

SENATE, No. 2674

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 19, 2022

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

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District 18 (Middlesex)

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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.



(Sponsorship Updated As Of: 6/1/2023)

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

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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.