

[First Reprint]

ASSEMBLY, No. 1855

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex and Hudson)

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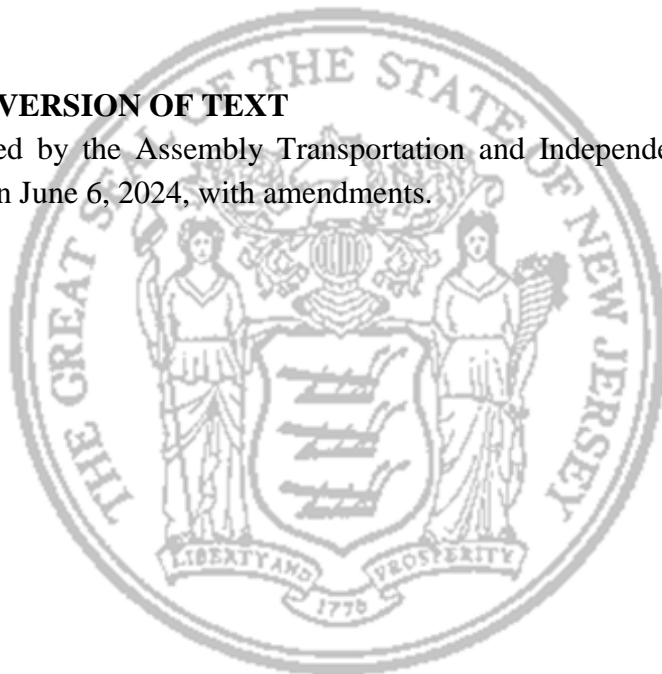
**Assemblymen Danielsen, Calabrese, Assemblywoman Carter and
Assemblyman Atkins**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Transportation and Independent Authorities Committee on June 6, 2024, with amendments.



(Sponsorship Updated As Of: 6/6/2024)

1 AN ACT concerning motor vehicle muffler and exhaust systems and
2 amending ¹**[various parts of the statutory law]** R.S.39:3-69 and
3 R.S.39:3-70¹.
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
11 good working order and capable of emitting sound audible under
12 normal conditions from a distance of not less than 200 feet, but no
13 horn or other warning device shall emit an unreasonably loud or
14 harsh sound or a whistle. The driver of a motor vehicle shall, when
15 reasonably necessary to insure safe operation, give audible warning
16 with his horn but shall not otherwise use such horn when upon a
17 highway.

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

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

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

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

43 d. No bicycle shall be equipped with nor shall any person use
44 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:

¹**Assembly ATR committee amendments adopted June 6, 2024.**

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
6 consistent with the penalty for violating the provisions of this
7 article, as provided for in R.S.39:3-79.

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

9

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

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

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

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

23 The penalty for violating the provisions of this subsection shall be
24 punishable by a fine not exceeding ¹\$250 for a first offense and ¹ \$500
25 ¹[, or by imprisonment not exceeding thirty days, or both] for each
26 subsequent offense thereafter¹.

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

28

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

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

1 procedure for the designation of motor vehicles as collector motor
2 vehicles, which designation shall include consideration by the
3 commission of one or more of the following factors: the age of the
4 vehicle, the number of such vehicles originally manufactured, the
5 number of such vehicles that are currently in use, the total number
6 of miles the vehicle has been driven, the number of miles the
7 vehicle has been driven during the previous year or other period of
8 time determined by the commission, and whether the vehicle has a
9 collector classification for insurance purposes.

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

23 (cf: P.L.2010, c.29, s.1)¹

24

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

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

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

44 c. Notwithstanding the issuance or non-issuance of a certificate
45 of approval, the obligation to ensure that a vehicle is in a proper and

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1 safe condition rests with the owner, operator or lessee, as
2 appropriate, of the vehicle.

3 (cf: P.L.2010, c.29, s.3)¹

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5 ¹**[5.]** 3.¹ This act shall take effect on the 90th day following
6 enactment.