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HOUSE BILL NO. 632

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on February 8, 2022)

(Patron Prior to Substitute—Delegate Carr)

A BILL to amend and reenact §§ 15.2-919, 46.2-1049, and 46.2-1300 of the Code of Virginia, relating to exhaust systems; excessive noise.

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-919, 46.2-1049, and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-919. Regulation of motorcycle, moped, or motorized skateboard or scooter noise.

A. Any locality may, by ordinance, regulate noise from a motorcycle, moped, or motorized skateboard or scooter, as defined in § 46.2-100, which 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. No law-enforcement officer, as defined in § 9.1-101, shall stop a motorcycle, moped, motorized skateboard, or scooter 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.

§ 46.2-1049. 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.

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

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

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

2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed ~~sixty~~ 60 days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;

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

4. Reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any

60 highway within its boundaries that is located in a business district or residence district, provided that
61 such reduced speed limit is indicated by lawfully placed signs.

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

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

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

74 ~~E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating~~
75 ~~to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No~~
76 ~~evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence~~
77 ~~discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other~~
78 ~~proceeding.~~