

AMENDED IN SENATE APRIL 16, 2001

SENATE BILL

No. 1081

Introduced by Senator Johannessen

February 23, 2001

An act to amend Sections ~~27150.2, 27150.7~~ 27150, 27150.2, 27151, and 27200 of, to repeal Sections ~~27150.1, 27150.4, 27150.6, 23130, 23130.5, 27150.1, 27150.4, 27150.5, 27150.6, 27150.7, 27150.8,~~ and 27206 of, and to repeal and add Section 27150.3 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1081, as amended, Johannessen. Exhaust and muffler systems.

(1) Existing law establishes noise limits for various types of motor vehicles based on factors, including, but not limited to, speed limit. Existing law requires the Department of the California Highway Patrol to adopt regulations establishing the test procedures and instrumentation to be utilized to measure noise.

This bill would require the commissioner to adopt revised regulations setting standards for the certification of vehicle exhaust systems including standards for exhaust systems for all motor vehicles, other than motorcycles, with a manufacturer's gross vehicle weight rating of less than 6,000 pounds that do not exceed a sound reading of 95 dB(A). The bill would repeal existing, conflicting noise limits.

This bill would codify existing regulations of the Department of the California Highway Patrol regarding the noise limits testing of motor vehicles, other than motorcycles.

(2) Existing law requires certain motor vehicles to be equipped at all times with an adequate muffler in constant operation and to be properly maintained to prevent excessive or unusual noise.

This bill would delete the provision requiring that a muffler be properly maintained to prevent excessive or unusual noise.

(3) Existing law prohibits any person engaged in a business that involves the selling of motor vehicle exhaust systems from selling or installing a motor vehicle exhaust system that does not meet regulations and standards. Existing law provides that violation of this provision is a misdemeanor.

This bill would delete those and related provisions.

(4) Existing law requires the commissioner to adopt regulations setting standards for the certification of exhaust systems. Existing law authorizes the commissioner to provide for the exemption of vehicular exhaust systems where compliance with the regulations would cause an unreasonable hardship without resulting in a sufficient corresponding benefit with respect to noise level control. Existing law requires the regulations to include provisions for the licensing of stations to implement these provisions.

This bill would delete the provisions regarding the licensing of stations to implement these provisions.

(5) Existing law requires any person holding a retail seller's permit who sells or installs an exhaust system in violation of specified regulations to reimburse the purchaser or registered owner for the expense of replacement and installation of an exhaust system that is in compliance with the regulations.

This bill would delete this provision.

(6) Existing law authorizes a court to dismiss any action in which a person is prosecuted for operating a vehicle in violation of specified provisions relating to minimum requirements for exhaust systems.

This bill would delete this provision.

(7) Existing law requires manufacturers of motorcycles to certify to the department, prior to the sale of a motorcycle exhaust system, that the system is in compliance with the standards and regulations adopted by the commissioner.

This bill would delete this provision.

~~(1) Existing law requires the Commissioner of the California Highway Patrol, following the conduct of a specified study, to adopt regulations setting standards for the certification of exhaust systems. Existing law prohibits persons from engaging in the business of selling and installing exhaust systems, parts, or mufflers unless the person meets those specified regulations and standards adopted by the commissioner. Existing law requires the regulations to include~~



~~provisions regarding the licensing of stations to implement the regulations.~~

~~This bill would delete the provisions relating to the study and the prohibition against engaging in the business of selling and installing exhaust systems, parts, and mufflers unless the system or parts meet the standards, and would require the Chief of the Bureau of Automotive Repair in the Department of Consumer Affairs, instead of the commissioner, to adopt revised regulations setting standards for the certification of vehicle exhaust systems including standards for exhaust systems for all motor vehicles, other than motorcycles, with a manufacturer's gross vehicle weight rating of less than 6,000 pounds that do not exceed a sound reading of 95 dba. The bill would repeal existing, conflicting noise limits.~~

~~This bill would codify existing regulations of the Department of the California Highway Patrol regarding the noise limits testing of motor vehicles, other than motorcycles, and would require the Chief of the Bureau of Automotive Repair in the Department of Consumer Affairs to adopt regulations implementing these testing standards.~~

~~(2) Existing law requires the Department of the California Highway Patrol to obtain federal assistance to carry out statutes relating to exhaust and muffler systems.~~

~~This bill would delete that requirement.~~

~~(3) Under existing law, a court is allowed to dismiss any action against a person who is prosecuted for operating a vehicle in violation of certain statutory noise limits under specified circumstances.~~

~~This bill would extend that authorization to persons who are being prosecuted for certain muffler or fuel cap violations under the same specified circumstances.~~

~~(4) Existing law requires the manufacturers of motorcycles and motorcycle accessories, prior to the sale or offering for sale of any motorcycle exhaust system or part, to certify to the Department of the California Highway Patrol that the exhaust system or part is in compliance with the standards and regulations adopted by the Commissioner of the California Highway Patrol, as specified.~~

~~This bill would delete these requirements.~~

~~The bill would make related changes regarding the registration of motor vehicles by the Department of Motor Vehicles.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~



The people of the State of California do enact as follows:

1 SECTION 1. Section 23130 of the Vehicle Code is repealed.

2 23130. (a) No person shall operate either a motor vehicle or
3 combination of vehicles of a type subject to registration at any time
4 or under any condition of grade, load, acceleration, or deceleration
5 in such a manner as to exceed the following noise limit for the
6 category of motor vehicle within the speed limits specified in this
7 section:

8			
9		Speed limit	Speed limit
10		of 35 mph	of more than
11		or less	35 mph
12	(1) Any motor vehicle with a manufacturer's		
13	gross vehicle weight rating of more than		
14	10,000 pounds and any combination of		
15	vehicles towed by such motor vehicle	86 dbA	90 dbA
16		Speed limit	Speed limit
17		of 35 mph	of more than
18		or less	35 mph
19	(2) Any motorcycle other than a motor driv-		
20	en cycle	82 dbA	86 dbA
21	(3) Any other motor vehicle and any com-		
22	bination of vehicles towed by such mo-		
23	tor vehicle	76 dbA	82 dbA

24
25 (b) The noise limits established by this section shall be based
26 on a distance of 50 feet from the center of the lane of travel within
27 the speed limit specified in this section. The Department of the
28 California Highway Patrol may provide for measuring at distances
29 other than 50 feet from the center of the lane of travel. In such a
30 case, the measurement shall be corrected so as to provide for
31 measurements equivalent to the noise limit established by this
32 section measured at 50 feet.

33 (c) The department shall adopt regulations establishing the test
34 procedures and instrumentation to be utilized. These procedures
35 shall allow, to the extent feasible, noise measurement and
36 enforcement action to be accomplished in reasonably confined
37 areas such as residential areas of urban cities.



~~(d) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.~~

~~(e) For the purpose of this section, a motor truck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of more than 10,000 pounds if the unladen weight is more than 5,000 pounds.~~

~~(f) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.~~

SEC. 2. Section 23130.5 of the Vehicle Code is repealed.

~~23130.5.—(a) Notwithstanding the provisions of subdivision (a) of Section 23130, the noise limits, within a speed zone of 35 miles per hour or less on level streets, or streets with a grade not exceeding plus or minus 1 percent, for the following categories of motor vehicles, or combinations of vehicles, which are subject to registration, shall be:~~

- ~~(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more and any combination of vehicles towed by such motor vehicle 82 dbA~~
- ~~(2) Any motoreycle other than a motor-driven cycle 77 dbA~~
- ~~(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle 74 dbA~~

~~No person shall operate such a motor vehicle or combination of vehicles in such a manner as to exceed the noise limits specified in this section.~~

~~The provisions of subdivisions (c), (d), (e), and (f) of Section 23130 shall apply to this section.~~

~~(b) Measurements shall not be made within 200 feet of any intersection controlled by an official traffic control device, or~~



1 ~~within 200 feet of the beginning or end of any grade in excess of~~
2 ~~plus or minus 1 percent. Measurements shall be made when it is~~
3 ~~reasonable to assume that the vehicle flow is at a constant rate of~~
4 ~~speed, and measurement shall not be made under congested traffic~~
5 ~~conditions which require noticeable acceleration or deceleration.~~

6 ~~(e) Test procedures and instrumentation to be utilized shall be~~
7 ~~in accordance with regulations of the Department of the California~~
8 ~~Highway Patrol, except that measurement shall not be conducted~~
9 ~~within 200 feet of any intersection controlled by an official traffic~~
10 ~~control device, or within 200 feet of the beginning or end of a~~
11 ~~grade.~~

12 ~~(d) The noise limits established by this section shall be based~~
13 ~~on a distance of 50 feet from the center of the lane of travel within~~
14 ~~the speed limit specified in this section. The Department of the~~
15 ~~California Highway Patrol may provide for measuring at distances~~
16 ~~closer than 50 feet from the center of the lane of travel. In such a~~
17 ~~case, the measuring devices shall be so calibrated as to provide for~~
18 ~~measurements equivalent to the noise limit established by this~~
19 ~~section measured at 50 feet.~~

20 ~~Vehicles equipped with at least two snowtread tires are exempt~~
21 ~~from this section.~~

22 *SEC. 3. Section 27150 of the Vehicle Code is amended to read:*

23 27150. (a) Every motor vehicle subject to registration shall
24 at all times be equipped with an adequate muffler in constant
25 operation and properly maintained to prevent any excessive or
26 unusual noise, and no muffler or exhaust system shall be equipped
27 with a cutout, bypass, or similar device.

28 (b) Except as provided in Division 16.5 (commencing with
29 Section 38000) with respect to off-highway motor vehicles subject
30 to identification, every passenger vehicle operated off the
31 highways shall at all times be equipped with an adequate muffler
32 in constant operation and properly maintained so as to meet the
33 requirements of Article 2.5 (commencing with Section 27200),
34 and no muffler or exhaust system shall be equipped with a cutout,
35 bypass, or similar device.

36 ~~(c) The provisions of subdivision~~ *Subdivision* (b) shall not be
37 applicable to passenger vehicles being operated off the highways
38 in an organized racing or competitive event conducted under the
39 auspices of a recognized sanctioning body or by permit issued by
40 the local governmental authority having jurisdiction.



1 SEC. 4. Section 27150.1 of the Vehicle Code is repealed.

2 ~~SEC. 2.—~~

3 SEC. 5. Section 27150.2 of the Vehicle Code is amended to
4 read:

5 27150.2. ~~The Chief of the Bureau of Automotive Repair in the~~
6 ~~Department of Consumer Affairs shall adopt regulations setting~~
7 ~~standards for the certification of vehicular exhaust systems. The~~
8 ~~regulations shall include, but need not be limited to, provisions for~~
9 ~~standards for vehicular exhaust systems, based on manufacturers'~~
10 ~~data and subject to those inspections and other verification as the~~
11 ~~chief may prescribe. The inspection and verification shall be~~
12 ~~performed by bureau-designated referee stations.~~

13 ~~The regulations may provide for the exemption of vehicular~~
14 ~~commissioner may provide for the exemption of vehicular~~ exhaust
15 systems where compliance with the regulations would cause an
16 unreasonable hardship without resulting in a sufficient
17 corresponding benefit with respect to noise level control.

18 ~~SEC. 3.—~~

19 SEC. 6. Section 27150.3 of the Vehicle Code is repealed.

20 ~~SEC. 4.—~~

21 SEC. 7. Section 27150.3 is added to the Vehicle Code, to read:

22 27150.3. (a) Exhaust systems for motor vehicles, other than
23 motorcycles, with a manufacturer's gross vehicle weight rating of
24 less than 6,000 pounds may not exceed a sound reading of 95 dba,
25 ~~and shall comply with the standards established pursuant to~~
26 ~~Section 27150.2~~ when tested in accordance with the following
27 specifications:

28 (1) The vehicle under test shall be positioned either on outdoor
29 pavement or on a shop floor and not over a hoist or pit in a location
30 where the exhaust outlets are near an open shop door. No
31 sound-reflecting surface, other than the pavement and the vehicle
32 being measured, may be within 10 feet of any part of the vehicle.

33 (2) The microphone for the sound level meter shall be at the
34 same height as the center of the exhaust outlet. The microphone
35 may be no closer to the pavement than eight inches when the
36 exhaust outlet is lower than this height. The microphone shall be
37 positioned with its longitudinal axis parallel to the ground,
38 between 19 and 21 inches from the nearest edge of the exhaust
39 outlet, and at an angle between 35 to 55 degrees from the axis of
40 the outlet. For exhaust outlets located under the vehicle body, the



1 microphone shall be located at the specified angle and at least eight
2 inches from the nearest part of the vehicle. For exhaust outlets that
3 make an angle of 45 degrees or less with the longitudinal axis of
4 the vehicle, the microphone shall be outboard of the exhaust axis.
5 For exhaust outlet angles of more than 45 degrees the microphone
6 shall be on the side of the exhaust axis to the rear of the vehicle.

7 (3) The engine shall be at normal running temperature with the
8 transmission in neutral. Sound level measurements conducted for
9 certification by exhaust system manufacturers shall be made at an
10 average steady-state engine speed of three-quarters of maximum
11 rpm. Sound level measurements conducted by licensed muffler
12 certification stations shall be made at an average steady-state
13 engine speed of 3,000 rpm for vehicles manufactured before 1972
14 for which the station does not have maximum rpm data.

15 (4) The recorded exhaust system sound level of a stationary
16 vehicle shall be the highest reading obtained during the test,
17 disregarding unrelated peaks due to extraneous ambient noise.
18 When there is more than one exhaust outlet, the reported sound
19 level shall be for the loudest outlet. When there are two or more
20 exhaust outlets separated by less than 12 inches, measurements
21 shall be made on the outlet closest to the side or rear of the vehicle.

22 ~~(b) The Chief of the Bureau of Automotive Repair in the~~
23 ~~Department of Consumer Affairs shall develop regulations,~~
24 ~~including any necessary diagnosis, to implement this section.~~

25 *(b) The commissioner shall amend existing regulations and*
26 *enforcement guidelines, including Sections 608, 613, 1036(d)(2),*
27 *1050, 1052, and 1053 of Title 13 of the California Code of*
28 *Regulations, and California Highway Patrol Commercial*
29 *Enforcement Guideline HPM 82.6, and any other regulation or*
30 *guideline that conflicts with this section. It shall not be a violation*
31 *of this section unless objectively demonstrated by law enforcement*
32 *authorities that the exhaust system results in a noise level in excess*
33 *of 95 LB(a) under the test standard described in this section. An*
34 *exhaust system that complies with Section 27150.3 is deemed to*
35 *comply with Sections 27150 and 27151.*

36 ~~SEC. 5.—~~

37 SEC. 8. Section 27150.4 of the Vehicle Code is repealed.

38 ~~SEC. 6.—~~

39 SEC. 9. Section 27150.5 of the Vehicle Code is repealed.



1 ~~27150.5.— Any person holding a retail seller’s permit who sells~~
 2 ~~or installs an exhaust system, or part thereof, including, but not~~
 3 ~~limited to, a muffler, in violation of Section 27150.1 or 27150.2~~
 4 ~~or the regulations adopted pursuant thereto, shall thereafter be~~
 5 ~~required to install an exhaust system, or part thereof, including, but~~
 6 ~~not limited to, a muffler, which is in compliance with such~~
 7 ~~regulations upon demand of the purchaser or registered owner of~~
 8 ~~the vehicle concerned, or to reimburse the purchaser or registered~~
 9 ~~owner for the expense of replacement and installation of an~~
 10 ~~exhaust system, or part thereof, including, but not limited to, a~~
 11 ~~muffler, which is in compliance, at the election of such purchaser~~
 12 ~~or registered owner.~~

13 *SEC. 10.* Section 27150.6 of the Vehicle Code is repealed.

14 ~~SEC. 7.— Section 27150.7 of the Vehicle Code is amended to~~
 15 ~~read:~~

16 ~~27150.7.— A court may dismiss any action in which a person is~~
 17 ~~prosecuted for operating a vehicle in violation of Section 23130;~~
 18 ~~23130.5, or 27150 if it is found that the vehicle was equipped with~~
 19 ~~an exhaust system certified pursuant to Section 27150.2 and that~~
 20 ~~the defendant had reasonable grounds to believe that the exhaust~~
 21 ~~system was in good working order and had reasonable grounds to~~
 22 ~~believe that the vehicle was not operated in violation of Section~~
 23 ~~23130 , 23130.5, or 27150.—~~

24 *SEC. 11.* Section 27150.7 of the Vehicle Code is repealed.

25 ~~27150.7.— A court may dismiss any action in which a person is~~
 26 ~~prosecuted for operating a vehicle in violation of Sections 23130~~
 27 ~~or 23130.5 if it is found that the vehicle was equipped with an~~
 28 ~~exhaust system certified pursuant to Section 27150.2 and that the~~
 29 ~~defendant had reasonable grounds to believe that the exhaust~~
 30 ~~system was in good working order and had reasonable grounds to~~
 31 ~~believe that the vehicle was not operated in violation of Sections~~
 32 ~~23130 or 23130.5.—~~

33 ~~SEC. 8.—~~

34 *SEC. 12.* Section 27150.8 of the Vehicle Code is repealed.

35 ~~SEC. 9.—~~

36 *SEC. 13.* Section 27151 of the Vehicle Code is amended to
 37 read:

38 27151. No person shall modify the exhaust system of a motor
 39 vehicle in a manner which will amplify or increase the noise
 40 emitted by the motor of such vehicle so that the vehicle is not in



1 compliance with the provisions of Section 27150 or exceeds the
2 noise limits established for the type of vehicle in Article 2.5
3 (commencing with Section 27200) of this chapter. No person shall
4 operate a motor vehicle with an exhaust system so modified
5 27150.3.

6 *SEC. 14.* Section 27200 of the Vehicle Code is amended to
7 read:

8 27200. (a) The Department of Motor Vehicles may not
9 register on a dealer's report of sale a new motor vehicle, except an
10 off-highway motor vehicle subject to identification as provided in
11 Division 16.5 (commencing with Section 38000), that produces a
12 maximum noise exceeding the applicable noise limit at a distance
13 of 50 feet from the centerline of travel under test procedures
14 established by the ~~Bureau of Automotive Repair~~ *Department of*
15 *the California Highway Patrol*.

16 (b) The Department of Motor Vehicles may accept a dealer's
17 certificate as proof of compliance with this article.

18 (c) Test procedures for compliance with this article shall be
19 established by the ~~Bureau of Automotive Repair~~ *Department of*
20 *the California Highway Patrol*, taking into consideration the test
21 procedures of the Society of Automotive Engineers.

22 (d) No person may sell or offer for sale a new motor vehicle,
23 except an off-highway motor vehicle subject to identification as
24 provided in Division 16.5 (commencing with Section 38000), that
25 produces a maximum noise exceeding the applicable noise limit
26 specified in this article, and for which noise emission standards or
27 regulations have not been adopted by the Administrator of the
28 Environmental Protection Agency pursuant to the Noise Control
29 Act of 1972 (P.L. 92-574).

30 (e) No person may sell or offer for sale a new motor vehicle,
31 except an off-highway motor vehicle subject to identification as
32 provided in Division 16.5 (commencing with Section 38000), that
33 produces noise that exceeds or in any way violates the noise
34 emission standards or regulations adopted for such a motor vehicle
35 by the Administrator of the Environmental Protection Agency
36 pursuant to the Noise Control Act of 1972 (P.L. 92-574).

37 (f) As used in this section, the term "register" is equivalent to
38 the term "licensing" as used in Section 6(e)(2) of the Noise
39 Control Act of 1972 (P.L. 92-574; Title 42, United States Code,
40 Section 4905(e)(2)).



1 ~~SEC. 10.~~

2 *SEC. 15.* Section 27206 of the Vehicle Code is repealed.

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