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SENATE BILL NO. 714

Offered January 19, 2024

A BILL to amend the Code of Virginia by adding a section numbered 46.2-1049.1, relating to vehicle exhaust systems; inspection and administrative fee.

Patrons—Marsden and Boysko

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1049.1 as follows:

§ 46.2-1049.1. Excessive noise; inspection and administrative fee.

A. The provisions of this section shall only apply in Planning District 8.

B. No person shall operate a passenger vehicle and no owner of a passenger vehicle shall permit or allow the operation of any such passenger vehicle that has an exhaust system that emits noise in excess of 95 decibels on a highway; on any driveway or premises of a church, school, recreational facility, or business; on any governmental property open to the public; on the premises of any industrial establishment providing parking space for customers, patrons, or employees; or on any highway under construction or not yet open to the public.

B. If a law-enforcement officer, based on his training and judgment, determines the noise emitted by a passenger vehicle's exhaust system to be in excess of the decibel limit permitted by this section, he may stop such vehicle and issue a notice of an administrative fee of \$250 to be paid to the Department at the time of such vehicle's next registration renewal. Such assessment of the administrative fee may be rebutted by the vehicle being presented within 30 days for an inspection of exhaust system noise conducted by the Department of Environmental Quality to determine if the vehicle exhaust system emits noise in excess of the decibel limit permitted by this section. If the vehicle is found to emit exhaust system noise in excess of the permitted decibel limit permitted by this section, such vehicle may be resubmitted for inspection within 30 days of the date of the failed inspection. If the vehicle is found to emit exhaust system noise in excess of the permitted decibel limit permitted by this section at the second inspection, or if the vehicle is not resubmitted for inspection within the 30 days following a failed first inspection, the administrative fee will be assessed and collected at the time of vehicle registration renewal. If during an inspection conducted by the Department of Environmental Quality such vehicle is found to emit exhaust system noise within the allowed limit permitted by this section, the administrative fee shall be waived.

C. The Department of Environmental Quality may enter into a contract or agreement with any agency or private vendor to (i) conduct such exhaust system noise inspections at existing emissions inspection stations, (ii) conduct inspections of such emissions inspection stations and their operations for purposes of this section, (iii) report any relevant information related to such exhaust system noise inspections to the Department, (iv) designate locations of such emissions inspection stations at which such exhaust system noise inspections shall be conducted, (v) provide the equipment necessary for such exhaust system noise inspections to each such emissions inspection station, (vi) certify the calibration of any such equipment, and (vii) provide for the inspection of such emissions inspection stations and their operations.

2. That the provisions of this act shall become effective on January 1, 2025, so long as the Department of Environmental Quality receives an appropriation or such funding necessary to supply the necessary equipment to emissions inspection stations, as required by § 46.2-1049.1 of the Code of Virginia, as created by this act, as determined by the Department of Environmental Quality, by such effective date. The Department of Environmental Quality shall certify in writing to the Virginia Code Commission that such contingency has been met.

3. That the Department of State Police shall develop and implement training for law-enforcement officers to recognize vehicles emitting exhaust system noise in excess of the limits permitted by statute and create and implement the use of a notice of the administrative fee required by § 46.2-1049.1 of the Code of Virginia, as created by this act.

4. That the Department of Environmental Quality shall develop a program for inspecting vehicle exhaust system noise consistent with the provisions of § 46.2-1049.1 of the Code of Virginia, as created by this act.

5. That the Department of Motor Vehicles shall implement any administrative processes necessary to fulfill the requirements of the provisions of this act.

6. That the provisions of this act shall expire on July 1, 2027.