STATE OF NEW YORK

471--C

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. MAGNARELLI, DE LA ROSA, DINOWITZ, COLTON, SIMON, VANEL, SEAWRIGHT, PERRY -- 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 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, 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:

Section 1. Subdivisions 31, 31-a, 31-b and 32 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, subdivision 31-b as added by chapter 612 of the laws of 1986 and subdivision 32 as amended by section 14 of part C of chapter 62 of the laws of 2003, are amended to read as follows:

31. Mufflers and exhaust systems. 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.

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

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(b) No person shall, in the state, sell, offer for sale or install any of the following for the muffler or exhaust system of a motor vehicle: a cut-out, bypass, or a similar device 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.

A muffler is 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.

An exhaust system is 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. No person shall, in the state, sell, **offer for sale or** install [~~**or use**~~] a motorcycle exhaust device without internal baffles, known as "straight pipes".

31-b. No person shall, in the state, sell, **offer for sale or** 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 **or that has been modified in a manner that will amplify or increase the noise emitted by the motor of a motorcycle above that emitted by the exhaust system originally installed on such motorcycle**. 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.

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

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

§ 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 violation of any of the provisions of this section **except subdivisions eleven and twelve** 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. **A violation of subdivision eleven or twelve of this section shall be punishable by a fine not exceeding five hundred dollars or by imprisonment for not exceeding thirty days, or by both such fine and imprisonment.**

§ 3. Subdivision (e) of section 303 of the vehicle and traffic law is amended by adding a new paragraph 3 to read as follows:

3. Provided, however, a license to operate an official inspection station or a certificate to inspect vehicles shall be suspended or revoked or renewal thereof shall be refused by the commissioner or any person duly deputized, upon a third or subsequent willful violation, all within a period of eighteen months, of any rule or regulation of the commissioner requiring an inspection station to inspect the muffler or exhaust system of a motorcycle as set forth in subdivision (c) of

section 79.28 of title 15 of the codes, rules and regulations of the state of New York. If the commissioner or any person duly deputized orders penalties to be paid pursuant to subdivision (h) of this section, such penalties shall be in addition to, but not in lieu of, a suspension, revocation, or renewal thereof imposed pursuant to this paragraph.

§ 4. Paragraphs (j) and (k) of subdivision 1 of section 398-e of the vehicle and traffic law, paragraphs (j) and (k) as amended by chapter 634 of the laws of 1980 and paragraph (k) as further amended by section 104 of part A of chapter 62 of the laws of 2011, are amended and a new paragraph (l) is added to read as follows:

(j) has knowingly issued a false or misleading estimate; [~~or~~]

(k) has engaged in a course of conduct which unreasonably impedes or delays a consumer's right to a fair recovery pursuant to the provisions of an automobile insurance policy, the insurance law or regulations issued by the superintendent of financial services governing the evaluation and adjustments of claims[~~.~~]; or

(l) has wilfully violated paragraph (b) of subdivision thirty-one, subdivision thirty-one-a or subdivision thirty-one-b of section three hundred seventy-five of this chapter.

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