

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4193

BY DELEGATES HOWELL, FRICH, ARVON,
MOFFATT, FAIRCLOTH, WESTFALL, R. PHILLIPS,
MILLER, CADLE, WALTERS AND ZATEZAOL

[Introduced January 21, 2016; Referred
to the Committee on Roads and Transportation then
the Judiciary.]

1 A BILL to amend and reenact §17C-15-34 of the Code of West Virginia, 1931, as amended,
 2 relating to motor vehicle equipment; prohibiting the modification of mufflers resulting in
 3 excessive noise levels; and providing an exception.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 15. EQUIPMENT.

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

1 (a) Every motor vehicle shall at all times be equipped with a muffler in good working order
 2 and in constant operation to prevent excessive or unusual noise. ~~Such~~ The muffler shall be the
 3 muffler originally installed by the manufacturer of the vehicle or, if a replacement, the equivalent
 4 thereof. ~~No~~ A person ~~shall~~ may not use a muffler cutout, bypass, or similar device upon a motor
 5 vehicle on a highway.

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

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

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

NOTE: The purpose of this bill is to create an exception to allow aftermarket mufflers.

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