

STATE OF NEW YORK

8794

IN SENATE

April 18, 2022

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the vehicle and traffic law, in relation to restricting amplified sound coming from motor vehicles and requiring motor vehicles with certain attachments or modifications to register as a commercial class vehicle

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

1 Section 1. The vehicle and traffic law is amended by adding a new
2 section 397-d to read as follows:

3 § 397-d. Restrictions on the operation of sound making devices or
4 instruments in motor vehicles. 1. It shall be prohibited for any person
5 operating or occupying a motor vehicle on a street or highway to operate
6 or amplify the sound produced by a radio, tape player, or other mechan-
7 ical sound making device or instrument from within the motor vehicle so
8 that such sound is:

9 (a) plainly audible at a distance of twenty-five feet or more from the
10 motor vehicle; or

11 (b) louder than necessary for the convenient hearing by persons inside
12 the vehicle in areas adjoining churches, schools, hospitals and public
13 parks.

14 2. The provisions of this section shall not apply to any law enforce-
15 ment motor vehicle equipped with any communication device necessary in
16 the performance of law enforcement duties or to any emergency vehicle
17 equipped with any communication device necessary in the performance of
18 any emergency procedures.

19 3. The provisions of this section shall not apply to motor vehicles
20 used for business or political purposes, which in the normal course of
21 conducting such business use sound making devices. The provisions of
22 this subdivision shall not be deemed to prevent local authorities, with
23 respect to streets and highways under their jurisdiction and within the
24 reasonable exercise of police power, from regulating the time and manner
25 in which such business may be operated.

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

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1 4. The provisions of this section shall not apply to the noise made by
2 a horn or other warning device equipped in a motor vehicle. The depart-
3 ment shall promulgate rules defining "plainly audible" and "convenient
4 hearing" and establish standards regarding how sound should be measured
5 by law enforcement personnel who enforce the provisions of this section.

6 5. A violation of this section shall be a noncriminal traffic infrac-
7 tion and shall result in a fine of forty dollars for the first offense,
8 a fine of one hundred dollars for the second and third offense, and a
9 fine of two hundred dollars and possible confiscation of the vehicle for
10 each additional subsequent offense.

11 § 2. The vehicle and traffic law is amended by adding a new section
12 401-c to read as follows:

13 § 401-c. Certain vehicle modifications requiring commercial class
14 registration. Any passenger motor vehicle which is modified to have a
15 rigid, fixed or permanent attachment that (a) increases the height of
16 such vehicle, (b) is wired to or powered by such vehicle, or (c)
17 requires such vehicle to be considered a specialized use truck pursuant
18 to 16 NYCRR Part 106.2 shall be required to be registered as a commer-
19 cial class vehicle. The department shall promulgate rules to establish
20 which modifications and attachments violate the provisions of this
21 section and shall make such rules available to the public on the depart-
22 ment's website once established. Failure to register a motor vehicle as
23 a commercial class vehicle pursuant to this section shall result in
24 penalties which shall be established by the department.

25 § 3. This act shall take effect immediately.