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**HOUSE BILL NO. 367**

Offered January 12, 2022

Prefiled January 11, 2022

A *BILL to amend and reenact §§ 46.2-113, 46.2-1047, 46.2-1049, 46.2-1051, 46.2-1165, and 46.2-1300 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-1049.1, relating to exhaust systems; excessive noise.*

Patrons—Watts, Bennett-Parker, Bulova, Carr, Delaney, Hope, Keam, Kory, Krizek, Sickles and Tran;  
Senator: Ebbin

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 46.2-113, 46.2-1047, 46.2-1049, 46.2-1051, 46.2-1165, and 46.2-1300 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-1049.1 as follows:

**§ 46.2-113. Violations of this title; penalties.**

It shall be unlawful for any person to violate any of the provisions of this title, or any regulation adopted pursuant to this title, or local ordinances adopted pursuant to the authority granted in § 46.2-1051 or 46.2-1300. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor under § 18.2-11.

If it is found by the judge of a court of proper jurisdiction that the violation of any provision of this title (i) was a serious traffic violation as defined in § 46.2-341.20 and (ii) that such violation was committed while operating a vehicle or combination of vehicles used to transport property that either: (a) has a gross vehicle weight rating of 26,001 or more pounds or (b) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds, the judge may assess, in addition to any other penalty assessed, a further monetary penalty not exceeding \$500.

**§ 46.2-1047. Muffler cutout, etc., illegal.**

It ~~shall be~~ is unlawful to sell or offer for sale any (i) muffler without interior baffle plates or other effective muffling device ~~or~~; (ii) gutted muffler, muffler cutout, or straight exhaust; ~~or (iii) mechanical or electronic device that creates or amplifies noise emitted by a motor vehicle, moped, or motorized skateboard or foot-scooter that is louder than the noise emitted by the motor vehicle, moped, or motorized skateboard or foot-scooter as originally manufactured.~~ It ~~shall be~~ is unlawful for any person to operate on the highways in the Commonwealth a motor vehicle, moped, or motorized skateboard or foot-scooter equipped with a gutted muffler, muffler cutout, or straight exhaust ~~or any mechanical or electronic device that creates or amplifies noise emitted by the motor vehicle, moped, or motorized skateboard or foot-scooter that is louder than the noise emitted by the motor vehicle, moped, or motorized skateboard or foot-scooter as originally manufactured.~~

~~Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.~~

**§ 46.2-1049. Exhaust system in good working order.**

A. No person shall drive and no owner of a vehicle shall permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise, provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.

As used in this section, "exhaust system" means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

~~Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes shall be deemed in violation of this section.~~

The provisions of this section shall not apply to (i) any antique motor vehicle licensed pursuant to § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

B. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence

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58 discovered or obtained as the result of a stop in violation of this subsection, including evidence  
59 discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other  
60 proceeding.

61 **§ 46.2-1049.1. Limitations on exhaust system noise level.**

62 *No person shall operate any motor vehicle with a gross weight of 10,000 pounds or less with an*  
63 *exhaust system that emits noise equivalent to noise in excess of 85 decibels measured from a distance of*  
64 *50 feet on any highway; in any driveway or premises of a church, school, recreational facility, or*  
65 *business or governmental property open to the public; on the premises of any industrial establishment*  
66 *providing parking space for customers, patrons, or employees; or on any highway under construction or*  
67 *not yet open to the public. Such noise level shall be measured from a distance of at least 50 feet.*

68 **§ 46.2-1051. Certain local governments may impose restrictions on operations of certain**  
69 **vehicles.**

70 The governing body of any county, city, or town which is located within the Northern Virginia  
71 Planning District may provide by ordinance that no person shall operate and no owner shall permit the  
72 operation of, either on a highway or on public or private property within 500 feet of any residential  
73 district, any *motor vehicle*, motorcycle, moped, all-terrain vehicle as defined in § 46.2-100, not being  
74 used for agriculture or silviculture production as defined in § 3.2-300, electric power-assisted bicycle,  
75 motorcycle-like device commonly known as a trail-bike or mini-bike, off-road motorcycle, or motorized  
76 cart commonly known as a go-cart unless it is equipped with an exhaust system of a type installed as  
77 standard equipment, or comparable to that designed for use on that particular vehicle or device as  
78 standard factory equipment, in good working order and in constant operation to prevent excessive noise.

79 **§ 46.2-1165. Regulations for inspection of vehicles; posting.**

80 The Superintendent shall promulgate regulations for the inspection of motor vehicles under this title  
81 and shall furnish each official inspection station with a printed set of such regulations suitable for  
82 posting. Such station shall post the regulations in a conspicuous place in the portion of its premises  
83 where inspections are made and shall cause its employees making official inspections to be conversant  
84 with such regulations. *Such regulations shall require the inspection of motor vehicles for compliance*  
85 *with § 46.2-1047.*

86 **§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum**  
87 **penalties.**

88 A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the  
89 provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and  
90 towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or  
91 markers on the highway showing the general regulations applicable to the operation of vehicles on such  
92 highways. The governing body of any county, city, or town may by ordinance, or may by ordinance  
93 authorize its chief administrative officer to:

94 1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in  
95 speed shall be based upon an engineering and traffic investigation by such county, city or town and  
96 provided such speed area or zone is clearly indicated by markers or signs;

97 2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a  
98 temporary period not to exceed sixty days, without such engineering and traffic investigation, the speed  
99 limit on any portion of any highway of the city or town on which work is being done or where the  
100 highway is under construction or repair;

101 3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or  
102 more of the intersecting streets has been designated as a part of the primary state highway system in a  
103 town which has a population of less than 3,500;

104 4. Reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any  
105 highway within its boundaries that is located in a business district or residence district, provided that  
106 such reduced speed limit is indicated by lawfully placed signs.

107 B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker  
108 placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily  
109 observant person under the same circumstances would not be aware of the existence of the ordinance.

110 C. No governing body of a county, city, or town may (i) provide penalties for violating a provision  
111 of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar  
112 offense under the provisions of this title or (ii) provide that a violation of a provision of an ordinance  
113 adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is  
114 prohibited for a similar offense under the provisions of this title.

115 D. No county whose roads are under the jurisdiction of the Department of Transportation shall  
116 designate, in terms of distance from a school, the placement of flashing warning lights unless the  
117 authority to do so has been expressly delegated to such county by the Department of Transportation, in  
118 its discretion.

119 E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance *adopted*

**120** *pursuant to this section* relating to the ownership or maintenance of a motor vehicle unless such  
**121** violation is a jailable offense. No evidence discovered or obtained as the result of a stop in violation of  
**122** this subsection, including evidence discovered or obtained with the operator's consent, shall be  
**123** admissible in any trial, hearing, or other proceeding.

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