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## OLR Bill Analysis

### SB 484

#### ***AN ACT CONCERNING EMISSIONS AND DECIBEL LEVEL TESTING FOR MOTOR VEHICLES AND THE TAXATION OF CERTAIN MOTORCYCLES AND MOTORCYCLE MUFFLERS.***

#### **SUMMARY**

This bill (1) requires all motor vehicles that must get an emissions inspection to also undergo an inspection of the 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 that exceed existing noise limits and mufflers that would cause the motorcycle to exceed those 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 the department 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.

Lastly, the bill authorizes the DMV commissioner to adopt implementing regulations for the motorcycle emissions inspection and noise inspection requirements.

EFFECTIVE DATE: October 1, 2022, 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, subjecting most of them 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 at the same time. Under the bill, the maximum decibel level for a motor vehicle is the existing state noise limit, as measured by procedures in existing law (see BACKGROUND).

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

The bill also (1) prohibits motor vehicle dealers and repairers 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 compliant 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 the 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 failed 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 getting 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 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 for each biennial inspection or any reinspection. (This is the amount available under the existing emissions inspection law, and in practice, the fee is set at \$20.)

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

Under the bill, the fees must be paid as the commissioner prescribes. 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 fee (\$20) and reinspection requirements to motorcycle emissions inspections and noise inspections that apply under existing law to emissions 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 its 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. By law, the motor vehicles emission inspection statute is subject to this penalty provision. Under the bill, this penalty provision also applies to the noise inspection requirement. (DEEP, however, has not adopted these penalties.)

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

The bill makes DEEP the official agent of the state in all noise inspection matters under any existing and future federal laws, as is the case under existing law for the emissions inspection statute.

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

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 notice of the violation 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 and prohibition:

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, including dealers or repairers, may remove all or part of a vehicle's muffler, except to repair or replace it, or part of it, to prevent noise more effectively.

By law, anyone who violates any of the above faces a fine of \$150 per offense (CGS § 14-80).

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

The bill requires motor vehicle sellers to provide certain statements attesting that the vehicles they sold comply with the state's noise limit. Specifically, licensed motor vehicle dealers and lessors must include with each sales tax return provided to the Department of Revenue Services a statement attesting that each vehicle sold during the tax return period did not exceed the noise limit at the time of the sale. For casual sales (i.e., sales made by anyone who is not an employee of a licensed motor vehicle dealer or lessor), the vehicle's seller must provide the purchaser with a similar 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.

#### ***Mufflers***

The bill also increases to 50% (from 6.35%) the sales and use tax rate on replacement or aftermarket motorcycle mufflers that would cause a

motorcycle to exceed state noise limits. (It is unclear how a retailer would determine if a muffler would cause a motorcycle to exceed state noise limits.)

## **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 surface 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).

### ***Related Bill***

sHB 5422, favorably reported by the Transportation Committee, has similar provisions requiring that motor vehicles' noise level must be tested at the time of their emissions inspection.

### **COMMITTEE ACTION**

Finance, Revenue and Bonding Committee

Joint Favorable



Yea 35 Nay 14 (04/05/2022)