

“Rolling Coal” State Laws and Penalties

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July 9, 2025 | 2025-R-0088

Issue

What laws and penalties have other states enacted regarding rolling coal? Has Connecticut ever proposed penalizing rolling coal?

For the purposes of this report, “rolling coal” is generally considered to be any action of modifying a vehicle (often a diesel vehicle) to emit soot, smoke, or other particulate emissions or using a vehicle that releases those types of emissions onto roadways.

Summary

At least nine states penalize rolling coal: Colorado, Delaware, Georgia, Hawaii, Maine, Maryland, Michigan, New Jersey, and Utah. Penalties vary widely among the states (e.g., between \$10 and \$25 fines in Georgia, up to \$5,000 civil penalties in New Jersey, and a felony with the possibility of prison time in Michigan). This report summarizes these laws and penalties below.

Connecticut has several laws regulating vehicle emissions and related equipment but does not currently appear to penalize rolling coal. Legislators proposed specific penalties for rolling coal in 2017 ([SHB 6975](#)), but the bill, which was favorably voted on by the Environment and Judiciary committees, did not receive a vote in the House. Legislation was also proposed in 2019 ([HB 5871](#)) to make rolling coal a bias crime, but the Judiciary Committee took no action on the bill.

Relatedly, at the federal level, it is a violation of the federal Clean Air Act to manufacture, sell, or install a motor vehicle part that bypasses, defeats, or renders inoperative any emission control device ([42 U.S.C. § 7522\(a\)\(3\)\(B\)](#)). Violators are subject to a civil penalty up to \$2,500 ([42 U.S.C. § 7524\(a\)](#)).

Connecticut

2017 Legislative Proposal

As voted out of the Judiciary Committee, [SHB 6975](#) (File No. 714) (2017) would have prohibited anyone from operating a motor vehicle so as to emit soot, smoke, or other particulate emissions into the air and onto roadways, with the intent to (1) cause a reasonable person to feel harassed, annoyed, or alarmed; (2) block or obscure anyone's view of the roadway, other road users, or a traffic control device; or (3) create a hazard for a driver, bicyclist, or pedestrian.

The earlier version voted out of the Environment Committee (File No. 46) would have also prohibited the installation, on a motor vehicle, of any device or equipment, including a switch or button, intended to discharge visible smoke, soot, or other particulate emissions into the air and onto roads, other motor vehicles, bicyclists, or pedestrians.

Under both versions of the bill, a violation would have been punishable by a fine of up to \$1,000, imprisonment for up to 30 days, or both.

2019 Legislative Proposal

[HB 5871](#) (2019) would have made a person guilty of intimidation based on bigotry or bias in the 4th degree if he or she maliciously, and with specific intent to intimidate or harass another person because of the person's actual or perceived race, religion, ethnicity, disability, sexual orientation, or gender identity or expression, caused any object or substance, including, liquid, gas, or particulate matter, to come in physical contact with the other person. The bill would have made this crime a class A misdemeanor. (Class A misdemeanors are currently punishable by up to 364 days imprisonment, up to a \$2,000 fine, or both.)

Existing Vehicle Emissions and Equipment Laws

In Connecticut, state law prohibits anyone from removing, dismantling, or rendering inoperable a vehicle's air pollution control system. The Department of Motor Vehicles may revoke a violator's vehicle registration ([CGS § 14-164c\(a\)](#)).

State law also requires motor vehicle engines to be equipped and adjusted to prevent excessive fumes or exhaust smoke. Violators face a \$150 fine ([CGS § 14-80\(c\) & \(g\)](#)).

Connecticut environmental regulations also prohibit, with certain exceptions, gas-powered motor vehicles from discharging visible emissions for longer than five consecutive seconds and diesel-powered motor vehicles from emitting smoke exceeding certain opacity standards for more than 10

consecutive seconds ([Conn. Agencies Regs., § 22a-174-18\(b\)\(3\)](#)). A violation is generally subject to a civil penalty up to \$25,000 ([CGS § 22a-180](#)). However, anyone who knowingly or with criminal negligence violates the law may be punished by up to 364 days imprisonment, up to a \$25,000 fine per day, or both; and subsequent violations are punishable by up to two years imprisonment, up to a \$50,000 fine per day, or both ([CGS § 22a-175](#)).

Other States

Colorado

In Colorado, it is illegal for a person to knowingly release from a motor vehicle with a gross vehicle weight rating of 14,000 pounds or less soot, smoke, or other particulate emissions into the air and onto the roadway, other vehicles, bicyclists, or pedestrians to obstruct or obscure views or create a hazard. A violator commits a class A traffic infraction and is subject to a \$100 fine ([Colo. Rev. Stat. Ann. § 42-4-314](#)).

It is also a class A traffic infraction for a diesel-powered motor vehicle driver to cause or allow any visible air pollutant that creates an unreasonable nuisance or danger to the public health, safety, or welfare. First offenses are subject to a \$25 fine and subsequent offenses within one year of a conviction are subject to fines up to \$100 ([Colo. Rev. Stat. Ann. § 42-4-412](#)).

Additionally, it is illegal for a diesel-powered vehicle's owner or operator to cause or knowingly permit the vehicle's emission of visible air contaminants that exceed certain mandated levels. A violator is guilty of a misdemeanor traffic offense and subject to a \$100 fine ([Colo. Rev. Stat. Ann. § 42-4-413](#)).

Delaware

Delaware law generally prohibits anyone from (1) retrofitting a diesel-powered vehicle with any device, smoke stack, or equipment that increases the vehicle's capacity to emit soot, smoke, or other particulate emissions or (2) purposely releasing clearly visible quantities of soot, smoke, or other particulate emissions into the air and onto roadways and other vehicles. A violator is subject to a fine of up to \$500 per violation ([Del. Code Ann. tit. 21, § 4191B](#)).

Georgia

In Georgia, it is generally illegal for anyone to discharge visible emissions from diesel- or gas-powered vehicles on public roadways that decrease light transmission, whether from the crankcase, exhaust system, or any part of the power system, for periods greater than 10

continuous seconds or 1,000 feet. A violation results in a traffic misdemeanor and is subject to a fine between \$10 and \$25 ([Ga. Code Ann. §§ 40-8-181 & 40-8-183](#)).

Hawaii

Hawaii law generally makes it illegal to cause a diesel- or gas-powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or vehicle by modifying the vehicle to bypass pollution controls or turn off emission controls. A violator faces a fine of at least \$500 ([Haw. Rev. Stat. Ann. § 291-18](#)).

Maine

In Maine, the law prohibits a person from operating, or causing to have operated, a diesel-powered vehicle with a gross vehicle weight rating of under 18,000 pounds that emits visible smoke on a public roadway or parking area by altering the vehicle's air pollution control system. A violation is a traffic infraction subject to a fine up to \$100 ([Me. Rev. Stat. Ann. tit. 29-A, § 2113](#)).

Maryland

Maryland law generally makes it illegal to knowingly or intentionally cause a diesel-powered vehicle with a gross vehicle weight rating of under 10,000 pounds to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or vehicle ([Md. Code Ann., Transp. § 21-1131](#)). A violation is subject to a fine, which is currently assessed at \$70 according to this [list of fines for violating motor vehicle laws](#) (see page 65).

Michigan

In Michigan, a person is guilty of a felony if he or she owns, operates, or possesses a motor vehicle equipped (1) with a device for producing or emitting excessive smoke or (2) in any other way to produce or emit smoke or dangerous or annoying gases other than ordinary exhaust from normal operations of an internal combustion engine ([Mich. Comp. Laws Ann. § 750.420](#)). This felony is punishable by up to four years in prison, a fine up to \$5,000, or both ([Mich. Comp. Laws Ann. § 750.503](#)).

It is also a civil infraction for anyone who (1) installs, sells, or distributes a device for the purpose of causing flame or smoke to be emitted from a motor vehicle or (2) uses such a device on a highway ([Mich. Comp. Laws Ann. § 257.682a](#)). Violators are generally subject to a fine up to \$100 ([Mich. Comp. Laws Ann. § 257.907](#)).

New Jersey

New Jersey law makes it illegal to (1) retrofit a diesel-powered vehicle with a device, smoke stack, or other equipment that increases the vehicle's capacity to emit soot, smoke, or other particulate emissions or (2) purposely release significant quantities of soot, smoke, or other particulate emissions into the air and onto the roadway and other vehicles. A violator is subject to a civil penalty of up to \$5,000 per violation ([N.J. Stat. Ann. §§ 26:2C-8.57](#) & [26:2C-8.52](#)).

Utah

In Utah, it is illegal for a vehicle operator to knowingly, intentionally, or recklessly cause the vehicle to emit an excessive amount of exhaust that distracts or endangers a pedestrian, bicyclist, or other vulnerable user of a highway. A violation is generally an infraction. However, if the excessive exhaust results in bodily injury to a vulnerable user of a highway, the violation is a class C misdemeanor ([Utah Code Ann. § 41-6a-706.5](#)). An infraction is subject to a fine up to \$750 and a class C misdemeanor is punishable by up to 90 days imprisonment, up to a \$750 fine, or both ([Utah Code Ann. §§ 76-3-204](#) & [76-3-301](#)).

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