STATE OF NEW YORK

784--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. GOUNARDES, GAUGHRAN, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- 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; and to amend the executive law, in relation to requiring police vehicles to be equipped with a decibel reader

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 31 and 32 of section 375 of the vehicle and traffic law, subdivision 31 as amended by chapter 337 of the laws of 1971, 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. 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 **which exceeds the maximum allowable sound level limits prescribed in section three hundred eighty-six of this title or through local law, rule, or regulation in relation to motor vehicles and motorcycles,** 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. **Provided that the amendments made by the chapter of the laws of two thousand twenty-one which amended this subdivision shall not modify or otherwise affect**

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

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existing inspection programs for motor trucks or buses pursuant to the rules and regulations of the commissioner, commissioner of transportation, or commissioner of environmental conservation, including without limitation articles nineteen-A and nineteen-B of this chapter or modify or otherwise affect existing applicable noise limits or muffler and exhaust requirements.

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.

32. 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. A violation of subdivision thirty-one of this section shall be subject to a fine of one thousand dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

§ 2. Paragraph (a) of subdivision 1 and subdivision 13 of section 381 of the vehicle and traffic law, paragraph (a) of subdivision 1 as amended by chapter 590 of the laws of 1970, subdivision 13 as added by chapter 61 of the laws of 1989, are amended to read as follows:

(a) Every motorcycle, driven upon the public highways of this state, shall be provided with adequate brakes in good working order and sufficient to control such motorcycle at all times, when the same is in use, a suitable and adequate bell, horn or other device for signaling, one red to amber stop lamp and shall, whenever such motorcycle is being operated upon the public highways of the state, display one lighted lamp in front and one on the rear, or, when such motorcycle is operated with a passenger or other truck attached to the side or front two such lamps on the front and one on the rear; and in all cases the lamps on a motorcycle shall include a red light visible from the rear. The rays of such rear lamp shall shine upon the number plate carried on the rear of such motorcycle in such manner as to render the numerals thereon visible for at least fifty feet in the direction from which the motorcycle is proceeding. The light of the front lamp or lamps shall be visible at least two hundred feet in the direction in which the motorcycle is proceeding. Every such motorcycle shall have a suitable muffler or device to prevent unnecessary noise from exhaust gases, and the use of so-called "cut-outs" is prohibited, provided that such muffler or device shall at a minimum prevent unnecessary noise from exceeding the maximum allowable sound level limits prescribed in section three hundred eighty-six of this title or through local law, rule, or regulation in relation to motorcycles.

13. 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. Provided, however, that a violation of subdivision one, eleven or twelve of this section or with respect to unnecessary noise shall be punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

§ 3. Section 835 of the executive law is amended by adding a new subdivision 11 to read as follows:

11. "Decibel reader" shall refer to a measuring instrument used to assess noise or sound levels by measuring sound pressure and which expresses such level in the unit of a decibel (dB).

§ 4. The executive law is amended by adding a new section 837-w to read as follows:

§ 837-w. Decibel readers. Every police department in this state, as such term is defined in section eight hundred thirty-seven-c of this article, shall, subject to appropriation or upon the police department's determination that sufficient resources are available, equip all police vehicles within their department with a decibel reader, as such term is defined in subdivision eleven of section eight hundred thirty-five of this article.

§ 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.