

IN THE SENATE

SENATE BILL NO. 1092

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO MUFFLERS AND PREVENTION OF NOISE; AMENDING SECTION 49-937, IDAHO CODE, TO PROVIDE THAT A MOTOR VEHICLE EQUIPPED WITH A GLASS PACK MUFFLER ADAPTED WITH A BUTTERFLY VALVE IN THE CORE IS NOT LAWFUL TO BE OPERATED ON THE HIGHWAYS OF THE STATE AND TO PROVIDE PENALTIES; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-937, Idaho Code, be, and the same is hereby amended to read as follows:

49-937. MUFFLERS, PREVENTION OF NOISE. (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, bypass, or similar device upon a motor vehicle on a highway. A motor vehicle equipped with a glass pack muffler adapted with a butterfly valve in the core that can be opened and closed by either manual or electronic means from the vehicle's cabin, thereby causing the muffler noise to become progressively quieter as the valve is closed and progressively louder as the valve is opened, is not lawful to be operated on the highways of this state. When any motor vehicle was originally equipped with a noise suppressing system or when any motor vehicle is required by law or regulation of this state or the federal government to have a noise suppressing system, that system shall be maintained in good working order. No person shall disconnect any part of that system except temporarily in order to make repairs, replacements or adjustments, and no person shall modify or alter that system or its operation in any manner, except to conform to the manufacturer's specifications. No person shall knowingly operate and no owner shall knowingly cause or permit to be operated any motor vehicle originally equipped or required by any law or regulation of the state or the federal government to be equipped with a noise suppressing system while any part of that system is disconnected or while that system or its operation is modified or altered in any manner, except to conform to the manufacturer's specifications.

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

(3) No person shall modify the exhaust system of a motor vehicle or a motorcycle in a manner which will amplify or increase the noise of the vehicle or motorcycle above that emitted by the muffler originally installed on the vehicle by the manufacturer.

(4) A showing that the sound made by a passenger motor vehicle or motorcycle exceeds the maximum allowable decibel level shall be prima facie evidence of a violation of subsection (1) of this section.

(5) No person shall sell, offer for sale, or install any noise suppressing system or device which will produce excessive or unusual noise.

1 (6) Any person violating the provisions of this section may be fined not more than one
2 thousand dollars (\$1,000), plus court costs.

3 SECTION 2. An emergency existing therefor, which emergency is hereby declared to
4 exist, this act shall be in full force and effect on and after its passage and approval.