

# STATE OF NEW YORK

784--B

Cal. No. 896

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. GOUNARDES, GAUGHRAN, JACKSON, MAYER, THOMAS -- 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 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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

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1 originally installed on the vehicle and such original muffler and  
2 exhaust system shall comply with all the requirements of this section.

3 (b) No person shall, in the state, sell, offer for sale or install any  
4 of the following for the muffler or exhaust system of a motor vehicle:  
5 a cut-out, bypass, or a similar device which will amplify or increase  
6 the noise emitted by the motor or exhaust system of such vehicle above  
7 that emitted by the muffler or exhaust system originally installed on  
8 the vehicle.

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

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

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

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

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

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

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

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

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

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

52 3. Provided, however, a license to operate an official inspection  
53 station or a certificate to inspect vehicles shall be suspended or  
54 revoked or renewal thereof shall be refused by the commissioner or any  
55 person duly deputized, upon a third or subsequent willful violation, all  
56 within a period of eighteen months, of any rule or regulation of the

1 commissioner requiring an inspection station to inspect the muffler or  
2 exhaust system of a motorcycle as set forth in subdivision (c) of  
3 section 79.28 of title 15 of the codes, rules and regulations of the  
4 state of New York. If the commissioner or any person duly deputized  
5 orders penalties to be paid pursuant to subdivision (h) of this section,  
6 such penalties shall be in addition to, but not in lieu of, a suspen-  
7 sion, revocation, or renewal thereof imposed pursuant to this paragraph.

8 § 4. Paragraphs (j) and (k) of subdivision 1 of section 398-e of the  
9 vehicle and traffic law, paragraphs (j) and (k) as amended by chapter  
10 634 of the laws of 1980 and paragraph (k) as further amended by section  
11 104 of part A of chapter 62 of the laws of 2011, are amended and a new  
12 paragraph (l) is added to read as follows:

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

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

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

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