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SENATE BILL NO. 180

Offered January 12, 2022

Prefiled January 10, 2022

A *BILL to amend and reenact §§ 46.2-1047, 46.2-1049, 46.2-1051, 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—Saslaw and Ebbin; Delegate: Carr

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1047, 46.2-1049, 46.2-1051, 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:

§ 46.2-1047. 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. 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.

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 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.

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

No person shall operate any motor vehicle with a gross weight of 6,500 pounds or less with an exhaust system that emits noise in excess of 85 decibels. Such noise level shall be measured from a distance of at least 50 feet, unless otherwise provided by law.

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

The governing body of any county, city, or town which is located within the Northern Virginia Planning District may provide by ordinance 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*, 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.

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

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

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

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

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

E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance *adopted pursuant to this section* relating to the ownership or maintenance of a motor vehicle unless such violation is aailable offense. 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.