

S.66

Introduced by Senators White, Clarkson, Gulick, Major and Watson

Referred to Committee on Transportation

Date: February 11, 2025

Subject: Motor vehicles; noise; exhaust; exhaust system modification; engine
compression brakes

Statement of purpose of bill as introduced: This bill proposes to establish
limits for noise from motor vehicles; to prohibit the modification of vehicle
exhaust systems in a manner that results in excess noise or smoke emissions;
and to prohibit the use of engine compression brake devices without a muffler.

An act relating to motor vehicle noise, exhaust modifications, and engine
compression brakes

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 23 V.S.A. § 1221 is amended to read:~~

~~§ 1221. CONDITION OF VEHICLE; EXCESSIVE NOISE~~

~~(a) A motor vehicle, operated on any highway, shall be in good mechanical
condition and shall be properly equipped.~~

~~(b)(1) An individual shall not operate on a highway a motor vehicle
equipped with a muffler lacking interior baffle plates or other effective~~

1 ~~muffling device, a gutted muffler, a muffler outlet, a straight pipe exhaust, or~~
2 a device or modification that amplifies the noise emitted by the vehicle.

3 (2) An individual shall not operate on a highway a motorcycle
4 manufactured after December 31, 1985 that is not labeled in compliance with
5 40 C.F.R. § 205.158 and equipped with a muffler that meets the requirements
6 of 40 C.F.R. § 205.169.

7 (3) The prohibition of subdivisions (1) and (2) of this subsection shall
8 not apply when a motor vehicle or motorcycle is operated in a race, contest, or
9 demonstration of speed or skill at an authorized public exhibition held in
10 accordance with applicable State or municipal law and land use permits.

11 (c) An individual shall not operate a motor vehicle with an exhaust system
12 that has been modified when the result of that modification is the emission of
13 increased exhaust fumes or smoke.

14 (d)(1) A motor vehicle equipped or modified as described in subdivision
15 (b)(1) of this section or that has been modified as described in subsection (c)
16 of this section shall not pass an inspection required under section 1222 of this
17 title.

18 (2) A motorcycle that does not meet the requirements of subdivision
19 (b)(2) of this section shall not pass an inspection required under section 1222
20 of this title.

~~(e)(1) An individual who violates subsection (b) or (c) of this section shall~~

~~be subject to a civil penalty of not less than:~~

~~(A) \$100.00 for a first violation;~~

~~(B) \$200.00 for a second violation; and~~

~~(C) \$350.00 for a third or subsequent violation.~~

~~(2) Penalties collected pursuant to the provisions of this subsection shall
be deposited in the Transportation Fund and used for costs related to enforcing
the provisions of this section and sections 1260 and 1309 of this chapter.~~

Sec. 2. 23 V.S.A. § 1260 is added to read:

§ 1260. MOTOR VEHICLE SOUND LIMITS

(a) A person shall not operate or cause to be operated on a highway any
motor vehicle or combination of vehicles with a gross vehicle weight rating of
10,000 pounds or less, except a motorcycle, with a sound level in excess of:

(1) when the motor vehicle or combination of vehicles is traveling at 35
miles per hour or less, 72 decibels on the A scale at 50 feet; and

(2) when the motor vehicle or combination of vehicles is traveling at
more than 35 miles per hour, 80 decibels on the A scale at 50 feet.

(b) A person shall not operate or cause to be operated on a highway any
motor vehicle or combination of vehicles with a gross vehicle weight rating of
more than 10,000 pounds with a sound level in excess of:

1 ~~(1) when the motor vehicle or combination of vehicles is traveling at 35~~
2 ~~miles per hour or less, 80 decibels on the A scale at 50 feet; and~~

3 ~~(2) when the motor vehicle or combination of vehicles is traveling at~~
4 ~~more than 35 miles per hour, 87 decibels on the A scale at 50 feet.~~

5 ~~(c)(1) For purposes of determining compliance with the provisions of~~
6 ~~subsections (a) and (b) of this section, a law enforcement office may measure a~~
7 ~~vehicle's sound level with a sound meter, noise camera, or other appropriate~~
8 ~~device approved by the Secretary of Transportation by rule.~~

9 ~~(2) Measurements taken pursuant to subdivision (1) of this subsection~~
10 ~~from a distance other than 50 feet shall be adjusted to determine the equivalent~~
11 ~~sound level at 50 feet.~~

12 ~~(d)(1) The Secretary of Transportation shall adopt rules pursuant to the~~
13 ~~provisions of 3 V.S.A. chapter 25 as necessary to implement the provisions of~~
14 ~~this section.~~

15 ~~(2) The Secretary of Transportation shall establish a training program~~
16 ~~for law enforcement officers regarding procedure for measuring vehicle sound~~
17 ~~and the proper use of sound level measurement devices.~~

18 ~~(e)(1) A person who violates subsection (a) or (b) of this section shall be~~
19 ~~subject to a civil penalty of not less than:~~

20 ~~(A) \$100.00 for a first violation;~~

21 ~~(B) \$200.00 for a second violation; and~~

~~(C) \$250.00 for a third or subsequent violation.~~

(2) Penalties collected pursuant to the provisions of this subsection shall be deposited in the Transportation Fund and used for costs related to enforcing the provisions of this section and sections 1221 and 1309 of this chapter.

Sec. 3. 23 V.S.A. § 1309 is added to read:

§ 1309. ENGINE COMPRESSION BRAKE DEVICES; REQUIREMENTS

(a)(1) An individual shall not operate a motor truck or truck tractor equipped with an engine compression brake device unless the motor truck or truck tractor is also equipped with a muffler to prevent excessive noise from the device.

(2) It shall not be a violation of subdivision (1) of this section to use an engine compression brake device in a motor truck or truck tractor that is not equipped with a muffler to prevent excessive noise from the device if the device is used to slow down or stop the motor truck or truck tractor in an emergency.

(b) A motor truck or truck tractor that is equipped with an engine compression brake device but is not equipped with a working muffler to prevent excessive noise from the device shall fail inspection pursuant to section 1222 of this title.

(c)(1) An individual who violates subdivision (a)(1) of this section shall be subject to a civil penalty of not less than:

1 (A) \$250.00 for a first violation;

2 (B) \$500.00 for a second violation; and

3 (C) \$750.00 for a third or subsequent violation.

4 (2) Penalties collected pursuant to the provisions of this subsection shall
5 be deposited in the Transportation Fund and used for costs related to enforcing
6 the provisions of this section and sections 1221 and 1260 of this chapter.

7 (d) As used in this section, “engine compression brake device” means a
8 device that slows a motor truck or truck tractor by utilizing engine
9 compression and the release of compressed air. “Engine compression brake
10 device” includes compression brakes, decompression brakes, engine
11 compression release brakes, “Jake” brakes, and “Jacobs” brakes.

12 (e) Nothing in this section shall be construed to prevent a municipality
13 from adopting an ordinance that prohibits the operation of engine compression
14 brake devices within the municipality or in specific parts of the municipality.

15 Sec. 4. 23 V.S.A. § 1223 is amended to read:

16 § 1223. PROHIBITIONS

17 (a) A person shall not affix or cause to be affixed to a motor vehicle,
18 trailer, or semi-trailer a certification of inspection that was not assigned to the
19 motor vehicle, trailer, or semi-trailer by an official inspection station to such
20 motor vehicle, trailer, or semi-trailer.

1 ~~(b) No person shall. A person shall not reaffix or cause to be reaffixed an~~
2 official sticker once the sticker has been removed; instead, replacement.
3 Replacement stickers shall be affixed as prescribed by the rules for
4 replacement sticker agents.

5 (c) A person shall not knowingly operate a motor vehicle, trailer, or semi-
6 trailer to which a certification of inspection is affixed if the certification of
7 inspection was not assigned by an official station to that vehicle, trailer, or
8 semi-trailer.

9 (d) An official inspection station shall not inspect any motor vehicle,
10 trailer, or semi-trailer owned or operated by the owner or operator of the
11 inspection station or by a certified inspection mechanic employed by the
12 inspection station.

13 Sec. 5. AGENCY OF TRANSPORTATION; MOTOR VEHICLE NOISE;
14 CITIZEN REPORTING SYSTEM

15 The Agency of Transportation shall establish on its website a motor vehicle
16 noise reporting system through which individuals can report motor vehicles
17 that the individual believes are emitting noise at sound levels in violation of
18 the provisions of 23 V.S.A. §§ 1221 and 1260, and motor trucks and truck
19 tractors that are using a engine compression brake device without an
20 appropriate muffler in violation of 23 V.S.A. § 1309. The Agency shall share
21 ~~reports received through the system with appropriate law enforcement agencies~~

1 ~~to enable the agencies to investigate whether the reported vehicle is in~~
2 ~~compliance with the provisions of 23 V.S.A. §§ 1221, 1260, and 1309.~~

3 Sec. 6. EFFECTIVE DATE

4 ~~This act shall take effect on July 1, 2025.~~

Sec. 1. 23 V.S.A. § 1221 is amended to read:

§ 1221. CONDITION OF VEHICLE; EXCESSIVE NOISE

(a) A motor vehicle, operated on any highway, shall be in good mechanical condition and shall be properly equipped.

(b)(1) An individual shall not operate on a highway a motor vehicle equipped with a muffler lacking interior baffle plates or other effective muffling devices, a gutted muffler, a muffler cutout, or a straight pipe exhaust.

(2) An individual shall not operate on a highway a motorcycle manufactured after December 31, 1985 that is not labeled in compliance with 40 C.F.R. § 205.158 and equipped with a muffler that meets the requirements of 40 C.F.R. § 205.169.

(3) The prohibition of subdivisions (1) and (2) of this subsection shall not apply when a motor vehicle or motorcycle is operated in a race, contest, or demonstration of speed or skill at an authorized public exhibition held in accordance with applicable State or municipal law and land use permits.

(c)(1) A motor vehicle equipped or modified as described in subdivision (b)(1) of this section shall not pass an inspection required under section 1222 of this title.

(2) A motorcycle that does not meet the requirements of subdivision (b)(2) of this section shall not pass an inspection required under section 1222 of this title.

Sec. 2. 23 V.S.A. § 1309 is added to read:

§ 1309. ENGINE COMPRESSION BRAKE DEVICES; REQUIREMENTS

(a)(1) An individual shall not operate a motor truck or truck tractor equipped with an engine compression brake device unless the motor truck or truck tractor is also equipped with a muffler to prevent excessive noise from the device.

(2) It shall not be a violation of subdivision (1) of this subsection to use an engine compression brake device in a motor truck or truck tractor that is

not equipped with a muffler to prevent excessive noise from the device if the device is used to slow down or stop the motor truck or truck tractor in an emergency.

(b) A motor truck or truck tractor that is equipped with an engine compression brake device but is not equipped with a working muffler to prevent excessive noise from the device shall fail inspection pursuant to section 1222 of this title.

(c) As used in this section, “engine compression brake device” means a device that slows a motor truck or truck tractor by utilizing engine compression and the release of compressed air. “Engine compression brake device” includes compression brakes, decompression brakes, engine compression release brakes, “Jake” brakes, and “Jacobs” brakes.

(d) Nothing in this section shall be construed to prevent a municipality from adopting an ordinance that prohibits the operation of an engine compression brake devices within the municipality or in specific parts of the municipality.

**Sec. 3. RULEMAKING; PERIODIC INSPECTION MANUAL; EXHAUST
MODIFICATIONS; ENGINE COMPRESSION BRAKE
MUFFLERS; OUTREACH**

(a) The Department of Motor Vehicles shall, unless extended by the Legislative Committee on Administrative Rules, adopt amendments to Department of Motor Vehicles, Inspection of Motor Vehicles (CVR 14-050-022) to implement the provisions of Secs. 1 and 2 of this act that shall take effect on or before July 1, 2026.

(b) The Department of Motor Vehicles shall implement a public outreach campaign regarding prohibited exhaust modifications pursuant to 23 V.S.A. § 1221 and the requirement for engine compression brakes to be equipped with a muffler pursuant to 23 V.S.A. § 1309. The public outreach campaign shall include information on the provisions of the rules for Inspection of Motor Vehicles (CVR 14-050-022), related to exhaust modifications and engine compression brake mufflers, including the amendments adopted under the Administrative Procedure Act pursuant to subsection (a) of this section. The Department of Motor Vehicles shall begin to disseminate information pursuant to this subsection not later than two months prior to the effective date of Secs. 1 and 2 of this act and shall disseminate information pursuant to this subsection through email, bulletins, software updates, and the Department of Motor Vehicles’ website.

Sec. 4. MOTOR VEHICLE NOISE LEVELS; REPORT

(a) On or before December 15, 2025, the Commissioner of Motor Vehicles shall submit a written report to the Senate and House Committees on Transportation with a proposal for limits on motor vehicle noise and proposed procedures for the enforcement of those limits.

(b) The report shall examine laws and procedures in Maine and other New England states regarding:

(1) maximum sound levels for motor vehicles and trucks;

(2) enforcement of maximum sound levels for motor vehicles and trucks;

(3) procedures for a person to challenge a determination that the person's vehicle was operating in excess of the applicable maximum sound level; and

(4) procedures for a citizen to report a suspected violation of the maximum sound levels for motor vehicles and trucks to law enforcement.

(c) The report shall include proposals for:

(1) maximum sound levels above which motor vehicles and trucks would not be permitted to operate on highways in Vermont, which may vary depending on the type of vehicle, vehicle weight, and vehicle speed;

(2) methods for determining whether a vehicle is operating on a highway in excess of the maximum sound levels;

(3) procedures for enforcing the maximum sound levels;

(4) procedures for a person to challenge a determination that the person's vehicle was operating in excess of the applicable maximum sound level; and

(5) procedures for allowing citizens to report a suspected violation of the maximum sound levels for motor vehicles and trucks to law enforcement.

(d) The report shall identify any legislative action necessary to implement the proposals included pursuant to subsection (c) of this section.

Sec. 5. EFFECTIVE DATES

(a) This section and Secs. 3 and 4 of this act shall take effect on July 1, 2025.

(b) Secs. 1 and 2 of this act shall take effect on July 1, 2026.