

[First Reprint]

**SENATE, No. 2674**

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

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INTRODUCED MAY 19, 2022

**Sponsored by:**

**Senator JAMES W. HOLZAPFEL**

**District 10 (Ocean)**

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

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Senator Scutari**

**SYNOPSIS**

Concerns installation, modification, and sale of certain mufflers and exhaust systems; requires inspection of mufflers and exhaust systems.

**CURRENT VERSION OF TEXT**

As reported by the Senate Transportation Committee on June 1, 2023, with amendments.



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

1 AN ACT concerning motor vehicle muffler and exhaust systems  
2 <sup>1</sup>**[and]**,<sup>1</sup> amending various parts of the statutory law <sup>1</sup>, and  
3 supplementing Title 39 of the Revised Statutes<sup>1</sup>.

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

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

9 39:3-69. a. Every motor vehicle except a motor-drawn vehicle  
10 when operated upon a highway shall be equipped with a horn in good  
11 working order and capable of emitting sound audible under normal  
12 conditions from a distance of not less than 200 feet, but no horn or  
13 other warning device shall emit an unreasonably loud or harsh sound  
14 or a whistle. The driver of a motor vehicle shall, when reasonably  
15 necessary to insure safe operation, give audible warning with his horn  
16 but shall not otherwise use such horn when upon a 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 permitted  
19 in this section. It is permissible but not required that any vehicle be  
20 equipped with a theft alarm signal device which is so arranged that it  
21 cannot be used by the driver as an ordinary warning signal.

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

31 c. No person <sup>1</sup>, including, but not limited to, an auto body repair  
32 facility,<sup>1</sup> shall install or **[use on]** modify the exhaust system of any  
33 motor vehicle **[any device which emits an]** in a manner which  
34 amplifies or increases the audible sound **[unless authorized to do so by**  
35 **the commission]** emitted by the motor or exhaust system of such  
36 vehicle above that emitted by the motor or exhaust system originally  
37 installed on the vehicle.

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

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

**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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate STR committee amendments adopted June 1, 2023.

1       e. The commission is hereby authorized in its discretion to  
2 promulgate standards concerning the audibility of audible warning  
3 devices.

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

8       <sup>1</sup>g. As used in this section, “auto body repair facility” means the  
9 same as the term is defined in section 1 of P.L.1983, c.360 (C.39:13-  
10 1).<sup>1</sup>

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

12

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

14       39:3-70. a. Every motor vehicle having a combustion motor shall  
15 at all times be equipped with a muffler in good working order and in  
16 constant operation to prevent excessive or unusual noise and no person  
17 shall use a muffler cut-out, bypass, or similar device upon a motor  
18 vehicle on a highway.

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

22       b. No person <sup>1</sup>, including, but not limited to, an auto body repair  
23 facility,<sup>1</sup> shall install or modify the muffler of a motor vehicle in a  
24 manner which amplifies or increases the noise emitted by the motor or  
25 muffler of such vehicle above that emitted by the muffler originally  
26 installed on the vehicle.

27       The penalty for violating the provisions of this subsection shall be  
28 punishable by a fine not exceeding \$500, or by imprisonment not  
29 exceeding <sup>1</sup>~~thirty~~ 30<sup>1</sup> days, or both.

30       <sup>1</sup>c. As used in this section, “auto body repair facility” means the  
31 same as the term is defined in section 1 of P.L.1983, c.360 (C.39:13-  
32 1).<sup>1</sup>

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

34

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

36       39:8-1. a. Every motor vehicle registered in this State which is  
37 used over any public road, street, or highway or any public or quasi-  
38 public property in this State, and every vehicle subject to enhanced  
39 inspection and maintenance programs pursuant to 40 C.F.R.  
40 s.51.356, except motorcycles, historic motor vehicles registered as  
41 such, collector motor vehicles designated as such pursuant to this  
42 subsection, and those vehicles over 8,500 pounds gross weight that  
43 are under the inspection jurisdiction of the commission pursuant to  
44 Titles 27 and 48 of the Revised Statutes, shall be inspected by  
45 designated inspectors or at official inspection facilities to be  
46 designated by the commission or at licensed private inspection  
47 facilities. Passenger automobiles registered in accordance with

1 R.S.39:3-4 or R.S.39:3-27 and noncommercial trucks registered in  
2 accordance with section 2 of P.L.1968, c.439 (C.39:3-8.1) or  
3 R.S.39:3-27 inspected pursuant to this section shall only be  
4 inspected for emissions and emission-related items, such as  
5 emission control equipment and on-board diagnostics, and  
6 excessive or unusual noise of the muffler and exhaust system. The  
7 commission shall adopt rules and regulations establishing a  
8 procedure for the designation of motor vehicles as collector motor  
9 vehicles, which designation shall include consideration by the  
10 commission of one or more of the following factors: the age of the  
11 vehicle, the number of such vehicles originally manufactured, the  
12 number of such vehicles that are currently in use, the total number  
13 of miles the vehicle has been driven, the number of miles the  
14 vehicle has been driven during the previous year or other period of  
15 time determined by the commission, and whether the vehicle has a  
16 collector classification for insurance purposes.

17 b. The commission shall determine the official inspection  
18 facility or private inspection facility at which a motor vehicle,  
19 depending upon its characteristics, shall be inspected. The  
20 commission, with the concurrence of the Department of  
21 Environmental Protection, may exclude by regulation from this  
22 inspection requirement any category of motor vehicle if good cause  
23 for such exclusion exists, unless the exclusion is likely to prevent  
24 this State from meeting the applicable performance standard  
25 established by the United States Environmental Protection Agency.  
26 The commission may determine that a vehicle is in compliance with  
27 the inspection requirements of this section if the vehicle has been  
28 inspected and passed under a similar inspection program of another  
29 state, district, or territory of the United States.

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

31

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

33 39:8-3. a. No certificate of approval shall be issued by an  
34 examiner, official inspection facility or private inspection facility  
35 until the motor vehicle inspected successfully passes inspections for  
36 emissions and emission-related items, such as emission control  
37 equipment and on-board diagnostics **【required by the chief**  
38 **administrator】**, and the mechanism, brakes and equipment, and  
39 muffler and exhaust system of the motor vehicle inspected have  
40 been found to be in a proper and safe condition and complying with  
41 the laws of this State.

42 b. Notwithstanding subsection a. of this section, passenger  
43 automobiles registered in accordance with R.S.39:3-4 or R.S.39:3-  
44 27 and noncommercial trucks registered in accordance with section  
45 2 of P.L.1968, c.439 (C.39:3-8.1) or R.S.39:3-27 that are only  
46 inspected for emissions and emission-related items, such as  
47 emission control equipment and on-board diagnostics, and the  
48 muffler and exhaust system for excessive or unusual noise pursuant

1 to R.S.39:8-1 and that successfully pass such inspections shall be  
2 issued a certificate of approval.

3 c. Notwithstanding the issuance or non-issuance of a certificate  
4 of approval, the obligation to ensure that a vehicle is in a proper and  
5 safe condition rests with the owner, operator or lessee, as  
6 appropriate, of the vehicle.  
7 (cf: P.L.2010, c.29, s.3)

8  
9 <sup>1</sup>5. (New section) a. No person, including, but not limited to,  
10 an auto body repair facility, shall sell or offer for sale within the  
11 State a muffler or exhaust system that is equipped with a device  
12 which amplifies or increases the noise emitted by a motor vehicle.

13 b. The penalty for the violation of this section shall be consistent  
14 with the penalty for violating the provisions of subsection b. of  
15 R.S.39:3-70.

16 c. As used in this section, “auto body repair facility” means the  
17 same as the term is defined in section 1 of P.L.1983, c.360  
18 (C.39:13-1).<sup>1</sup>

19  
20 <sup>1</sup>6. (New section) a. The Chief Administrator of the New  
21 Jersey Motor Vehicle Commission may deny, suspend, or revoke a  
22 private inspection facility license or refuse renewal thereof if a  
23 private inspection facility, on more than one occasion within a  
24 period of 18 months, is found to:

25 (1) install or modify the exhaust system of a motor vehicle in  
26 violation of subsection c. of R.S.39:3-69;

27 (2) install or modify the muffler of a motor vehicle in violation  
28 of subsection b. of R.S.39:3-70; or

29 (3) improperly inspect a motor vehicle for excessive or unusual  
30 noise of the muffler or exhaust system, as required under R.S.39:8-1  
31 and R.S.39:8-3.

32 b. An entity that contracts with the New Jersey Motor Vehicle  
33 Commission to provide inspection services at an official inspection  
34 facility shall be subject to a fine of not more than \$500 if, on more  
35 than one occasion within a period of 18 months, the entity is found  
36 to: (1) install or modify the exhaust system of a motor vehicle in  
37 violation of subsection c. of R.S.39:3-69; (2) install or modify the  
38 muffler of a motor vehicle in violation of subsection b. of R.S.39:3-  
39 70; or (3) improperly inspect a motor vehicle for excessive or  
40 unusual noise of the muffler or exhaust system, as required under  
41 R.S.39:8-1 and R.S.39:8-3.<sup>1</sup>

42  
43 <sup>1</sup>[5.] 7.<sup>1</sup> This act shall take effect on the 90th day following  
44 enactment.