

Legislative Analysis



MOTOR VEHICLE NOISE REGULATION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5696 as reported from committee

Sponsor: Rep. Natalie Price

Committee: Transportation, Mobility and Infrastructure

Complete to 6-12-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5696 would amend the Michigan Vehicle Code to increase fines and for certain violations involving vehicle exhaust systems and noise production. The bill would allow police to impound or tow vehicles for certain repeat offenses. A grace period would apply in certain cases for those who bring their vehicle into compliance before the ticket court date.

Cutouts, bypasses, amplifiers, or similar devices

The code currently prohibits operating a vehicle on a highway or street if the vehicle's exhaust system is equipped with a cutout, bypass, amplifier, or similar device. A person violating the prohibition is responsible for a civil infraction and subject to a civil fine of up to \$100.

Under the bill, a person violating the prohibition would be responsible for a civil infraction or guilty of a misdemeanor as follows:

- For a first violation, the person would be responsible for a civil infraction and would have to be ordered to pay a civil fine of \$500. However, if, before the appearance date on the citation, the person submits sufficient proof to the court that the motor vehicle is no longer in violation, then the court could not assess a fine or costs.
- For a second violation, the person would be person would be responsible for a civil infraction and would have to be ordered to pay a civil fine of \$1,000. However, if, before the appearance date on the citation, the person submits sufficient proof to the court that the motor vehicle is no longer in violation, then the fine would be reduced to \$500.
- For a third or subsequent violation, the person would be guilty of a misdemeanor punishable by a fine of \$1,000.

If the operation of a vehicle violates the above prohibition and the operator has two or more prior violations, the bill would allow a police agency or a governmental agency designated by the police agency to provide for the removal of the vehicle from public or private property to a place of safekeeping at the owner's expense.

For purposes of keeping count of violations, the bill would require the clerk of the court to forward an abstract of the court record to the secretary of state upon an individual's conviction or a finding or admission of responsibility for violating the above prohibition.

Exhaust system generally

The code now requires that a motor vehicle, while being operated on a highway or street, must be equipped with an exhaust system in good working order to prevent excessive or unusual noise *and must be equipped to prevent noise in excess of the limits established in the code*. A person who violates this provision is responsible for a civil infraction.

The bill would delete the phrase italicized above. A person who violates the provision would still be responsible for a civil infraction, but if, before the appearance date on the citation, the person submits sufficient proof to the court that the motor vehicle is no longer in violation, then the court could not assess a fine or costs.

Dealer/mechanic violations

Currently under the code, a person violating the following provisions is either responsible for a civil infraction and subject to a civil fine of up to \$100 or guilty of a misdemeanor punishable by a fine of \$100:¹

- A dealer selling or offering for sale a new motor vehicle that produces a maximum noise exceeding specified decibel limits.
- A person selling, installing, or replacing a muffler or exhaust part that causes the motor vehicle to exceed the noise limits established by the code or a rule issued under it.’
- A dealer selling a used motor vehicle that is not in compliance with the code.

Under the bill, a person violating the above would be guilty of a misdemeanor punishable by a fine of \$500 for a first violation or \$1,000 for a subsequent one. (Under both current law and the bill, a violation by a licensed dealer of the second or third items bulleted above is also prima facie evidence of a fraudulent act under section 249 of the code.)

Other provisions

A person who operates a motor vehicle on a highway or street if any of the following apply is currently responsible for a civil infraction and subject to a civil fine of up to \$100:

- The vehicle produces total noise exceeding specified decibel limits.
- The vehicle has a defect in the exhaust system that affects sound reduction.
- The vehicle is not equipped with a muffler or other noise dissipating device.

Under the bill, a person who violates the above would still be responsible for a civil infraction, but if, before the appearance date on the citation, the person submits sufficient proof to the court that the motor vehicle is no longer in violation, then the court could not assess a fine or costs.

The bill also would remove a provision that now prohibits a person from modifying, repairing, replacing, or removing a part of an exhaust system causing the motor vehicle to produce noise in excess of the levels established by the code, or from operating such a vehicle on a street or highway.

Finally, the bill would specifically provide that no points are to be entered on a driver’s record for a violation of section 702c (which contains all of the prohibitions and requirements described above, except that under “Exhaust system generally.”)

The bill would take effect 90 days after enactment.

MCL 257.252d et seq.

¹ 2020 PA 382 added language providing that a person who violates section 702c of the code is responsible for a civil infraction and must be ordered to pay a civil fine of up to \$100. However, specific penalties for violating section 702c were already contained in section 702d, which 2020 PA 382 did not amend. The bill would eliminate this potential conflict in current law by removing the 2020 civil infraction language.

FISCAL IMPACT:

House Bill 5696 would have an indeterminate fiscal impact on the state and on local units of government. The number of individuals who would be held responsible for civil infractions or convicted of misdemeanors under provisions of the bill is not known. Under section 909(1) of the Michigan Vehicle Code, civil fine revenue would be applied to the support of public and county law libraries. In addition, under section 907(13) of the Michigan Vehicle Code, for any civil fines ordered to be paid, the judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination, except for parking violations. Revenue deposited into the state's Justice System Fund supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. There is not a practical way to determine the number of violations that will occur under provisions of the bill, so there is not a way to estimate the amount of additional revenue that would be collected. New misdemeanor convictions would increase costs related to county jails and local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases.

POSITIONS:

Representatives of the following entities testified in support of the bill (5-21-24):

- Birmingham Police Department
- City of Pleasant Ridge
- City of Royal Oak
- Royal Oak Police Department

The following entities indicated support for the bill (5-21-24):

- Bloomfield Township Police Department
- City of Berkley
- City of Bloomfield
- City of Birmingham
- City of Ferndale
- City of Huntington Woods
- City of Southfield
- League of Michigan Bicyclists
- Prosecuting Attorneys Association of Michigan

The Michigan Association of Chiefs of Police indicated support for the bill. (6-4-24)

Legislative Analyst: E. Best
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.