

No. 6

AN ACT

HB 110

Amending the act of April 29, 1959 (P.L.58), entitled "An act consolidating and revising the Vehicle Code, the Tractor Code, the Motor Vehicle Financial Responsibility Act and other acts relating to the ownership, possession and use of vehicles and tractors," limiting the amount of noise which may be produced by motor vehicles, providing for the testing of motor vehicles for noise by the Secretary of Transportation and fixing penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of April 29, 1959 (P.L.58), known as "The Vehicle Code," is amended by adding two new sections to read:

Section 828.2. Noise Limitations.—(a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration, except police or fire equipment or ambulances, at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle based on a distance of fifty (50) feet from the center of the lane of travel within the speed limits specified in this section:

	<i>Speed limit of 35 mph or less</i>	<i>Speed limit of more than 35 mph</i>
<i>(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 7,000 pounds or more, any combination of vehicles towed by such motor vehicle, and any motorcycle</i>	<i>90 decibels</i>	<i>92 decibels</i>
<i>(2) Any other motor vehicle and any combination of vehicles towed by such motor vehicle</i>	<i>82 decibels</i>	<i>86 decibels</i>

(b) The Secretary of Transportation shall adopt regulations establishing the test procedures and instrumentation to be utilized, taking into consideration the procedures of the Society of Automotive Engineers.

(c) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(d) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty

unless it is alleged and proved that such manufacturer did not comply with noise limit standards of this act applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.

Penalty.—Any person violating the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00), and in default of the payment thereof shall undergo imprisonment for not less than ten (10) days and not more than thirty (30) days.

Section 828.3. Limitations Upon Noise Produced by New Vehicles.

—(a) No person shall sell or offer for sale a new motor vehicle, except police or fire equipment or ambulances, which produces a maximum noise exceeding the following noise limit at a distance of fifty (50) feet from the centerline of travel under test procedures established by the Secretary of Transportation taking into consideration the test procedures of the Society of Automotive Engineers:

(1) Any motor vehicle with a gross vehicle weight rating of 7,000 pounds or more, any combination of vehicles towed by such vehicle, and any motorcycle, manufactured after January 1, 1973 90 decibels

(2) Any other motor vehicle, and any combination of vehicles towed by such motor vehicle manufactured after January 1, 1973 84 decibels

(b) Test procedures for compliance with this section shall be established by the Secretary of Transportation, taking into consideration the test procedures of the Society of Automotive Engineers.

Penalty.—Any person violating the provisions of this section, shall, upon summary conviction before a magistrate, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00), and in default of the payment thereof shall undergo imprisonment for not less than ten (10) days and not more than thirty (30) days.

Section 2. This act shall take effect September 1, 1971.

APPROVED—The 26th day of January, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 6.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style with a large initial "C" and "T".

Secretary of the Commonwealth.