

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:

1 Section 1. Subdivisions 31, 31-a and 31-b of section 375 of the vehi-
2 cle and traffic law, subdivision 31 as amended by chapter 337 of the
3 laws of 1971, subdivision 31-a as added by chapter 434 of the laws of
4 1979 and subdivision 31-b as added by chapter 612 of the laws of 1986,
5 are amended to read as follows:
6 31. Mufflers and exhaust systems[. Prevention]; PREVENTION of noise.
7 (A) Every motor vehicle, operated or driven upon the highways of the
8 state, shall at all times be equipped with an adequate muffler and
9 exhaust system in constant operation and properly maintained to prevent
10 any excessive or unusual noise and no such muffler or exhaust system
11 shall be equipped with a cut-out, bypass, or similar device. No person
12 shall modify the muffler or exhaust system of a motor vehicle in a
13 manner which will amplify or increase the noise emitted by the motor or
14 exhaust system of such vehicle above that emitted by the muffler or
15 exhaust system originally installed on the vehicle and such original
16 muffler and exhaust system shall comply with all the requirements of
17 this section.
18 [A muffler is] AS USED IN THIS SUBDIVISION, A "MUFFLER" MEANS a device
19 consisting of a series of chambers or baffle plates, or other mechanical
20 design for the purpose of receiving exhaust gas from an internal
21 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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1 [An exhaust system is] AS USED IN THIS SUBDIVISION, AN "EXHAUST
2 SYSTEM" MEANS a series of mechanical devices for the purpose of receiv-
3 ing exhaust gas from an internal combustion engine and expelling it into
4 the atmosphere.

5 [31-a.] (B) No person shall, in the state, sell, install or use a
6 motorcycle exhaust device without internal baffles, known as "straight
7 pipes".

8 [31-b.] (C) No person shall, in the state, sell, install or use a
9 motorcycle exhaust device that is intentionally designed to allow for
10 the internal baffling to be fully or partially removed or interchangea-
11 ble. This subdivision shall not apply to a motorcycle manufactured or
12 assembled prior to nineteen hundred seventy-nine or a motorcycle regis-
13 tered as a limited use vehicle or an all terrain vehicle pursuant to
14 article forty-eight-A or forty-eight-B of this chapter.

15 (D) A VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBDIVISION SHALL BE
16 PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS AND/OR REMOVAL
17 OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF THE VIOLATION
18 FOR A FIRST OFFENSE. A VIOLATION OF ANY OF THE PROVISIONS OF THIS SUBDI-
19 VISION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED
20 DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE
21 SUBJECT OF THE VIOLATION FOR A SECOND OFFENSE. A VIOLATION OF ANY OF THE
22 PROVISIONS OF THIS SUBDIVISION SHALL BE PUNISHABLE BY A FINE OF NOT MORE
23 THAN ONE THOUSAND DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST
24 SYSTEM THAT IS THE SUBJECT OF THE VIOLATION FOR A THIRD OFFENSE AND/OR
25 THE IMPOSITION OF TWO POINTS ON THE VIOLATOR'S RECORD.

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

28 13. [A] (A) EXCEPT AS IS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVI-
29 SION, A violation of any of the provisions of this section shall be
30 punishable by a fine not exceeding one hundred dollars or by imprison-
31 ment for not exceeding thirty days, or by both such fine and imprison-
32 ment.

33 (B) A VIOLATION OF ANY OF THE PROVISIONS OF SUBDIVISIONS ELEVEN AND
34 TWELVE OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN
35 ONE HUNDRED DOLLARS AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM
36 THAT IS THE SUBJECT OF THE VIOLATION FOR A FIRST OFFENSE. A VIOLATION OF
37 ANY OF THE PROVISIONS OF SUBDIVISIONS ELEVEN AND TWELVE OF THIS SECTION
38 SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS
39 AND/OR REMOVAL OF THE MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF
40 THE VIOLATION FOR A SECOND OFFENSE. A VIOLATION OF ANY OF THE PROVISIONS
41 OF SUBDIVISIONS ELEVEN AND TWELVE OF THIS SECTION SHALL BE PUNISHABLE BY
42 A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS AND/OR REMOVAL OF THE
43 MUFFLER AND EXHAUST SYSTEM THAT IS THE SUBJECT OF THE VIOLATION FOR A
44 THIRD OFFENSE AND/OR THE IMPOSITION OF TWO POINTS ON THE VIOLATOR'S
45 RECORD.

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