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## **OLR Bill Analysis**

### **sSB 1103**

#### ***AN ACT CONCERNING EMISSIONS AND DECIBEL LEVEL TESTING AND THE TAXATION OF CERTAIN MOTORCYCLES AND PARTS.***

#### **SUMMARY**

This bill (1) requires all motor vehicles that must get an emissions inspection to also obtain an inspection of their vehicle's maximum decibel (dB) level (i.e., noise inspection) to determine compliance with vehicle noise limits (see BACKGROUND) and (2) subjects most motorcycles to emissions inspection requirements.

The bill also increases to 50% the sales and use tax rate on motorcycles and aftermarket motorcycle mufflers that exceed existing noise limits.

The bill's provisions on noise inspections generally parallel those for emissions inspections. Among other things, they (1) allow the Department of Motor Vehicles (DMV) to establish a fee for noise inspections; (2) allow DMV to enter into or amend agreements with contractors to provide noise inspections; (3) require the Department of Energy and Environmental Protection (DEEP) to provide DMV with technical information, including testing techniques, standards, and instructions; and (4) allow the DMV commissioner to deny or revoke a registration if a motor vehicle does not receive a noise inspection or fails to pay a required fee.

Finally, the bill allows DMV to adopt regulations to implement the motorcycle emissions inspection and noise inspection requirements.

**EFFECTIVE DATE:** October 1, 2021, and the sales and use tax provisions are applicable to sales on or after that date.

## **§§ 1-6 — MOTORCYCLE EMISSIONS INSPECTIONS & MOTOR VEHICLE NOISE INSPECTIONS**

### ***Motorcycle Emissions Inspections (§ 1)***

The bill eliminates the general emissions inspection exemption for motorcycles, thus subjecting most motorcycles to biennial emissions inspections. As under current law for other motor vehicles, motorcycles four or fewer model years old are exempt from inspection.

### ***Motor Vehicle Noise Level Inspections (§§ 2(a), 3(b) & (c))***

The bill requires each motor vehicle that must have an emissions inspection to also get a noise inspection when it is presented for an emissions inspection. The bill caps the maximum decibel level for a motor vehicle at the existing state's noise limit, when it is measured using procedures in existing law (see BACKGROUND).

***Prohibitions.*** The bill prohibits vehicles subject to noise inspections from being driven in the state without being tested in accordance with the schedule the commissioner prescribes.

The bill also (1) prohibits motor vehicle dealers from selling any vehicle that has not had a noise inspection or met the noise limit requirements and (2) specifically prohibits people, firms, and corporations from driving or allowing to be driven a motor vehicle that has not received a noise inspection and found to be in compliance with the noise limits. Violations of either of these provisions are infractions, but the fine for a first violation is \$50.

Existing law already prohibits selling new vehicles that produce a maximum decibel level that exceeds the law's noise limit (CGS § 14-80a).

***Registration Penalties.*** The bill allows the DMV commissioner to deny a registration issuance or renewal or revoke an existing registration if a motor vehicle does not receive a noise inspection as required or fails to pay the required fee.

***Waivers and Retests.*** The bill allows the DMV commissioner to do the following:

1. grant waivers from complying with the standards for vehicles that fail the inspection and require repair costs that the commissioner determines are unreasonable;
2. determine compliance of a vehicle that fails a noise inspection retest using a complete physical and functional diagnosis and vehicle inspection showing that no additional noise-related repairs are needed; and
3. grant one extension, for up to two years, for obtaining needed repairs if the owner has economic hardship.

***DEEP Standards and Technical Information (§ 2(b))***

The bill requires the DEEP commissioner to consult with the DMV commissioner and provide DMV with technical information, including testing techniques, standards, and instructions for (1) motorcycle emission control features and equipment and (2) motor vehicle noise inspections. The standards must be (1) consistent with federal law and applicable DEEP regulations and (2) periodically reviewed and, if necessary, revised by DEEP to achieve the inspection programs' objectives. DEEP already does this for the existing emissions inspection program.

***Agreements With Contractors (§ 2(c))***

The bill allows the DMV commissioner to enter into a negotiated inspection agreement with one or more independent contractors, in accordance with the existing emissions inspection law, to provide for leasing, constructing, equipping, maintaining, or operating a system of official emissions inspection stations in numbers and locations as needed to provide (1) motorcycle owners reasonably convenient access to inspection facilities and (2) motor vehicle owners reasonably convenient access to noise inspection. The commissioner may also amend existing agreements to allow emission facilities to provide emissions inspections to motorcycles and noise inspections to all motor vehicles. All contractors and inspection facilities must comply with applicable provisions in the emissions inspection laws.

**Testing Fees (§ 2(d))**

The bill requires the DMV commissioner, with the Office of Policy and Management secretary's approval, to establish and modify motorcycle emissions inspection or reinspection fees, which may not exceed \$20 each. (This is the same fee amount available under the existing emissions inspection law, and in practice, the fee is \$20.)

The bill also allows the commissioner to establish and modify an additional fee for motor vehicle noise inspection, as long as it does not exceed the emissions test fee.

Under the bill, the fees must be paid as the commissioner prescribes. And if the inspection programs' costs, including administrative costs and payments to contractors, exceed fee income, the state must cover the excess costs.

**Late Fees and Reinspection After Repair.** The bill applies the same late fees (\$20) and reinspection requirements to motorcycle emissions inspections that apply to existing emissions inspections. (It is unclear whether these apply to noise inspections.)

**Liability (§ 4)**

The bill extends to motorcycle emissions inspection and motor vehicle noise inspection violations certain liability provisions that apply to existing emissions inspection violations. Specifically, it makes anyone who knowingly or negligently violates the bill's inspection requirements or a related regulation, order, or permit issued by DEEP, liable to the state for the state's reasonable costs to detect, investigate, control, and abate the violation. A violator is also liable for (1) the state's reasonable costs to restore natural resources to their condition before the violation or (2) damages caused by the violation.

**Civil Penalties (§ 5)**

Existing law requires the DEEP commissioner to adopt regulations on the civil penalties that may be imposed for causing, maintaining, or engaging in a condition that violates certain environmental laws, or associated regulations, orders, or permits. The penalty must be of an

amount to ensure compliance but cannot exceed \$25,000 per day. The motor vehicles emission inspection statute is already subject to this penalty provision and the bill applies it to the bill's noise inspection requirement. (DEEP has not adopted any penalty.)

***DEEP as Agent of the State (§ 6)***

The bill makes DEEP the official agent of the state in all matters concerning noise inspections under any current and future federal laws. This provision applies under existing law to the emissions inspection statute.

**§ 3 — MODIFYING OR REMOVING NOISE LIMITING EQUIPMENT**

In addition to existing related requirements (see below), the bill prohibits anyone from (1) failing to maintain, in good working order, any vehicle equipment or feature that limits the maximum decibel level the vehicle produces to a level at or below the law's noise limit or (2) removing, dismantling, or otherwise making the equipment or feature inoperable.

Under the bill, vehicle owners who violate these prohibitions face registration revocation, unless all parts and equipment that control noise are made operable and in good working order within 60 days after receiving a violation notice from DMV. Failing to maintain the equipment in good working order is also considered failing to comply with the bill's noise inspection requirements.

Existing law has the following related motor vehicle equipment requirements:

1. Motor vehicles and devices on them must be operated, equipped, constructed, and adjusted to prevent unnecessary or unusual noise.
2. Motor vehicles operated by internal combustion engines must have a muffler or mufflers designed to prevent excessive, unusual, or unnecessary exhaust noise.
3. Vehicle owners must maintain mufflers in good working order

and ensure that the muffler is in use when driving the vehicle.

4. No one may remove all or part of a vehicle's muffler, except to repair or replace the muffler or part to more effectively prevent noise.

By law, anyone who violates the above existing requirements faces a \$150 fine (CGS § 14-80).

### **§§ 3 & 7 — STATEMENTS OF COMPLIANCE**

The bill requires sellers of motor vehicles to provide certain statements attesting that the vehicles they sold comply with the state's noise limit. Specifically, motor vehicle dealers must include with each sales tax return provided to the Department of Revenue Services a statement attesting that each vehicle sold during the return period did not exceed the noise limit. For casual sales, the vehicle's seller must provide the purchaser with this statement, and the purchaser must include a copy of it with the use tax payment when registering the vehicle with DMV.

### **§§ 8 & 9 — SALES AND USE TAX ON LOUD MOTORCYCLES AND MUFFLERS**

#### ***Motorcycles***

The bill increases to 50% the sales and use tax rate on motorcycles that exceed state noise limits. Under current law, the sales and use tax rate for motorcycles is 6.35%, except for motorcycles (1) with sales prices above \$50,000, which are taxed at 7.75%, or (2) sold to certain active duty military members, which are taxed at 4.5%.

The bill also makes conforming changes to direct revenue from the tax imposed at this new rate to the Special Transportation Fund (STF). Existing law directs an increasing portion of sales tax revenue from motor vehicle sales to the STF.

#### ***Aftermarket Mufflers***

The bill also increases to 50% from 6.35% the sales and use tax rate on aftermarket motorcycle mufflers that exceed state noise limits. (It is unclear how a retailer would determine if a muffler would exceed

these levels without it being attached to a vehicle since the maximum levels and the testing for compliance apply to operating vehicles, not specific parts.)

## **BACKGROUND**

### ***Vehicles Subject to Emissions Inspections***

State emissions inspection requirements apply to all motor vehicles except the following:

1. vehicles with a gross vehicle weight rating (GVWR) of more than 10,000 pounds;
2. electric vehicles, bicycles, or foot scooters;
3. bicycles with motors attached;
4. vehicles with temporary registrations or new vehicles at the time of initial registration;
5. vehicles manufactured at least 25 years ago or that are four or fewer model years old;
6. registered vehicles that are not designed primarily for highway use (e.g., snowmobiles and dirtbikes);
7. farm vehicles;
8. diesel-powered type II school buses;
9. vehicles operated by dealers or repairers to and from (a) a purchase or sale location or (b) an emissions testing site; and
10. vehicles registered as composite vehicles (CGS § 14-164c; Conn. Agencies Regs. § 14-164c-3b).

### ***Noise Limits for Motor Vehicles***

State law charges the DMV commissioner with setting motor vehicle noise limits in regulations (CGS § 14-80a). The maximum permissible noise level varies based on the vehicle type; its age, weight, and current speed; and the road service on which it travels. For vehicles

manufactured on or after January 1, 1979, it ranges from 72 dB to 92 dB. Table 1 provides the maximum levels for (1) vehicles with a GVWR of less than 10,000 pounds, which includes most passenger motor vehicles, and (2) motorcycles. Other types of vehicles have different limits (Conn. Agencies Regs. § 14-80a-4a).

**Table 1: Maximum Noise for Motor Vehicles With a GVWR of Less Than 10,000 Pounds and Motorcycles (Manufactured After 01/01/1979)**

	<i>Highway Operation</i>				<i>Stationary</i>	
	<i>Soft Site</i>		<i>Hard Site</i>		<i>Soft Site</i>	<i>Hard Site</i>
<i>Highway Speed</i>	<i>35 MPH or Less</i>	<i>Above 35 MPH</i>	<i>35 MPH or Less</i>	<i>Above 35 MPH</i>		
<i>Motor Vehicles With a GVWR of Less Than 10,000 Pounds</i>	72 dB (A)	79 dB (A)	74 dB (A)	81 dB (A)	72 dB (A)	74 dB (A)
<i>Motorcycles</i>	78 dB (A)	82 dB (A)	80 dB (A)	84 dB (A)	78 dB (A)	80 dB (A)

### ***Testing Noise Level***

The law authorizes the DMV commissioner to establish a procedure for checking motor vehicle maximum noise levels. Under DMV regulations, a vehicle's noise level must be measured (1) 50 feet from the centerline of the vehicle or (2) with a testing device calibrated to measure the sound at an equivalency of 50 feet. Testing conditions are defined as hard or soft test sites. A hard test site is a site with ground cover of concrete, asphalt, packed dirt, gravel, or similarly reflective material. A soft test site is a site covered by grass or similarly absorptive material (Conn. Agencies Regs. § 14-80a-8a).

### **COMMITTEE ACTION**

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 37 Nay 11 (04/22/2021)