

1 **H. B. 2456**

2
3 (By Delegate Howell)

4 [Introduced January 13, 2011; referred to the
5 Committee on Roads and Transportation then the
6 Judiciary.]
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10 A BILL to amend and reenact §17C-15-34 of the Code of West
11 Virginia, 1931, as amended, relating to motor vehicle
12 equipment; prohibiting the modification of mufflers resulting
13 in excessive noise levels; and providing defense to alleged
14 violations.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §17C-15-34 of the Code of West Virginia, 1931, as
17 amended, be amended and reenacted to read as follows:

18 **ARTICLE 15. EQUIPMENT.**

19 **§17C-15-34. Mufflers; prevention of noise, fumes and smoke;**
20 **violations.**

21 (a) Every motor vehicle shall at all times be equipped with a
22 muffler in good working order and in constant operation to prevent
23 excessive or unusual noise. ~~Such~~ The muffler shall be the muffler
24 originally installed by the manufacturer of the vehicle or, if a

1 replacement, the equivalent thereof. ~~No~~ A person shall may not use
2 a muffler cutout, bypass, or similar device upon a motor vehicle on
3 a highway.

4 (b) The engine and power mechanism of every motor vehicle
5 shall be so equipped and adjusted as to prevent the escape of
6 excessive fumes or smoke.

7 (c) A person may not modify the exhaust system of a motor
8 vehicle in a manner so that the exhaust system emits in excess of
9 ninety-five decibels as measured by the Society of Automotive
10 Engineers (SAE) Standard J1169 (May 1998). It is not a violation of
11 this section, unless proven by proper authorities, that the exhaust
12 system modification results in noise amplification in excess of
13 ninety-five decibels under the prescribed SAE test standard.

14 (d) A court may dismiss any action for which a person is
15 prosecuted for operating a vehicle in violation of this subsection
16 if it is found that the defendant had reasonable grounds to believe
17 that the vehicle was not operated in violation of the provisions of
18 this section.

NOTE: The purpose of this bill is to prohibit the modification of mufflers resulting in excessive noise levels. The bill also provides a defense to alleged violations.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.