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HOUSE BILL NO. 632

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Transportation
on March 3, 2022)

(Patron Prior to Substitute—Delegate Carr)

A BILL to amend and reenact §§ 46.2-113, 46.2-1047, 46.2-1049, and 46.2-1051 of the Code of Virginia and to repeal § 15.2-919 of the Code of Virginia, relating to exhaust systems; excessive noise.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-113, 46.2-1047, 46.2-1049, and 46.2-1051 of the Code of Virginia are amended and reenacted 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 § 46.2-1300 this title. 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) (i) has a gross vehicle weight rating of 26,001 or more pounds or (b) (ii) 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 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. It shall be 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, a muffler cutout, chambered pipes, or a straight exhaust (a) on the highways of the Commonwealth; (b) in any driveway or on any premises of a church or other place of worship, school, recreational facility, or business; (c) on any governmental property open to the public; (d) on the premises of any industrial establishment providing parking space for customers, patrons, or employees; or (e) on any highway under construction or not yet open to the public.

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

§ 46.2-1051. Local ordinances; vehicle exhaust.

A. The governing body of any county, city, or town which is located within the Northern Virginia Planning District may provide, by ordinance, (i) provide that no person shall operate and no owner shall permit the operation of, either on a highway or on public or private property within 500 feet of any residential district, any motor vehicle other than an all-terrain vehicle being used for production agriculture or silviculture as defined in § 3.2-300, motorcycle, moped, all-terrain vehicle as defined in

~~§ 46.2-100, not being used for agriculture or silviculture production as defined in § 3.2-300, electric power-assisted bicycle, motorcycle-like device commonly known as a trail-bike or mini-bike, off-road motorcycle, or motorized cart commonly known as a go-cart unless it is equipped with an exhaust system of a type installed as standard equipment, or comparable to that designed for use on that particular vehicle or device as standard factory equipment, in good working order and in constant operation to prevent excessive noise and (ii) regulate noise from a motor vehicle, motorcycle, moped, or motorized skateboard or scooter operated on a highway that is not equipped with a muffler and exhaust system conforming to §§ 46.2-1047 and 46.2-1049, if such noise may be hazardous to the health and well-being of its citizens.~~

~~B. The provisions of subsection E of § 46.2-1300 shall not apply to ordinances adopted pursuant to this section.~~

2. That § 15.2-919 of the Code of Virginia is repealed.