any commercial enterprise;

(2) "Engine compression brake" means a device that converts a  
power-producing diesel engine into a power-absorbing air compressor,  
resulting in a net energy loss;

(3) "Urban area" means within the boundaries of the five (5) most  
populous metropolitan regions of the state; and

(4) "Unmuffled engine brake" means an engine brake that is not  
equipped with a muffler in good working order.

(d) The department of transportation shall adopt uniform standards for posting signs informing drivers that:

(1) The use of unmuffled engine braking is prohibited throughout the state;

(2) The use of any engine compression brake device is prohibited when entering an urban area; and

(3) A penalty up to five hundred dollars (\$500) may be assessed for violation of this section.

(e) It is not a violation of this section to use an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property.

(f) A violation of this section is a Class B misdemeanor, punishable by a fine only of up to five hundred dollars (\$500).

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.