

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.0166

Name of Bill: Motor Vehicle Noise

Agency / Dept: Dept. Public Safety-State Police

Author of Bill Review: Sergeant Teresa Randall

Date of Bill Review: February 17, 2015

Related Bills and Key Players: Inspection Stations & Law Enforcement

Status of Bill: (check one): XXXX Upon Introduction ☐ As passed by 1st body ☐ As passed by both

Recommended Position:

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

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

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? *Please explain why or why not.*

There is no need for this legislation. The current statute already address this issue (*T23 VSA §1221*).

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?

A new conviction code for this violation would need to be created, which would require a programming change for DMV. Conviction code additions to DMV's database cost approximately \$1000.00 each.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? *(for example, public, municipalities, organizations, business, regulated entities, etc)*

The financial and programmatic issue for others would be the addition 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

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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?

A small portion of the public might support this bill because some people want quality of life issues addressed.

6.2 Who else is likely to oppose the proposal and why?

Law enforcement would likely oppose this legislation, as there are many local ordinances and the current statute (*T23 VSA §1221*) to enforce vehicle noise issues are already in place.

6.3 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 sale.

7. Rationale for recommendation: *Justify recommendation stated above.*

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. The current statute already address this issue (*T23 VSA §1221*). Per 23 VSA §1229(a), the Commissioner of Motor Vehicles may adopt rules necessary to implement the provisions for vehicle inspection and per 23 VSA §1001(a)(1), the Commissioner of Motor Vehicles may make regulations pertaining to vehicle equipment.

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. A new conviction code for this violation would need to be created, which would require a programming change for DMV. Conviction code additions to DMV's database cost approximately \$1000.00 each.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

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

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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.

9. Gubernatorial appointments to board or commission?

None

A handwritten signature in blue ink, appearing to be "K. Gray", is written over a faint circular stamp.

Secretary / Commissioner has reviewed this document: _____ **Date:** 3/12/15