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:

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

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

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

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

2. The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.

3. The provisions of this section shall not apply to motor vehicles used for business or political purposes, which in the normal course of conducting such business use sound making devices. The provisions of this subdivision shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of police power, from regulating the time and manner 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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4. The provisions of this section shall not apply to the noise made by a horn or other warning device equipped in a motor vehicle. The department shall promulgate rules defining "plainly audible" and "convenient hearing" and establish standards regarding how sound should be measured by law enforcement personnel who enforce the provisions of this section.

5. A violation of this section shall be a noncriminal traffic infraction and shall result in a fine of forty dollars for the first offense, a fine of one hundred dollars for the second and third offense, and a fine of two hundred dollars and possible confiscation of the vehicle for each additional subsequent offense.

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

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

§ 3. This act shall take effect immediately.