

H. B. 2150

(By Delegates Howell, Hamrick, J. Nelson, Statler, Walters,
Arvon, Blair, Kessinger, Weld, McGeehan and Kurcaba)

[Introduced January 20, 2015; referred to the

Committee on Roads and Transportation then the Judiciary.]

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

13 Be it enacted by the Legislature of West Virginia:

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

16 ARTICLE 15. EQUIPMENT.

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

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

(b) The engine and power mechanism of every motor vehicle shall be so equipped and

1 adjusted as to prevent the escape of excessive fumes or smoke.

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

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

NOTE: The purpose of this bill is to prohibit the modification of mufflers resulting in excessive noise levels. The bill also provides an exception.

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