



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 9, 2011

The Honorable Phil Garrett
Palo Pinto County Attorney
Post Office Box 190
Palo Pinto, Texas 76484

Opinion No. GA-0873

Re: Whether there is an exception for diesel turbine engines to the requirement that all vehicles have a muffler (RQ-0949-GA)

Dear Mr. Garrett:

You ask whether motor vehicles equipped with a diesel turbine engine are excepted from the requirement that all vehicles have a muffler.¹

Section 547.604 of the Transportation Code provides, in relevant part:

(a) A motor vehicle shall be equipped with a muffler in good working condition that continually operates to prevent excessive or unusual noise.

TEX. TRANSP. CODE ANN. § 547.604 (West 1999). For purposes of subtitle C, title 6 of the Transportation Code, of which section 547.604 is a part, a “muffler” is defined to mean “a device that reduces noise using: (A) a mechanical design, including a series of chambers or baffle plates, to receive exhaust gas from an internal combustion engine; or (B) turbine wheels to receive exhaust gas from a diesel engine.” *Id.* § 541.203. Your request letter indicates that some have suggested that the second definition of “muffler” excludes a “diesel turbine engine” from the separate muffler requirement described by the first definition. Notwithstanding the type of noise reduction mechanism utilized by a specific muffler, section 547.604 requires that a vehicle have a device—specifically a “muffler”—that “reduces noise.”

Under section 547.604 of the Transportation Code, a motor vehicle is required to be equipped with a “muffler” and the statute directs that the term “muffler” may consist of either one of the following: “(A) a mechanical design, including a series of chambers or baffle plates, to receive exhaust gas from an internal combustion engine; or (B) turbine wheels to receive exhaust gas from

¹Letter from Honorable Phil Garrett, Palo Pinto County Attorney, to Chairperson, Opinion Committee, Attorney General of Texas at 1 (Mar. 3, 2011), https://www.oag.state.tx.us/opin/index_rq.shtml (“Request Letter”).

a diesel engine.” *See id.* § 547.604. As we have noted, your request letter indicates that some have contended that a “diesel turbine engine” is itself equivalent to “turbine wheels to receive exhaust gas from a diesel engine.” Whether a particular diesel turbine engine satisfies the statutory definition is a fact question that falls outside the purview of the opinion process. However, section 547.604 plainly requires that motor vehicles “have a device that reduces noise.” Accordingly, to satisfy this provision of the Transportation Code, motor vehicles must have a muffler that reduces noise.

S U M M A R Y

A motor vehicle must be equipped with a "muffler," which is defined in part as "a device that reduces noise." Accordingly, in order to meet the requirement of section 547.604 of the Transportation Code, a vehicle must be equipped with a muffler that reduces noise.

Very truly yours,


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