

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 659

Session of
1975

INTRODUCED BY KOWALYSHYN, W. W. FOSTER, MUSTO, WANSACZ, VANN,
SCHWEDER, RUGGIERO, DOMBROWSKI AND BENNETT, MARCH 4, 1975

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 5, 1975

AN ACT

1 Amending the act of April 29, 1959 (P.L.58, No.32), entitled "An
2 act consolidating and revising the Vehicle Code, the Tractor
3 Code, the Motor Vehicle Financial Responsibility Act and
4 other acts relating to the ownership, possession and use of
5 vehicles and tractors," further providing for noise
6 limitations.

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

9 Section 1. Sections 828.2, act of April 29, 1959 (P.L.58,
10 No.32), known as "The Vehicle Code," added January 26, 1972
11 (P.L.15, No.6), is amended 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:

Speed limit Speed limit

1	of 35 mph	of more
2	or less	than 35 mph

3 (1) Any motor vehicle with a
4 manufacturer's gross vehicle
5 weight rating of 7,000 pounds
6 or more, and any combination
7 of vehicles towed by such
8 motor vehicle and any
9 motorcycle..... [90] 86 decibels [92] 90 decibels

10 (2) Any other motor
11 vehicle and any combination of
12 vehicles towed by such motor
13 vehicle..... 82 decibels 86 decibels

(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.

30 Penalty.--Any person violating the provisions of this

1 section, shall, upon summary conviction before a magistrate, be
2 sentenced to pay a fine of not less than twenty-five dollars
3 (\$25.00) and not more than one hundred dollars (\$100.00), and in
4 default of the payment thereof shall undergo imprisonment for
5 not less than ten (10) days and not more than thirty (30) days.

6 Section 2. This act shall take effect July 1, 1976.