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HOUSE BILL NO. 884
Offered January 10, 2024
Prefiled January 9, 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.*

Patron—Watts

Referred to Committee on Highway Safety and Policy

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.

C. 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 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 such vehicle is found to emit exhaust system noise within the allowed limit permitted by this section, the administrative fee shall be waived.

D. The Commissioner may enter into a contract or agreement with the Department of State Police, or other agency or entity that is certified or authorized at such time by the Commonwealth to conduct vehicle inspections or administer programs related to vehicle safety, to conduct such exhaust system noise inspections, conduct inspections of the inspection stations and their operations, and report any relevant information to the Department. The Department shall (i) designate locations at which such exhaust system noise inspections shall be conducted; (ii) provide the equipment necessary for such exhaust system noise inspections to each such inspection station; (iii) certify the calibration of any such equipment; and (iv) provide for the inspection of such 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 Motor Vehicles receives an appropriation or such funding necessary to supply the necessary equipment to inspection stations, as determined by the Department of Motor Vehicles, as required by § 46.2-1049.1 of the Code of Virginia, as created by this act, by such effective date. The Department of Motor Vehicles 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 Motor Vehicles 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, implement any administrative processes necessary for such program, and determine the amount of an appropriation or funding necessary to supply the necessary equipment to inspection stations.

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