S T A T E O F N E W Y O R K

5980

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. ZEBROWSKI, BENEDETTO, CASTRO, FIELDS, GALEF, GOTTFRIED, JAFFEE, KOON, LANCMAN, REILLY, SPANO, TITONE -- Multi-Sponsored by -- M. of A. DelMONTE, DINOWITZ, GREENE, HEVESI, MAISEL, McENENY, PHEFFER, SCHIMEL, WEISENBERG -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to providing penalties for the operation of a motor vehicle without required muffler and exhaust system equipment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 31, 31-a and 31-b of section 375 of the vehicle and traffic law, subdivision 31 as amended by chapter 337 of the laws of 1971, subdivision 31-a as added by chapter 434 of the laws of 1979 and subdivision 31-b as added by chapter 612 of the laws of 1986, are amended to read as follows:

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

[A muffler is] AS USED IN THIS SUBDIVISION, A "MUFFLER" MEANS a device consisting of a series of chambers or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

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

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[An exhaust system is] AS USED IN THIS SUBDIVISION, AN "EXHAUST SYSTEM" MEANS a series of mechanical devices for the purpose of receiving exhaust gas from an internal combustion engine and expelling it into the atmosphere.

[31-a.] (B) No person shall, in the state, sell, install or use a motorcycle exhaust device without internal baffles, known as "straight pipes".

[31-b.] (C) No person shall, in the state, sell, install or use a motorcycle exhaust device that is intentionally designed to allow for the internal baffling to be fully or partially removed or interchangeable. This subdivision shall not apply to a motorcycle manufactured or assembled prior to nineteen hundred seventy-nine or a motorcycle registered as a limited use vehicle or an all terrain vehicle pursuant to article forty-eight-A or forty-eight-B of this chapter.

(D) A VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF THE VIOLATION FOR A FIRST OFFENSE. A VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF THE VIOLATION FOR A SECOND OFFENSE. A VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF THE VIOLATION FOR A THIRD OFFENSE AND/OR THE IMPOSITION OF TWO POINTS ON THE VIOLATOR'S RECORD.

S 2. Subdivision 13 of section 381 of the vehicle and traffic law, as added by chapter 61 of the laws of 1989, is amended to read as follows:

13. [A] (A) EXCEPT AS IS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION, A violation of any of the provisions of this section shall be punishable by a fine not exceeding one hundred dollars or by imprisonment for not exceeding thirty days, or by both such fine and imprisonment.

(B) A VIOLATION OF ANY OF THE PROVISIONS OF SUBDIVISIONS ELEVEN AND TWELVE OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF THE VIOLATION FOR A FIRST OFFENSE. A VIOLATION OF ANY OF THE PROVISIONS OF SUBDIVISIONS ELEVEN AND TWELVE OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF THE VIOLATION FOR A SECOND OFFENSE. A VIOLATION OF ANY OF THE PROVISIONS OF SUBDIVISIONS ELEVEN AND TWELVE OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF THE VIOLATION FOR A THIRD OFFENSE AND/OR THE IMPOSITION OF TWO POINTS ON THE VIOLATOR'S RECORD.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.