

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2013

Bill Number: H.45 Name of Bill: **Motor Vehicles; Noise**

Agency/ Dept: **Vermont State Police/Department of Public Safety**

Author of Bill Review: **Senior Trooper Daniel Schneider**

Date of Bill Review: 01/28/13 Status of Bill: (check one):

☒ X Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies ☐ Fiscal

Recommended Position:

☐ Support ☐ Oppose ☐ Remain Neutral ☒ X Support with modifications identified in #8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** This bill relates to Title 23 VSA 1221 Condition of Vehicle. This bill proposes to prohibit a person from operating on a public highway a motor vehicle equipped with an inadequate or modified muffler or exhaust system or with an amplification device.

2. **Is there a need for this bill?** Yes there is a need for this bill with recommendations. This proposal will reduce the noise pollution that exists on or near public highways especially in more populated areas. For this proposal to work properly the following recommendations would have to be implemented. The definition of an inadequate, modified or amplifying device for an exhaust has to be clearly defined. There needs to be a set standard for what is a loud exhaust. Would it be up to the law enforcement officer to determine what is loud or will there be a measurable standard? The state of California uses the Society of Automotive Engineers (SAE) testing to figure out what is an acceptable sound output for a motor vehicle exhaust. The state of California uses the SAE J1169 test to measure the decibel (Db) output of a motor vehicle exhaust. Using the SAE J1169 or SAE J1492 tests will give a standard for what an exhaust decibel sound output can be 95Db. The SAE test would have to be administered by a state inspection station or supply all law enforcement officers with a decibel meters. This would present additional costs for both local and state agencies.

3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** There would be large financial costs for the state to implement this proposal. The state would have to purchase a decibel meter for every law enforcement officer. A decibel meter can run anywhere from \$18 dollars to \$179 dollars. Addition costs would be the recertification of each decibel meter along with the training for each law enforcement officer to administer the SAE tests properly on roadside. There will be a cost to train each law enforcement officer to recognize what is a modified exhaust.

4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** The Department of Motor Vehicles would

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have to purchase equipment for each state inspection station so they could administer the SAE tests or figure out how each station could purchase the equipment. The cost to train each state inspection station representative on how to administer the SAE tests. Then the cost for D.M.V. personnel to go to each station and make sure they are administering the test properly.

- 5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** The financial and programmatic issue for others would be the additional equipment being purchased by the state inspection stations for the SAE test. The additional training and recertification for the personnel of the state inspection stations. There could be problems that arise for some operators who do not know what a modified, inadequate or an amplified device was. There would have to be a public notification of the new recommendation to this bill. The public would accept the proposal to ban modified exhausts but not support the financial cost to do so.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why? The majority of the public would support this bill because most people want quality of life issues addressed. This proposal would help reduce the noise pollution that people experience especially in more populated areas of the state.

6.2 Who else is likely to oppose the proposal and why? The people that would oppose this proposal would be car enthusiasts, automotive parts dealers and some automotive dealers. Car enthusiast will believe that modifying their exhaust will help with the performance of their vehicle and they are not modifying it to amplify the sound. Automotive parts stores and automotive dealers may oppose this proposal because they could lose some revenue with the exhaust systems they sell.

- 7. Rationale for recommendation:** With the recommendations to this proposal it will give the law enforcement officer a better definition of an inadequate, modified exhaust or an amplification device. With the decibel meters and the required training a law enforcement officer could determine if the exhaust was too loud using the SAE tests. With the implementation of the SAE test state inspection stations could fail vehicles that have too loud of an exhaust.

- 8. Specific modifications that would be needed to recommend support of this bill:** Department of Public Safety does recognize a need to address the issue of modified exhausts but to enforce the proposal the recommendations would have to be implemented which then would cause the state a financial burden. Without the needed recommendations this law would be too problematic for law enforcement officers to enforce. The law would be too vague and open to interpretations, the officer's, the operator's and then the traffic court judge's.

Secretary/Commissioner has reviewed this document: _____ **Date:** _____