

House Bill 185

By: Representatives Lim of the 99<sup>th</sup> and Mainor of the 56<sup>th</sup>

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 provide for a definition relating to excessive and unusual  
4 noise of a motor vehicle muffler; to provide for related matters; to provide for an effective  
5 date and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

12 "40-8-71.

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

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

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- 17 (2) The use of flexible pipe shall be prohibited except on diesel tractors or according to  
18 manufacturers' original specifications;
- 19 (3) The exhaust emission point shall extend beyond the rear or outside of the passenger  
20 compartment. The trunk shall be considered as part of the passenger compartment;
- 21 (4) The exhaust system and its elements shall be securely fastened, including the  
22 consideration of missing or broken hangers; and
- 23 (5) There shall be no part of the exhaust system passing through the passenger  
24 compartment or any exposed stack so located that any individual entering or leaving the  
25 vehicle may be burned.
- 26 (b) The engine and power mechanism of every motor vehicle shall be so equipped and  
27 adjusted as to prevent the escape of excessive fumes or smoke.
- 28 (c) It shall be unlawful for any person to sell or offer for sale any muffler which causes  
29 excessive or unusual noise or annoying smoke or any muffler cutout, bypass, or similar  
30 device for use on a motor vehicle or for any person to ~~use~~ operate, to sell, or to offer for  
31 sale any motor vehicle equipped with any such muffler, muffler cutout, bypass, or similar  
32 device. For purposes of this subsection, the term 'excessive or unusual noise' means any  
33 sound greater than 95 decibels when such noise is produced by a motor vehicle other than  
34 a motorcycle. Any person violating this subsection shall be guilty of a misdemeanor."

35 **SECTION 2.**

36 This Act shall become effective on July 1, 2021, and shall apply to offenses committed on  
37 or after that date.

38 **SECTION 3.**

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