

House Bill 1285

By: Representatives McCollum of the 30th, Hitchens of the 161st, Jones of the 47th, Fleming of the 114th, Hilton of the 48th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia
2 Annotated, relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and
3 energy absorption systems, so as to prohibit the sale of mufflers and other equipment
4 intended to produce excessive noise when installed on certain motor vehicles; to prohibit the
5 operation of certain motor vehicles that produce excessive noise; to provide for a penalty; to
6 provide for admissible evidence in the prosecution of a violation; to provide for
7 establishment of a list of approved noise level detection devices; to provide for definitions;
8 to provide for related matters; to provide for an effective date and applicability; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 4 of Article 1 of Chapter 8 of Title 40 of the Official Code of Georgia Annotated,
13 relating to horns, exhaust systems, mirrors, windshields, tires, safety belts, and energy
14 absorption systems, is amended by revising Code Section 40-8-71, relating to exhaust system
15 and prevention of noise, smoke, and fumes, as follows:

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16 "40-8-71.

17 (a) Every motor vehicle shall at all times be equipped with an exhaust system, in good
18 working order and in constant operation, meeting the following specifications:

19 (1) The exhaust system shall include the piping leading from the flange of the exhaust
20 manifold to and including the muffler or mufflers and tail pipes;

21 (2) The use of flexible pipe shall be prohibited except on diesel tractors or according to
22 manufacturers' original specifications;

23 (3) The exhaust emission point shall extend beyond the rear or outside of the passenger
24 compartment. The trunk shall be considered as part of the passenger compartment;

25 (4) The exhaust system and its elements shall be securely fastened, including the
26 consideration of missing or broken hangers; and

27 (5) There shall be no part of the exhaust system passing through the passenger
28 compartment or any exposed stack so located that any individual entering or leaving the
29 vehicle may be burned.

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

32 ~~(c) It shall be unlawful for any person to sell or offer for sale any muffler which causes~~
33 ~~excessive or unusual noise or annoying smoke or any muffler cutout, bypass, or similar~~
34 ~~device for use on a motor vehicle or for any person to use, to sell, or to offer for sale any~~
35 ~~motor vehicle equipped with any such muffler, muffler cutout, bypass, or similar device.~~
36 ~~Any person violating this subsection shall be guilty of a misdemeanor.~~

37 (c)(1) For purposes of this subsection, the term:

38 (A) 'Excessive noise' means the sound emitted from a muffler of a motor vehicle above
39 the manufactured specifications for the make and model of such vehicle, or 70 decibels
40 for a motor vehicle or 95 decibels for a motor vehicle that is a motorcycle, whichever
41 is greater.

42 (B) 'Gross vehicle weight rating' means the manufacturer's gross vehicle weight rating
43 whether or not the vehicle is modified by use of parts not originally installed by the
44 manufacturer.

45 (C) 'Motor vehicle' means any motor vehicle that has a gross vehicle weight rating of
46 less than 6,000 pounds other than a motor vehicle manufactured in 1989 or earlier.

47 (D) 'Muffler' means and includes a muffler cutout, bypass, or similar device.

48 (2) It shall be unlawful for any person to sell or offer for sale any muffler for use on a
49 motor vehicle knowing that when such muffler is installed upon a motor vehicle it will
50 produce excessive noise.

51 (3) It shall be unlawful for any person to operate a motor vehicle equipped with a muffler
52 that produces excessive noise.

53 (4) Any person violating this subsection shall be guilty of a misdemeanor.

54 (d) Evidence of decibel level measurements taken from a device approved by the
55 Department of Public Safety through rule and regulation shall be considered scientifically
56 acceptable and reliable as a noise level detection device and shall be admissible for all
57 purposes in any court in this state in the prosecution of a violation of subsection (c) of this
58 Code section. A certified copy of the Department of Public Safety list of approved models
59 of such noise level detection devices shall be self-authenticating and shall be admissible
60 for all purposes in any court in this state."

61 **SECTION 2.**

62 This Act shall become effective on July 1, 2024, and shall apply to offenses committed on
63 or after that date.

64 **SECTION 3.**

65 All laws and parts of laws in conflict with this Act are repealed.