

Date of Hearing: April 25, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 2496 (Petrie-Norris) – As Amended April 19, 2022

SUBJECT: Motor vehicle inspection and maintenance program: expansion

SUMMARY: Requires a court to notify the Department of Motor Vehicles (DMV) to place a registration hold on a vehicle found to have a noncompliant modified muffler of muffler installed with a whistle tip until the court has been presented with a certificate of compliance from a referee authorized to test the decibel levels of a vehicle. Specifically, **this bill:**

- 1) Provides that a defendant must produce a certificate of compliance within three months of the violation date to the court or else have their registration placed on hold by DMV.
- 2) Requires DMV to lift the registration hold once the court has received a copy of the certificate of compliance from a referee and has notified DMV of the receipt of that certificate.

EXISTING LAW:

- 1) Prohibits a person from modifying the exhaust system of a motor vehicle in a manner that would amplify or increase the noise emitted by the motor vehicle so that the motor vehicle does not have excessive noise or is equipped with a cutout, bypass or similar device.
- 2) Allows an officer to issue a written notice containing a violator's promise to correct an alleged violation involving a registration, license, all-terrain vehicle safety certificate, or mechanical requirement in lieu of a ticket unless the officer finds any of the following:
 - a) There is evidence of fraud or persistent neglect,
 - b) The violation presents an immediate safety hazard,
 - c) The violator does not agree to, or cannot, promptly correct the violation; or,
 - d) The violation cited is of subdivision (a) of Section 27151 for a motorcycle.
- 3) Allows a court to dismiss the charges for a corrective ticket if the violator presents, by mail or in person, proof of correction on or before the date on which the violator has promised to appear.
- 4) Allows a violator to prove they corrected a violation with a proof of correction certificate from the following sources:
 - a) The DMV for a violation involving a driver license and registration.
 - b) A licensed station or licensed adjuster that is licensed by the Bureau of Automotive Repair or a violation involving a brake, lamp, smog device, or muffler; and,

- c) A police department, the California Highway Patrol (CHP), sheriff, marshal or other law enforcement agency regularly engaged in enforcement of the vehicle code.
- 5) Authorizes stations providing referee functions to provide for the testing of vehicle exhaust systems and issue certificate of compliance for vehicles issued violations for modified or inadequate mufflers.
- 6) Authorizes the certificate of compliance to be issued if the vehicle, other than motor cycles, has a gross vehicle weight rating of less than 6,000 pounds and emits no more than 95 weighted decibels (dbA) when tested in accordance with Society of Automotive Engineers Standards.
- 7) Prohibits a person from driving, moving, or leaving a vehicle or trailer on a highway or in an off-street parking facility unless it is registered with DMV.
- 8) Authorizes law enforcement to tow a vehicle with vehicle registration that has been expired for six or more months.

FISCAL EFFECT: Unknown

COMMENTS:

Loud cars are a common source of noise pollution. California law requires most vehicles to have mufflers with 80 decibels (db) to protect hearing. When someone gets a ticket for having a bad muffler or a modified muffler, they are given the option to fix the muffler in lieu of paying the entire fine (motorcycles are not eligible to receive a fix-it ticket for loud mufflers). They can prove the muffler is fixed by taking them to a Bureau of Automotive Repair's approved referee's to test a vehicle's db.

Loud cars have become a large part of the racing culture. According to Dag Balkmar, a Senior Lecturer in Gender Studies at the University of Orebro, Sweden, and author of a thesis on masculinity and car modification "The noise itself is also part of the appeal. If you've ever heard one of these cars go past, you'll know it makes an impression. Is this about a particularly masculine way of inhabiting space? Having a loud car can really make an emotional and affective impression on drivers, or the people outside of the car." It's about making an impression, saying, 'I'm here. You have to take notice of me.' It's definitely a way of expanding and taking over space, which is a typically masculine way of being."

According to the Center for Disease Control (CDC), about 40 million US adults between 20-69 years of age have noise-induced hearing loss. "Over time, listening to loud sounds at high dB levels can cause hearing loss—or other hearing problems like a ringing sound in your ear that won't go away. The louder a sound is, and the longer you are exposed to it, the more likely it will damage your hearing."

CDC outlines that continual exposure to noise can cause stress, anxiety, depression, high blood pressure, heart disease, and many other health problems. CDC estimates that the costs of the first year of hearing loss treatment in older adults is projected to increase more than 500% from \$8 billion in 2002 to an estimated \$51 billion in 2030.

CDC outlines that 85 db is the approximate point at which extended exposure can cause hearing damage.

According to the author, “Noise pollution from illegally modified vehicles is a serious problem in our local communities. AB 2496 would help communities curb loud vehicle noise by requiring those found to have illegally modified their mufflers to fix them or have their vehicle registration placed on hold. This will allow local communities to identify violators and prevent them from legally operating their vehicle without fixing these modifications, improving public health and quality of life.”

In recent years, the Legislature has taken several steps to address the issue of loud mufflers. AB 1824 (Committee on Budget), Chapter 38, Statutes of 2018 removed the fix-it ticket authority for having a modified or inadequate muffler. After concerns were raised about the impacts of this provision from legal services groups, the Legislature modified this restriction with the passage of SB 112 (Committee on Budget), Chapter 364, Statutes of 2019 to only restrict fix-it tickets for modified mufflers for motorcycles.

The city of Irvine, writing in support of this bill, argues “Inconsistencies in law and a lack of meaningful enforcement mechanisms in current statute contribute to the rising problem and leave public safety officers without the tools to appropriately protect the public. A majority of loud vehicle noise comes from willful violations of existing Vehicle Code that makes it a crime to modify the exhaust system of a vehicle for the purpose of increasing or amplifying noise emitted by the vehicle. However, this is difficult to judge and enforce by public safety officers. Furthermore, current law states that such violations be addressed with a fix-it ticket, which is woefully inadequate to manage the problem and routinely does not provide enough discouragement for individuals illegally modifying their vehicles.”

A vehicle that has its registration expired by six or more months may be towed. *Towed into Debt: How Towing Practices in California Punish Poor People*, a 2019 report put together by various legal services organizations in California, highlighted the potential downstream effects if a vehicle is towed. Recovering a vehicle after it has been towed is expensive. *Towed into Debt* notes that the average tow fee in California is \$189, with a \$53 storage fee per day and a \$150 administrative fee. After three days of storage a towing fee could come out to \$499.

Committee Comments: Under existing law a referee can only issue a certificate of compliance for vehicles under 6,000 pounds that are not motorcycles. The author may wish to authorize a referee to issue certificates of compliance for other vehicles solely for the purposes of this bill, or authorize law enforcement to sign off on the fix as currently authorized for fix-it tickets.

This bill may require programming changes for DMV in order to implement the registration hold as required by this bill.

Making necessary information technology (IT) programming changes to implement this bill may come at a significant cost to DMV. DMV currently uses a legacy computer programming language known as Assembler that was created around the 1950s and is less commonly used today. As a result, few individuals are trained in this coding language, and many are nearing retirement at DMV. DMV has begun the process of updating its systems, but in the meantime, reprogramming could be costly.

DMV is undertaking a complete modernization of its IT systems, which will require DMV to place its “core legacy” IT system in “freeze mode.” Recent new laws that have required DMV to make IT updates have had delayed enactment dates in order to accommodate the modernization efforts.

The Motor Vehicle Account (MVA), the primary funding source for DMV, remains structurally imbalanced. Although the MVA is projected to have a positive fund balance through the next five fiscal years, in 2023-24, 2024-25, 2025-26, and 2027-27, expenditures are anticipated to outpace revenues, reducing the fund balance from \$693 million in 2022-23 to \$120 million in 2026-27. The structural imbalance remains even though all future DMV and CHP capital outlay costs are being shifted away from the MVA to the General Fund in an attempt to keep the fund solvent.

Related legislation:

SB 1079 (Portantino) authorizes a pilot program for the use of sound-activated enforcement devices to issue violations for having a modified muffler. That bill passed out of Senate Transportation Committee and is pending a vote in Senate Judiciary Committee.

Previous legislation:

SB 112 (Budget), Chapter 364, Statutes of 2019 reestablished the ability to issue to fix it tickets for inadequate mufflers except for modified mufflers for motorcycles.

AB 1824 (Budget), Chapter 38, Statutes of 2018, removed the fix-it ticket authority for having a modified or inadequate muffler.

REGISTERED SUPPORT / OPPOSITION:

Support

Hayward; City of
Huntington Beach; City of
Irvine; City of
Laguna Beach; City of
Newport Beach; City of
Oceanside; City of
Streets for All

Opposition

None on file

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