

Chapter 62-244
Visible Emissions From Motor Vehicles

62-244.100 Purpose and Scope.

The Department of Environmental Protection adopts this chapter to establish procedures to determine compliance with those parts of Section 316.2935, F.S., which provide that no person shall operate on the public roads and streets of this state any gasoline-powered motor vehicle which emits visible emissions from the exhaust pipe for more than a continuous period of 5 seconds, and no person shall operate on the public roads or streets of this state any diesel-powered motor vehicle which emits visible emissions from the exhaust pipe for more than a continuous period of 5 seconds except during engine acceleration, engine lugging, or engine deceleration.

History: New 2-21-90.

62-244.100

	State Effective Date	Date Submitted to EPA	Federal Register Date	Federal Register Cite	Federal Effective Date
Original Reg	02/21/90	03/20/90	06/09/92	57 FR 24370	08/10/92

62-244.200 Definitions.

- (1) "Cruise mode" means a vehicle moving at a constant rate of speed as determined by a law enforcement officer during the period that visible emissions are observed.
- (2) "Idle mode" means a motor vehicle at rest with its engine running.
- (3) "Visible Emissions" means visible air contaminants, or smoke, from the exhaust pipe of a motor vehicle. Visible emissions do not include water vapor.

History: New 2-21-90.

62-244.200

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62-244.300 Exemptions.

The following motor vehicles are exempt from the provisions of this chapter:

- (1) Motorcycles, mopeds, and golf carts as defined in Section 320.01, F.S.
- (2) Farm vehicles, as defined in Section 320.51, F.S.
- (3) Motor vehicles which are owned by persons who have received hardship exemptions pursuant to Subsection 325.209(4), F.S.

History: New 2-21-90.

62-244.300

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62-244.400 Prohibitions.

- (1) No person shall operate on the public roads and streets of this state any non-exempt gasoline-powered motor vehicle which emits visible emissions from the exhaust pipe for more than a continuous period of 5 seconds.
- (2) No person shall operate on the public roads and streets of this state any non-exempt diesel-powered motor vehicle which emits visible emissions from the exhaust pipe for more than a continuous period of 5 seconds while in the cruise mode or the idle mode.

History: New 2-21-90.

62-244.400

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Original Reg	02/21/90	03/20/90	06/09/92	57 FR 24370	08/10/92

62-244.500 Enforcement.

- (1) Enforcement of this rule shall be the responsibility of any law enforcement officer of this state as defined in Section 112.531 F.S.
- (2) The determination of visible emissions for purposes of Rule 62-244.400, F.A.C., shall be made by visual observation. It shall be presumed that water vapor emissions are not visible once the engine has attained normal operating temperature.
- (3) Department of Environmental Protection employees are authorized to assist law enforcement officers in making determinations of visible emissions under this rule.

History: New 2-21-90.

62-244.500

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62-244.600 Penalties.

Any person who violates Rule 62-244.400, F.A.C., as determined pursuant to Rule 62-244.500, F.A.C., shall be charged with a noncriminal traffic infraction as provided in Section 316.2935, F.S.

History: New 2-21-90.

62-244.600

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