

# STATE OF NEW YORK

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471--C

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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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:

1 Section 1. Subdivisions 31, 31-a, 31-b and 32 of section 375 of the  
2 vehicle 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, subdivision 31-b as added by chapter 612 of the laws of 1986 and  
5 subdivision 32 as amended by section 14 of part C of chapter 62 of the  
6 laws of 2003, are amended to read as follows:

7 31. Mufflers and exhaust systems. Prevention of noise. (a) Every  
8 motor vehicle, operated or driven upon the highways of the state, shall  
9 at all times be equipped with an adequate muffler and exhaust system in  
10 constant operation and properly maintained to prevent any excessive or  
11 unusual noise and no such muffler or exhaust system shall be equipped  
12 with a cut-out, bypass, or similar device. No person shall modify the  
13 muffler or exhaust system of a motor vehicle in a manner which will  
14 amplify or increase the noise emitted by the motor or exhaust system of  
15 such vehicle above that emitted by the muffler or exhaust system  
16 originally installed on the vehicle and such original muffler and  
17 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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1 (b) No person shall, in the state, sell, offer for sale or install any  
2 of the following for the muffler or exhaust system of a motor vehicle:  
3 a cut-out, bypass, or a similar device which will amplify or increase  
4 the noise emitted by the motor or exhaust system of such vehicle above  
5 that emitted by the muffler or exhaust system originally installed on  
6 the vehicle.

7 A muffler is a device consisting of a series of chambers or baffle  
8 plates, or other mechanical design for the purpose of receiving exhaust  
9 gas from an internal combustion engine, and effective in reducing noise.

10 An exhaust system is a series of mechanical devices for the purpose of  
11 receiving exhaust gas from an internal combustion engine and expelling  
12 it into the atmosphere.

13 31-a. No person shall, in the state, sell, offer for sale or install  
14 [~~or use~~] a motorcycle exhaust device without internal baffles, known as  
15 "straight pipes".

16 31-b. No person shall, in the state, sell, offer for sale or install  
17 [~~or use~~] a motorcycle exhaust device that is intentionally designed to  
18 allow for the internal baffling to be fully or partially removed or  
19 interchangeable or that has been modified in a manner that will amplify  
20 or increase the noise emitted by the motor of a motorcycle above that  
21 emitted by the exhaust system originally installed on such motorcycle.

22 This subdivision shall not apply to a motorcycle manufactured or assem-  
23 bled prior to nineteen hundred seventy-nine or a motorcycle registered  
24 as a limited use vehicle or an all terrain vehicle pursuant to article  
25 forty-eight-A or forty-eight-B of this chapter.

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

33 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
34 sion, a violation of paragraph (b) of subdivision thirty-one, subdivi-  
35 sion thirty-one-a or subdivision thirty-one-b of this section shall be  
36 punishable by a fine not exceeding one thousand dollars or by imprison-  
37 ment for not exceeding thirty days, or by both such fine and imprison-  
38 ment.

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

41 13. A violation of any of the provisions of this section except subdivi-  
42 visions eleven and twelve shall be punishable by a fine not exceeding  
43 one hundred dollars or by imprisonment for not exceeding thirty days, or  
44 by both such fine and imprisonment. A violation of subdivision eleven or  
45 twelve of this section shall be punishable by a fine not exceeding five  
46 hundred dollars or by imprisonment for not exceeding thirty days, or by  
47 both such fine and imprisonment.

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

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

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

6 § 4. Paragraphs (j) and (k) of subdivision 1 of section 398-e of the  
7 vehicle and traffic law, paragraphs (j) and (k) as amended by chapter  
8 634 of the laws of 1980 and paragraph (k) as further amended by section  
9 104 of part A of chapter 62 of the laws of 2011, are amended and a new  
10 paragraph (l) is added to read as follows:

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

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

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

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