

**SENATE, No. 2674**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED MAY 19, 2022

**Sponsored by:**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Prohibits modification of mufflers and exhaust systems to produce audible sounds; requires inspection of mufflers and exhaust systems.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning motor vehicle muffler and exhaust systems and  
2 amending various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. R.S.39:3-69 is amended to read as follows:

8 39:3-69. a. Every motor vehicle except a motor-drawn vehicle  
9 when operated upon a highway shall be equipped with a horn in  
10 good working order and capable of emitting sound audible under  
11 normal conditions from a distance of not less than 200 feet, but no  
12 horn or other warning device shall emit an unreasonably loud or  
13 harsh sound or a whistle. The driver of a motor vehicle shall, when  
14 reasonably necessary to insure safe operation, give audible warning  
15 with his horn but shall not otherwise use such horn when upon a  
16 highway.

17 b. No vehicle shall be equipped with nor shall any person use  
18 upon a vehicle any siren, whistle or bell except as otherwise  
19 permitted in this section. It is permissible but not required that any  
20 vehicle be equipped with a theft alarm signal device which is so  
21 arranged that it cannot be used by the driver as an ordinary warning  
22 signal.

23 Any emergency vehicle authorized by the commission may be  
24 equipped with a siren, whistle, or bell capable of emitting sound  
25 audible under normal conditions from a distance of not less than  
26 500 feet and of a type approved by the commission, but such siren,  
27 whistle or bell shall not be used except when such vehicle is  
28 operated in response to an emergency call or in the immediate  
29 pursuit of an actual or suspected violator of the law, in which said  
30 latter events the driver of such vehicle shall sound said siren,  
31 whistle or bell when necessary to warn pedestrians and other drivers  
32 of the approach thereof.

33 c. No person shall install or **use on** modify the exhaust  
34 system of any motor vehicle **any device which emits an** in a  
35 manner which amplifies or increases the audible sound **unless**  
36 **authorized to do so by the commission** emitted by the motor or  
37 exhaust system of such vehicle above that emitted by the motor or  
38 exhaust system originally installed on the vehicle.

39 The penalty for the violation of this subsection shall be  
40 consistent with the penalty for violating the provisions of  
41 subsection b. of R.S.39:3-70.

42 d. No bicycle shall be equipped with nor shall any person use  
43 upon a bicycle any siren or whistle.

44 e. The commission is hereby authorized in its discretion to  
45 promulgate standards concerning the audibility of audible warning  
46 devices.

**EXPLANATION** – Matter enclosed in bold-faced brackets **thus** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1       f. Except as provided for in subsection c. of this section, the  
2 penalty for violating the provisions of this section shall be  
3 consistent with the penalty for violating the provisions of this  
4 article, as provided for in R.S.39:3-79.

5 (cf: P.L.2003, c.13, s.45)

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7       2. R.S.39:3-70 is amended to read as follows:

8       39:3-70. a. Every motor vehicle having a combustion motor  
9 shall at all times be equipped with a muffler in good working order  
10 and in constant operation to prevent excessive or unusual noise and  
11 no person shall use a muffler cut-out, bypass, or similar device  
12 upon a motor vehicle on a highway.

13       The penalty for the violation of this subsection shall be  
14 consistent with the penalty for violating the provisions of this  
15 article, as provided for in R.S.39:3-79.

16       b. No person shall install or modify the muffler of a motor  
17 vehicle in a manner which amplifies or increases the noise emitted  
18 by the motor or muffler of such vehicle above that emitted by the  
19 muffler originally installed on the vehicle.

20       The penalty for violating the provisions of this subsection shall  
21 be punishable by a fine not exceeding \$500, or by imprisonment not  
22 exceeding thirty days, or both.

23 (cf: P.L.2009, c.331, s.1)

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25       3. R.S.39:8-1 is amended to read as follows:

26       39:8-1. a. Every motor vehicle registered in this State which is  
27 used over any public road, street, or highway or any public or quasi-  
28 public property in this State, and every vehicle subject to enhanced  
29 inspection and maintenance programs pursuant to 40 C.F.R.  
30 s.51.356, except motorcycles, historic motor vehicles registered as  
31 such, collector motor vehicles designated as such pursuant to this  
32 subsection, and those vehicles over 8,500 pounds gross weight that  
33 are under the inspection jurisdiction of the commission pursuant to  
34 Titles 27 and 48 of the Revised Statutes, shall be inspected by  
35 designated inspectors or at official inspection facilities to be  
36 designated by the commission or at licensed private inspection  
37 facilities. Passenger automobiles registered in accordance with  
38 R.S.39:3-4 or R.S.39:3-27 and noncommercial trucks registered in  
39 accordance with section 2 of P.L.1968, c.439 (C.39:3-8.1) or  
40 R.S.39:3-27 inspected pursuant to this section shall only be  
41 inspected for emissions and emission-related items, such as  
42 emission control equipment and on-board diagnostics, and  
43 excessive or unusual noise of the muffler and exhaust system. The  
44 commission shall adopt rules and regulations establishing a  
45 procedure for the designation of motor vehicles as collector motor  
46 vehicles, which designation shall include consideration by the  
47 commission of one or more of the following factors: the age of the  
48 vehicle, the number of such vehicles originally manufactured, the

1 number of such vehicles that are currently in use, the total number  
2 of miles the vehicle has been driven, the number of miles the  
3 vehicle has been driven during the previous year or other period of  
4 time determined by the commission, and whether the vehicle has a  
5 collector classification for insurance purposes.

6 b. The commission shall determine the official inspection  
7 facility or private inspection facility at which a motor vehicle,  
8 depending upon its characteristics, shall be inspected. The  
9 commission, with the concurrence of the Department of  
10 Environmental Protection, may exclude by regulation from this  
11 inspection requirement any category of motor vehicle if good cause  
12 for such exclusion exists, unless the exclusion is likely to prevent  
13 this State from meeting the applicable performance standard  
14 established by the United States Environmental Protection Agency.  
15 The commission may determine that a vehicle is in compliance with  
16 the inspection requirements of this section if the vehicle has been  
17 inspected and passed under a similar inspection program of another  
18 state, district, or territory of the United States.

19 (cf: P.L.2010, c.29, s.1)

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21 4. R.S.39:8-3 is amended to read as follows:

22 39:8-3. a. No certificate of approval shall be issued by an  
23 examiner, official inspection facility or private inspection facility  
24 until the motor vehicle inspected successfully passes inspections for  
25 emissions and emission-related items, such as emission control  
26 equipment and on-board diagnostics ~~【required by the chief~~  
27 ~~administrator】~~, and the mechanism, brakes and equipment, and  
28 muffler and exhaust system of the motor vehicle inspected have  
29 been found to be in a proper and safe condition and complying with  
30 the laws of this State.

31 b. Notwithstanding subsection a. of this section, passenger  
32 automobiles registered in accordance with R.S.39:3-4 or R.S.39:3-  
33 27 and noncommercial trucks registered in accordance with section  
34 2 of P.L.1968, c.439 (C.39:3-8.1) or R.S.39:3-27 that are only  
35 inspected for emissions and emission-related items, such as  
36 emission control equipment and on-board diagnostics, and the  
37 muffler and exhaust system for excessive or unusual noise pursuant  
38 to R.S.39:8-1 and that successfully pass such inspections shall be  
39 issued a certificate of approval.

40 c. Notwithstanding the issuance or non-issuance of a certificate  
41 of approval, the obligation to ensure that a vehicle is in a proper and  
42 safe condition rests with the owner, operator or lessee, as  
43 appropriate, of the vehicle.

44 (cf: P.L.2010, c.29, s.3)

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46 5. This act shall take effect on the 90th day following  
47 enactment.

STATEMENT

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This bill prohibits the installation or modification of the muffler or exhaust system of a motor vehicle in a manner which amplifies or increases the noise emitted by the muffler or exhaust system of the motor vehicle above that emitted by the muffler or exhaust system originally installed on the vehicle. The penalty for violating the provisions of the bill is a fine not exceeding \$500, or imprisonment not exceeding 30 days, or both.

The bill also requires motor vehicle inspections to include the inspection of mufflers and exhaust systems for excessive or unusual noise.

Under current law, the penalty for the unauthorized installation of a device that causes the exhaust system to emit an audible sound and the failure to have a muffler in good working order to prevent excessive or usual sound is \$25. Additionally, motor vehicle inspections are currently only required to include the inspection of emissions and emission-related items such as emission control equipment and on-board diagnostics.