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Model On-Highway Motorcycle Exhaust System Sound Emissions Ordinance

Whereas the use of on–highway motorcycles is a popular and ever increasingly in-demand mode of transportation within the _____.

Whereas the use of these vehicles may result in externalities deemed undesirable by other citizens of the _____.

Whereas it is prudent that the _____ provide for the reasonable regulation of on-highway motorcycles.

Whereas the intent of regulation is to allow for the continuance of responsible use of on-highway motorcycles while mitigating the concerns of citizens not engaged in their use.

Therefore the *Excessive Motorcycle Sound Control Act of* _____ is hereby enacted.

Section I; *Definitions*

1) A motorcycle is defined in 49CFR571 (Code of Federal Regulations) as "… a motor vehicle with motive power having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground."

2) Motorcycles are subject to Federal Motor Vehicle Safety Standards (FMVSS) and U.S. EPA (Environmental Protection Agency) standards regarding equipment, emissions, and sound levels. No state or local entity may preempt these standards, by making illegal any motorcycles certified to be compliant.

3) In this act, stationary sound testing refers to the procedure of measuring a motorcycle's exhaust system sound level at a predetermined engine speed while the motorcycle transmission is in neutral. Specifically, the Society of Automotive Engineers (SAE) J2825 "Measurement of Exhaust Sound Pressure Levels of Stationary On-Highway Motorcycles" recommended practice is the approved test procedure used to determine compliance.

4) A Type I (as defined by the American National Standards Institute requirements of ANSI S1.4-1983 (R2006)) sound meter measures acoustical pressure and is accurate to plus or minus one decibel and provides the precision necessary for the enforcement of this ordinance.

5) A decibel is a unit of measure that is used to express sound level pressure. The "A" weighting scale (written as dBA) approximates human hearing and is used in the J2825 recommended practice.

Section II; *On-Highway Motorcycle Sound Emissions Regulation*

1) To be operated within the _____ an on-highway motorcycle must:

a) Comply with the U.S. EPA sound emissions requirements for on-highway motorcycles in 40CFR205, subparts D or E; or

b) Measure no more than 92 dBA using the Idle Test; or

c) Measure no more than 96 dBA using the Set RPM Test or Swept RPM Test for any engine configuration other than a 3- or 4-cylinder engine; or

d) Measure no more than 100 dBA using the Set RPM Test or Swept RPM Test for any 3- or 4-cylinder engine configuration.

Section III; *Enforcement*

1) Upon suspicion of an exhaust sound limit violation by the operator of an on-highway motorcycle, an appropriately trained _____ authority will determine if a violation of Section II has occurred by interviewing the motorcycle's operator and by arranging an inspection to include, if necessary, a stationary sound test.

a) If the on-highway motorcycle is equipped with a permanently labeled, intact and unmodified EPA-compliant exhaust system (per 40CFR205, subparts D or E) it shall be prima-facie evidence that the motorcycle complies with Section II.

b) If the on-highway motorcycle is not equipped with a permanently labeled, intact and unmodified EPA-compliant exhaust system, the _____ authority will conduct a stationary sound test according to SAE J2825 recommended practice. If the measured sound level is found to be in excess of the limits established in Section II, the authority will inform the operator that the motorcycle is out of compliance and that continued operation is unlawful.

c) If possible, after taking corrective action, the on-highway motorcycle operator may request a stationary sound retest.

d) An operator who allows the continued operation of the on-highway motorcycle that is out of compliance will be cited with a violation of this ordinance.

e) This section does not apply to an on-highway motorcycle being operated in a closed-course setting or competition event.

2) Upon conviction, a person found in violation of this ordinance shall be fined not more than $___; subsequent violations will be subject to a fine of not more than $____.