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**AB-2496 Vehicles: exhaust systems.** (2021-2022)

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**Assembly Bill No. 2496**

**CHAPTER 595**

An act to amend, repeal, and add Sections 27150.2 and 40610 of, and to add Section 27151.1 to, the Vehicle Code, relating to vehicles.

[ Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2496, Petrie-Norris. Vehicles: exhaust systems.

Existing law requires every motor vehicle subject to registration to be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise and prohibits a muffler or exhaust system from being equipped with a cutout, bypass, or similar device. Existing law further prohibits the modification of an exhaust system of a motor vehicle in a manner that will amplify or increase the noise emitted by the motor of the vehicle so that the vehicle exceeds existing noise limits when tested in accordance with specified standards.

Existing law establishes the motor vehicle inspection program, which provides for privately operated stations that are referred to as smog check stations and are authorized to issue certificates of compliance or noncompliance to vehicles that meet certain requirements. Existing law requires a certain number of stations providing referee functions available to consumers, which ensures uniform and consistent tests and repairs by all qualified smog check technicians and licensed smog check stations throughout the state. Existing law requires stations providing referee functions to provide for the testing of vehicular exhaust systems and the issuance of certificates of compliance for those vehicles that have received a citation for the noise limit violations described above.

Under existing law, it is unlawful for an owner to request, cause, or permit the operation of any vehicle that is, among other things, not equipped as required by law. Under existing law, if there is a violation, an owner or any other person who was not driving the vehicle involved in the violation may be mailed a written notice to appear by the court. Existing law authorizes a court to dismiss any action in which a person is prosecuted for operating a vehicle in violation of the noise limit requirements mentioned above if a certificate of compliance has been issued or if the defendant had reasonable grounds to believe that the exhaust system was in good working order and had reasonable grounds to believe that the vehicle was not operated in violation of those requirements. Existing law also prohibits a person from modifying the exhaust system of a vehicle with a whistle-tip, operating a vehicle that has been so modified, or engaging in the business of installing a whistle-tip onto the vehicle's exhaust system.

This bill would require a court to require a certificate of compliance for a violation of the noise limit requirements mentioned above for specified vehicles. The bill would require the court to utilize the notification procedures mentioned above and if a certificate of compliance is not provided to the court within 3 months of the violation date, the bill would require the court to treat this failure as noncompliance and inform the Department of Motor Vehicles by following specified procedures. The bill would require the department, before renewing the registration of any vehicle, to check whether the court has issued a hold on the vehicle

registration for a violation of the requirements mentioned above and to refuse to renew the registration until it has received a notification from the court that a certificate of compliance has been issued.

This bill would also require stations providing referee functions to provide for the testing of exhaust systems of motor vehicles and the issuance of certificates of compliance for vehicles that have received a citation for installing, operating, or engaging in the business of installing a whistle-tip onto a vehicle's exhaust system and for motorcycles that have received a citation for the violations mentioned above.

Existing law requires an officer, if, after an arrest, accident investigation, or other law enforcement action, it appears that a violation, including, among other things, a mechanical requirement by law, has occurred, to prepare, and the violator to sign, a written notice containing the violator's promise to correct the alleged violation, and to deliver proof of correction of the violation to the issuing agency except if the officer finds that the violation cited was for a motorcycle that has a modification of the exhaust system in a manner that amplifies or increases the noise emitted by the motor so that the motorcycle is not in compliance with the law.

This bill would eliminate that exemption.

These requirements would become operative on January 1, 2027.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 27150.2 of the Vehicle Code is amended to read:

**27150.2.** (a) Stations providing referee functions pursuant to Section 44036 of the Health and Safety Code shall provide for the testing of vehicular exhaust systems and the issuance of certificates of compliance only for those vehicles that have received a citation for a violation of Section 27150 or 27151.

(b) A certificate of compliance for a vehicular exhaust system shall be issued pursuant to subdivision (a) if the vehicle complies with Sections 27150 and 27151. Exhaust systems installed on motor vehicles, other than motorcycles, with a manufacturer's gross vehicle weight rating of less than 6,000 pounds comply with Sections 27150 and 27151 if they emit no more than 95 dbA when tested in accordance with the most current SAE International standard.

(c) An exhaust system certificate of compliance issued pursuant to subdivision (a) shall identify, to the extent possible, the make, model, year, license number, and vehicle identification number of the vehicle tested, and the make and model of the exhaust system installed on the vehicle.

(d) The station shall charge a fee for the exhaust system certificate of compliance issued pursuant to subdivision (a). The fee charged shall be calculated to recover the costs incurred by the Department of Consumer Affairs to implement this section. The fees charged by the station shall be deposited in the Vehicle Inspection and Repair Fund established by Section 44062 of the Health and Safety Code.

(e) Vehicular exhaust systems are exempt from the requirements of Sections 27150 and 27151 if compliance with those sections, or the regulations adopted pursuant thereto, would cause an unreasonable hardship without resulting in a sufficient corresponding benefit with respect to noise level control.

(f) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

### **SEC. 2.** Section 27150.2 is added to the Vehicle Code, to read:

**27150.2.** (a) Stations providing referee functions pursuant to Section 44036 of the Health and Safety Code shall provide for the testing of exhaust systems of motor vehicles, including motorcycles, and the issuance of certificates of compliance in accordance with Section 27151.1 only for those vehicles that have received a citation for a violation of Section 27150, 27150.3, or 27151.

(b) (1) A certificate of compliance for an exhaust system of a motor vehicle, including motorcycles, with a manufacturer's gross vehicle weight rating up to 14,000 pounds shall be issued pursuant to subdivision (a) if the vehicle complies with Sections 27150, 27150.3, and 27151.

(2) Exhaust systems installed on motor vehicles with a manufacturer's gross vehicle weight rating less than 6,000 pounds comply with this subdivision if they emit no more than 95 dbA when tested in accordance with the most current SAE International standard.

(3) Exhaust systems installed on motor vehicles with a manufacturer's gross vehicle weight rating between 6,000 and 14,000 pounds comply with this subdivision if they emit no more than the decibel limits set in Section 27204 when tested in accordance with the most current SAE International standard.

(c) An exhaust system certificate of compliance issued pursuant to subdivision (a) shall identify, to the extent possible, the make, model, year, license number, and vehicle identification number of the vehicle tested, and the make and model of the exhaust system installed on the vehicle.

(d) The station shall charge a fee for the exhaust system certificate of compliance issued pursuant to subdivision (a). The fee charged shall be calculated to recover the costs incurred by the Department of Consumer Affairs to implement this section. The fees charged by the station shall be deposited in the Vehicle Inspection and Repair Fund established by Section 44062 of the Health and Safety Code.

(e) Vehicular exhaust systems are exempt from the requirements of Sections 27150 and 27151 if compliance with those sections, or the regulations adopted pursuant thereto, would cause an unreasonable hardship without resulting in a sufficient corresponding benefit with respect to noise level control.

(f) This section shall become operative on January 1, 2027.

**SEC. 3.** Section 27151.1 is added to the Vehicle Code, to read:

**27151.1.** (a) For a violation of Section 27150.3 or 27151 of a vehicle under 14,000 pounds gross vehicle weight rating, a court shall require a certificate of compliance for a vehicular exhaust system in compliance with subdivision (b) of Section 27150.2. A court shall utilize the notification procedures set forth in Section 40002. If a certificate of compliance is not provided to the court within three months of the violation date, the court shall treat this failure as noncompliance pursuant to subdivision (c) of Section 40002 and follow the provisions of Section 40002.1 to inform the Department of Motor Vehicles.

(b) The department shall, before renewing the registration of any vehicle, check to see whether the court has issued a hold on the vehicle registration for a violation of Section 27150.3 or 27151, and shall refuse to renew the registration until it has received a notification from the court that a certificate of compliance has been issued.

(c) This section shall become operative on January 1, 2027.

**SEC. 4.** Section 40610 of the Vehicle Code is amended to read:

**40610.** (a) (1) Except as provided in paragraph (2), if, after an arrest, crash investigation, or other law enforcement action, it appears that a violation has occurred involving a registration, license, all-terrain vehicle safety certificate, or mechanical requirement of this code, and none of the disqualifying conditions set forth in subdivision (b) exist and the investigating officer decides to take enforcement action, the officer shall prepare, in triplicate, and the violator shall sign, a written notice containing the violator's promise to correct the alleged violation and to deliver proof of correction of the violation to the issuing agency.

(2) If a person is arrested for a violation of Section 4454, and none of the disqualifying conditions set forth in subdivision (b) exist, the arresting officer shall prepare, in triplicate, and the violator shall sign, a written notice containing the violator's promise to correct the alleged violation and to deliver proof of correction of the violation to the issuing agency. In lieu of issuing a notice to correct violation pursuant to this section, the officer may issue a notice to appear, as specified in Section 40522.

(b) Pursuant to subdivision (a), a notice to correct violation shall be issued as provided in this section or a notice to appear shall be issued as provided in Section 40522, unless the officer finds any of the following:

(1) Evidence of fraud or persistent neglect.

(2) The violation presents an immediate safety hazard.

(3) The violator does not agree to, or cannot, promptly correct the violation.

(4) The violation cited is of subdivision (a) of Section 27151 for a motorcycle.

(c) If any of the conditions set forth in subdivision (b) exist, the procedures specified in this section or Section 40522 are inapplicable, and the officer may take other appropriate enforcement action.

(d) Except as otherwise provided in subdivision (a), the notice to correct violation shall be on a form approved by the Judicial Council and, in addition to the owner's or operator's address and identifying information, shall contain an estimate of the reasonable time required for correction and proof of correction of the particular defect, not to exceed 30 days, or 90 days for the all-terrain vehicle safety certificate.

(e) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

**SEC. 5.** Section 40610 is added to the Vehicle Code, to read:

**40610.** (a) (1) Except as provided in paragraph (2), if, after an arrest, crash investigation, or other law enforcement action, it appears that a violation has occurred involving a registration, license, all-terrain vehicle safety certificate, or mechanical requirement of this code, and none of the disqualifying conditions set forth in subdivision (b) exist and the investigating officer decides to take enforcement action, the officer shall prepare, in triplicate, and the violator shall sign, a written notice containing the violator's promise to correct the alleged violation and to deliver proof of correction of the violation to the issuing agency.

(2) If a person is arrested for a violation of Section 4454, and none of the disqualifying conditions set forth in subdivision (b) exist, the arresting officer shall prepare, in triplicate, and the violator shall sign, a written notice containing the violator's promise to correct the alleged violation and to deliver proof of correction of the violation to the issuing agency. In lieu of issuing a notice to correct violation pursuant to this section, the officer may issue a notice to appear, as specified in Section 40522.

(b) Pursuant to subdivision (a), a notice to correct violation shall be issued as provided in this section or a notice to appear shall be issued as provided in Section 40522, unless the officer finds any of the following:

(1) Evidence of fraud or persistent neglect.

(2) The violation presents an immediate safety hazard.

(3) The violator does not agree to, or cannot, promptly correct the violation.

(c) If any of the conditions set forth in subdivision (b) exist, the procedures specified in this section or Section 40522 are inapplicable, and the officer may take other appropriate enforcement action.

(d) Except as otherwise provided in subdivision (a), the notice to correct violation shall be on a form approved by the Judicial Council and, in addition to the owner's or operator's address and identifying information, shall contain an estimate of the reasonable time required for correction and proof of correction of the particular defect, not to exceed 30 days, or 90 days for the all-terrain vehicle safety certificate.

(e) This section shall become operative on January 1, 2027.