

STATE OF NEW YORK

471--B

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. MAGNARELLI, DE LA ROSA, DINOWITZ, COLTON, SIMON, VANEL, SEAWRIGHT -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to certain equipment violations and fines

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivisions 31 and 32 of section 375 of the vehicle and
2 traffic law, subdivision 31 as amended by chapter 337 of the laws of
3 1971, and subdivision 32 as amended by section 14 of part C of chapter
4 62 of the laws of 2003, are amended to read as follows:

5 31. Mufflers and exhaust systems. Prevention of noise. (a) Every
6 motor vehicle, operated or driven upon the highways of the state, shall
7 at all times be equipped with an adequate muffler and exhaust system in
8 constant operation and properly maintained to prevent any excessive or
9 unusual noise and no such muffler or exhaust system shall be equipped
10 with a cut-out, bypass, or similar device. No person shall modify the
11 muffler or exhaust system of a motor vehicle in a manner which will
12 amplify or increase the noise emitted by the motor or exhaust system of
13 such vehicle above that emitted by the muffler or exhaust system
14 originally installed on the vehicle and such original muffler and
15 exhaust system shall comply with all the requirements of this section.

16 (b) On and after June first, two thousand twenty-two, no person shall
17 manufacture, distribute, sell, or offer for sale a cut-out, bypass or
18 similar device for the muffler or exhaust system of a motor vehicle, or,
19 for compensation, equip or install a cut-out, bypass or similar device
20 on the muffler or exhaust system of a motor vehicle.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01833-06-1

1 A muffler is a device consisting of a series of chambers or baffle
2 plates, or other mechanical design for the purpose of receiving exhaust
3 gas from an internal combustion engine, and effective in reducing noise.

4 An exhaust system is a series of mechanical devices for the purpose of
5 receiving exhaust gas from an internal combustion engine and expelling
6 it into the atmosphere.

7 32. (a) The violation of any of the provisions of this section with
8 respect to adequate brakes except those relating to emergency or hand
9 brakes shall constitute a misdemeanor and the violation of any of the
10 other provisions of this section, including those relating to emergency
11 or hand brakes, shall be punishable by a fine not exceeding one hundred
12 fifty dollars or by imprisonment for not exceeding thirty days, or by
13 both such fine and imprisonment, except as herein otherwise provided.

14 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
15 sion, a violation of paragraph (b) of subdivision thirty-one of this
16 section shall be punishable by a fine of one thousand dollars or by
17 imprisonment for not exceeding thirty days, or by both such fine and
18 imprisonment.

19 § 2. Section 381 of the vehicle and traffic law is amended by adding a
20 new subdivision 11-a to read as follows:

21 11-a. On and after June first, two thousand twenty-two, it shall be
22 unlawful: (1) to manufacture, distribute, sell, or offer for sale an
23 exhaust device without internal baffles, known as "straight pipes", or
24 an exhaust system that has been modified in a manner that will amplify
25 or increase the noise emitted by the motor of such motorcycle above that
26 emitted by the exhaust system originally installed on such motorcycle,
27 or an exhaust device that is intentionally designed to allow for the
28 internal baffling to be fully or partially removed or interchangeable;
29 and

30 (2) for compensation, to equip or install on a motorcycle an exhaust
31 device without internal baffles, known as "straight pipes", or an
32 exhaust system that has been modified in a manner that will amplify or
33 increase the noise emitted by the motor of such motorcycle above that
34 emitted by the exhaust system originally installed on such motorcycle,
35 or an exhaust device that is intentionally designed to allow for the
36 internal baffling to be fully or partially removed or interchangeable.

37 § 3. Subdivision 13 of section 381 of the vehicle and traffic law, as
38 added by chapter 61 of the laws of 1989, is amended to read as follows:

39 13. A violation of any of the provisions of this section except subdivi-
40 visions eleven, eleven-a and twelve shall be punishable by a fine not
41 exceeding one hundred dollars or by imprisonment for not exceeding thir-
42 ty days, or by both such fine and imprisonment. A violation of subdivi-
43 sion eleven or twelve of this section shall be punishable by a fine of
44 five hundred dollars or by imprisonment for not exceeding thirty days,
45 or by both such fine and imprisonment. A violation of subdivision
46 eleven-a of this section shall be punishable by a fine of one thousand
47 dollars or by imprisonment for not exceeding thirty days, or by both
48 such fine and imprisonment.

49 § 4. This act shall take effect on the first of April next succeeding
50 the date on which it shall have become a law. Effective immediately, the
51 addition, amendment and/or repeal of any rule or regulation necessary
52 for the implementation of this act on its effective date are authorized
53 to be made and completed on or before such effective date.