STATE OF NEW YORK

2552--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 17, 2025

Introduced by M. of A. SAYEGH, SHIMSKY, EPSTEIN -- read once and referred 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 making certain exceptions for violations pertaining to certain mufflers and exhaust systems

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

Section 1. Subdivisions 3 and 4 of section 376-a of the vehicle and traffic law, subdivision 3 as amended by chapter 856 of the laws of 1990 and subdivision 4 as amended by chapter 302 of the laws of 2013, are amended to read as follows:

3. If the vehicle is being driven or operated in violation of any provisions of section three hundred seventy-five, three hundred seventy-six or three hundred eighty-one of this article relating to required equipment, except a violation described in subdivision two of this section, **paragraphs (b) and (c) of** subdivision **thirty-one, thirty-one-a, thirty-one-b, or** forty-seven of section three hundred seventy-five of this article, and except a violation relating to service brakes, such officer shall issue a summons, provided, however, that a summons shall not be issued if, in the discretion and at the request of such officer, the defect is corrected in the presence of such officer. The refusal of a police officer to permit the repair of any defect in [~~his~~] **such police officer's** presence shall not be reviewable, and shall not be a defense to any violation charged in a summons issued pursuant to the provisions of this subdivision.

4. Any complaint issued for any violation of section three hundred seventy-five, three hundred seventy-six or three hundred eighty-one of this article relative to required equipment, except a violation described in subdivision two of this section, **paragraphs (b) and (c) of**

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

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subdivision **thirty-one, thirty-one-a, thirty-one-b, or** forty-seven of section three hundred seventy-five of this article, and except for a violation relating to service brakes, shall be dismissed by the court before which the summons is returnable if the violation as set forth in the summons is corrected not later than one-half hour after sunset on the first full business day after the issuance of the summons and proof of such correction as set forth in subdivision five of this section is submitted to the court. For the purposes of this subdivision, "business day" shall mean any calendar day except Saturday and Sunday, or the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day.

§ 2. Subdivision 31 of section 375 of the vehicle and traffic law, as amended by chapter 527 of the laws of 2021, is 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~~].

(b) 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.

[~~(b)~~] **(c)** 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.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.