

# HOUSE BILL No. 5726

August 27, 2014, Introduced by Rep. Geiss and referred to the Committee on Transportation and Infrastructure.

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

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

1 1.4-1971.

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

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

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

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

13 (g) "Noise" means any sound.

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

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

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

23 (K) "MOTOR VEHICLE REPAIR FACILITY" MEANS THAT TERM AS DEFINED  
24 IN SECTION 2 OF THE MOTOR VEHICLE SERVICE AND REPAIR ACT, 1974 PA  
25 300, MCL 257.1302.

26 (I) "OEM STOCK DECIBEL LEVELS" MEANS THE DECIBEL LEVELS  
27 PRODUCED BY AN EXHAUST SYSTEM AS DESIGNED AND BUILT BY THE ORIGINAL

**EQUIPMENT MANUFACTURER.**

Sec. 707c. (1) ~~After April 1, 1978, a~~ **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 gross weight or gross vehicle weight ratings of 8,500 pounds or more-:

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

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

(iii) Eighty-eight DBA under stationary run-up test.

(b) A motorcycle or a moped:

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

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

(iii) Ninety-five DBA under stationary run-up test at 75 inches.

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

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

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

1           (iii) Ninety-five DBA under stationary run-up test 20 inches  
2 from the end of the tailpipe.

3           (2) A dealer shall not sell or offer for sale for use upon a  
4 street or highway in this state a new motor vehicle ~~manufactured~~  
5 ~~after April 1, 1978, which~~ **THAT** produces a maximum noise exceeding  
6 the following limits:

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

9           (b) A motorcycle or a moped—83 DBA.

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

12          (3) A person shall not operate a vehicle on a highway or  
13 street if the vehicle has a defect in the exhaust system ~~which~~ **THAT**  
14 affects sound reduction, is not equipped with a muffler or other  
15 noise dissipative device, or is equipped with a cutout, bypass,  
16 amplifier, or a similar device.

17          (4) A person, either acting for himself or herself or as the  
18 agent or employee of another, shall not sell, install, or replace a  
19 muffler or exhaust part that causes the motor vehicle to which the  
20 muffler or exhaust part is attached to exceed the noise limits  
21 established by this act or a rule promulgated under this act.

22          (5) A person shall not modify, repair, replace, or remove a  
23 part of an exhaust system causing the motor vehicle to which the  
24 system is attached to produce noise in excess of the levels  
25 established by this act, or operate a motor vehicle so altered on a  
26 street or highway.

27          (6) A dealer shall not sell a used or secondhand motor vehicle

1 for use upon a street or highway ~~which~~**THAT** is not in compliance  
2 with this act.

3 **(7) A MOTOR VEHICLE REPAIR FACILITY SHALL NOT MODIFY AN**  
4 **EXHAUST SYSTEM CAUSING THE MOTOR VEHICLE TO WHICH THE SYSTEM IS**  
5 **ATTACHED TO PRODUCE NOISE IN EXCESS OF OEM STOCK DECIBEL LEVELS.**

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

8 (2) A person who violates section 707b or 707c(1), (3), ~~or~~  
9 (5), **OR (7)** is responsible for a civil infraction. **A PERSON WHO**  
10 **VIOLATES SECTION 707C(7) SHALL PAY A CIVIL FINE OF \$10,000.00 FOR**  
11 **EACH VIOLATION.**

12 (3) A person who, at the time of installation, knowingly  
13 installs a muffler or exhaust system which exceeds the decibel  
14 limits of this act shall be liable to the person who receives a  
15 citation for violation of 707c for the amount of not less than  
16 \$100.00, plus reasonable attorney fees and court costs.

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

21 (5) A violation of section 707c(4) or (6) by a dealer licensed  
22 under this act is prima facie evidence of a fraudulent act under  
23 section 249.