

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1333 (Delegate Lehman, *et al.*)
Environment and Transportation

Motor Vehicles - Modified Vehicle Exhaust System - Penalties

This bill alters penalties and enforcement provisions related to the modification of exhaust systems on motor vehicles.

Fiscal Summary

State Effect: General fund revenues are likely minimally affected beginning in FY 2023, as discussed below. Enforcement can be handled with existing resources.

Local Effect: Enforcement can be handled with existing resources. Revenues are not affected.

Small Business Effect: Potential minimal.

Analysis

Bill Summary/Current Law: Under current law, a person is prohibited from modifying the exhaust system (or any other noise abatement device) of a motor vehicle driven (or to be driven) on any highway in the State in such a way that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured. Further, a person may not drive on any highway in the State a motor vehicle with an exhaust system or noise abatement device modified in a prohibited way. A violation of either of these provisions is a misdemeanor with a maximum \$500 fine. The prepayment penalty for either violation is \$70.

Under the bill, a person convicted of a violation of these requirements is subject to (1) a \$200 fine for a first offense; (2) a \$300 fine for a second offense; and (3) a \$400 fine for a third or subsequent offense.

The bill exempts from these requirements (1) a historic motor vehicle; (2) a historic truck, tractor, or motor home; or (3) a street rod. However, any such vehicles must be properly registered pursuant to existing State law.

Under the bill, if a police officer observes a vehicle being operated in violation of existing prohibitions related to improperly modified exhaust systems, the officer may stop the driver of the vehicle and, in addition to a citation charging the driver with the offense, must issue to the driver a safety equipment repair order.

State Revenues: **Exhibit 1** shows the number of violations and guilty dispositions for the violations addressed by the bill in fiscal 2021. The effect on general fund revenues is unclear. Although the bill establishes lower penalties than the \$500 maximum under current law, the modified penalties are higher than the prepayment amounts established by the District Court under current law (*i.e.*, \$70). Thus, individuals who would otherwise prepay may be more likely to contest a violation in District Court under the bill given the higher penalty levels.

Exhibit 1
Violations for the Offenses Addressed by the Bill
Fiscal 2021

<u>Violation</u>	<u>Charges</u>	<u>Guilty Dispositions</u>
Modifying an exhaust system or noise abatement device on a motor vehicle causing excessive noise emission	513	250
Motor vehicle equipped with unlawfully modified exhaust system or noise abatement device	446	227

Source: Judiciary (Administrative Office of the Courts); Department of Legislative Services

Because the Judiciary does not currently track the average penalties that are assessed after a trial conviction, the amount of general fund revenues currently received from these violations is unknown. The penalty levels specified in the bill are assumed to be prepayable; thus, to the extent a similar number of individuals prepays and/or is found guilty after a trial, general fund revenues may increase. On the other hand, if more individuals contest a violation and are either found not guilty or assessed a penalty that is lower than the average amount that is assessed for violations (*i.e.*, under current law), revenues may decrease. Additionally, the bill's exemptions may further reduce general fund revenues (although the share of current violations related to vehicles exempt under

the bill is unknown). However, given the number of guilty dispositions in fiscal 2021, any impact on general fund revenues is not expected to be significant.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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fnu2/ljm

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510