

HOUSE BILL No. 5543

January 11, 2006, Introduced by Rep. Jones and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 707, 707a, 707c, 707d, and 707e (MCL 257.707,
257.707a, 257.707c, 257.707d, and 257.707e); and to repeal acts and
parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 707. (1) A motor vehicle ~~—, including a motorcycle or~~
2 ~~moped,~~ shall at all times be equipped with **AN EXHAUST SYSTEM AND** a
3 muffler in good working order and in constant operation to prevent
4 excessive or unusual noise, ~~—and—~~ annoying smoke, **OR NOISE IN**
5 **EXCESS OF THE LIMITS ESTABLISHED IN SECTION 707C.** A person shall
6 not remove, destroy, or damage any of the baffles contained in the
7 muffler ~~—, nor shall a person—~~ **OR** use a muffler cutout, **MUFFLER**

bypass, **MUFFLER AMPLIFIER**, or similar device upon a ~~motorcycle or moped on a highway or street~~ **MOTOR VEHICLE**.

(2) The engine, ~~and~~ power mechanism, **EXHAUST SYSTEM, AND MUFFLER** of a motor vehicle shall be ~~so~~ equipped and adjusted ~~as~~ to prevent the escape of excessive fumes or smoke. **A PERSON SHALL NOT OPERATE A MOTOR VEHICLE ON A STREET OR HIGHWAY IF THAT MOTOR VEHICLE HAS A DEFECT IN THE EXHAUST SYSTEM OR MUFFLER THAT AFFECTS SOUND REDUCTION.**

(3) A motor vehicle shall at all times be equipped with a properly operating exhaust system ~~which shall include a tailpipe and resonator on a vehicle where the original design included a tailpipe and resonator~~ **AS EQUIPPED IN THE ORIGINAL DESIGN SPECIFICATIONS OF THE MANUFACTURER. ANY EXHAUST SYSTEM REPLACEMENT EQUIPMENT SHALL SUBSTANTIALLY CONFORM TO THE ORIGINAL DESIGN SPECIFICATIONS.**

Sec. 707a. (1) As used in sections 707a to 707e:

(a) "Decibel" means a unit of sound level on a logarithmic scale measured relative to the threshold of audible sound by the human ear, in compliance with American national standards institute standard S 1.1-1960.

(b) "Decibels on the a-weighted network" or "DBA" means decibels measured on the a-weighted network of a sound level meter, as specified in American national standards institute standard S 1.4-1971.

(c) "Fast meter response" means the meter ballistics of meter dynamic characteristics as specified by American national standard S 1.4-1971.

(d) "Maximum noise" means the noise emitted from a vehicle during that manner of operation ~~which~~ **THAT** causes the highest DBA level possible from that vehicle.

(e) "Muffler" means a device for abating the sound of escaping gases of an internal combustion engine.

(f) "Exhaust system" means the system comprised of a combination of components ~~which~~ **THAT** provides for enclosed flow of exhaust gas from engine parts to the atmosphere.

(g) "Noise" means any sound.

(h) "Total noise" means noises radiating from a vehicle but does not include noises emitted from a horn, siren, bell or other similar device of an authorized emergency vehicle.

(i) "Gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a vehicle.

(j) "Combination vehicle" means any combination of truck, truck tractor, trailer, semi-trailer or pole trailer used upon the highways or streets in the transportation of passengers or property.

(2) FOR PURPOSES OF SECTIONS 707A TO 707E, "MOTOR VEHICLE" DOES NOT INCLUDE SPECIAL MOBILE EQUIPMENT.

Sec. 707c. ~~—(1) After April 1, 1978, a motor vehicle shall not be operated or driven on a highway or street if the motor vehicle produces total noise exceeding 1 of the following limits at a distance of 50 feet except as provided in subdivisions (b)(iii) and (c)(iii):~~

~~—(a) A motor vehicle with a gross weight or gross vehicle weight rating of 8,500 pounds or more, combination vehicle with~~

1 ~~gross weight or gross vehicle weight ratings of 8,500 pounds or~~
 2 ~~more.~~

3 ~~—— (i) Ninety DBA if the maximum lawful speed on the highway or~~
 4 ~~street is greater than 35 miles per hour.~~

5 ~~—— (ii) Eighty six DBA if the maximum lawful speed on the highway~~
 6 ~~or street is not more than 35 miles per hour.~~

7 ~~—— (iii) Eighty eight DBA under stationary run up test.~~

8 ~~—— (b) A motorcycle or a moped:~~

9 ~~—— (i) Eighty six DBA if the maximum lawful speed on the highway~~
 10 ~~or street is greater than 35 miles per hour.~~

11 ~~—— (ii) Eighty two DBA if the maximum lawful speed on the highway~~
 12 ~~or street is not more than 35 miles per hour.~~

13 ~~—— (iii) Ninety five DBA under stationary run up test at 75 inches.~~

14 ~~—— (c) A motor vehicle or a combination of vehicles towed by a~~
 15 ~~motor vehicle not covered in subdivision (a) or (b):~~

16 ~~—— (i) Eighty two DBA if the maximum lawful speed on the highway~~
 17 ~~or street is greater than 35 miles per hour.~~

18 ~~—— (ii) Seventy six DBA if the maximum lawful speed on the highway~~
 19 ~~or street is not more than 35 miles per hour.~~

20 ~~—— (iii) Ninety five DBA under stationary run up test 20 inches~~
 21 ~~from the end of the tailpipe.~~

22 (1) ~~—(2)—~~ A dealer shall not sell or offer for sale for use
 23 upon a street or highway in this state **AND A PERSON SHALL NOT**
 24 **OPERATE UPON A STREET OR HIGHWAY IN THIS STATE** a ~~new~~ motor
 25 vehicle ~~manufactured after April 1, 1978, which~~ **THAT** produces a
 26 maximum noise exceeding the following limits **MEASURED AT A DISTANCE**
 27 **OF 50 FEET:**

1 (a) A motor vehicle with a gross vehicle weight rating of
2 8,500 pounds or more—83 DBA.

3 (b) A motorcycle or a moped—83 DBA.

4 (c) A motor vehicle not covered in subdivision (a) or (b)—80
5 DBA.

6 ~~—(3) A person shall not operate a vehicle on a highway or~~
7 ~~street if the vehicle has a defect in the exhaust system which~~
8 ~~affects sound reduction, is not equipped with a muffler or other~~
9 ~~noise dissipative device, or is equipped with a cutout, bypass,~~
10 ~~amplifier, or a similar device.~~

11 (2) ~~—(4)~~ A person, either acting for himself or herself or as
12 the agent or employee of another, shall not sell, install, or
13 replace a muffler or exhaust part that causes the motor vehicle to
14 which the muffler or exhaust part is attached to exceed the noise
15 limits established by this act or a rule promulgated under this
16 act.

17 (3) ~~—(5)~~ A person shall not modify, repair, replace, or
18 remove a part of an exhaust system causing the motor vehicle to
19 which the system is attached to produce noise in excess of the
20 levels established by this act, or operate a motor vehicle so
21 altered on a street or highway.

22 (4) ~~—(6)~~ A dealer shall not sell a used or secondhand motor
23 vehicle for use upon a street or highway ~~which~~ **THAT** is not in
24 compliance with this act.

25 Sec. 707d. (1) A person who violates section ~~707c(2), (4), or~~
26 ~~(6)~~ **707C** is guilty of a misdemeanor punishable by a fine of
27 \$100.00.

1 (2) A person who violates section **707 OR 707b** ~~or 707e(1),~~
2 ~~(3), or (5)~~ is responsible for a civil infraction.

3 (3) A person who, at the time of installation, knowingly
4 installs a muffler or exhaust system ~~which~~ **THAT** exceeds the
5 decibel limits of this act ~~shall be~~ **IS** liable to the person who
6 receives a citation for violation of 707c for the amount of not
7 less than \$100.00, plus reasonable attorney fees and court costs.

8 (4) If it is shown that the noise level of a motor vehicle is
9 in excess of the DBA levels established in this act, that evidence
10 shall be prima facie evidence that the motor vehicle was producing
11 excessive noise in violation of this act.

12 (5) A violation of section ~~707e(4) or (6)~~ **707C(2) OR (4)** by
13 a dealer licensed under this act is prima facie evidence of a
14 fraudulent act under section 249.

15 Sec. 707e. ~~(1)~~ Test instrumentation and procedures used for
16 implementation and enforcement of sections 707a to 707d shall
17 substantially conform ~~with~~ **TO** applicable standards and
18 recommended practices established by the society of automotive
19 engineers, inc., and the American national standards institute,
20 inc., for the measurement of motor vehicle sound levels. Rules
21 establishing these test procedures shall be promulgated by the
22 department of ~~state highways and~~ transportation. The rules may
23 provide for measurement at other than the distance specified in
24 section 707c, ~~provided that~~ **IF** the decibel limits applied at the
25 other distances are adjusted accordingly, to meet the standards in
26 section 707c. The rules shall be promulgated ~~pursuant to Act No.~~
27 ~~306 of the Public Acts of 1969, as amended, being sections 24.201~~

1 ~~to 24.315 of the Michigan Compiled Laws~~ **IN COMPLIANCE WITH THE**
2 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**
3 **24.328.**

4 ~~—— (2) This act occupies the whole field of vehicle noise~~
5 ~~regulation. A city, county, village, or township shall not adopt or~~
6 ~~enforce vehicle noise rules unless the rules are identical to the~~
7 ~~requirements of this act.~~

8 Enacting section 1. Sections 707b and 707f of the Michigan
9 vehicle code, 1949 PA 300, MCL 257.707b and 257.707f, are repealed.