

HOUSE No. 6549

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 19, 1977.

The committee on Ways and Means, to whom was referred the Bill to regulate motorcycle sound emission levels (House, No. 5956), report recommending that the bill be amended by substitution of a bill with the same title (House, No. 6549).

For the committee,

DENNIS J. DUFFIN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT TO REGULATE MOTORCYCLE SOUND EMISSION LEVELS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 90B of the General Laws is hereby
2 amended by inserting after Section 24 the following new
3 sections: —

4 Section 24A. The following words used in this section 24A
5 through 24H inclusive unless the context otherwise requires shall
6 have the following meanings.

7 “A-weighted Sound Level” means the sound level in decibels as
8 measured on a sound level meter using the A-weighting network.
9 The level is designated dB (A) or dBA.

10 “Decibel (dB)” means a unit for measuring the volume of a
11 sound, equal to 20 times the logarithm to the base 10 of the ratio of
12 the pressure of the sound measured to the reference pressure;
13 which is 20 micropascals (20 micronewtons per square meter).

14 “Motorcycle” means any motor vehicle having a seat or saddle
15 for the use of the rider and designed to travel on not more than
16 three wheels in contact with the ground, including any bicycle with
17 a motor or driving wheel attached, except a tractor or a motor
18 vehicle designed for carrying golf clubs and not more than four
19 persons, an industrial three-wheel truck, or a motor vehicle on
20 which the operator and passengers ride within an enclosed cab.

21 “Muffler” means a device for abating the sound of escaping
22 gases of an internal combustion engine.

23 “Person” means any individual, association, partnership, or
24 corporation, and includes any officer, employee, department,
25 agency or instrumentality of the commonwealth or any political
26 subdivision of the commonwealth.

27 “Registrar” means the registrar of motor vehicles.

28 “Sound Level” means the weighted sound pressure level
29 obtained by the use of a sound level meter and frequency weighting
30 network, such as A, B or C as specified in American National
31 Standards Institute specifications for sound level meters (ANSI S
32 1.4-1971, or the latest approved revision thereof). If the frequency

33 weighted employed is not indicated, the A-weighting shall apply.

34 *Section 24B.* No person shall sell, offer for sale, or lease any new
35 motorcycle that produces a maximum sound level exceeding the
36 limits set forth in the following paragraph when measured at a
37 distance of 50 feet from the center of the lane of travel under the
38 test procedures established under section 24C of this chapter.

39 Motorcycles manufactured after January first, 1977, and before
40 December thirty-first, 1980, shall not exceed a maximum sound
41 level limit of eighty-three dba, motorcycles manufactured after
42 December thirty-first, 1980 and before December thirty-first,
43 1985, shall not exceed a maximum sound limit of 80 DBA,
44 motorcycles manufactured after December thirty-first, 1985, and
45 before December thirty-first, 1990, shall not exceed a maximum
46 sound limit of seventy-five DBA.

47 This section shall apply to motorcycles intended for use on the
48 highways of the commonwealth and registered under the
49 provisions of section two of chapter 90 of the General Laws.
50 Motorcycles intended for off-highway use and registered under the
51 provisions of section 22 of chapter 90B may exceed the decibel
52 limits established above by no more than three decibels. This
53 section shall not apply to a motorcycle commonly known as a
54 motorcrossover or a flat tracker and other competition models used
55 solely in professional or amateur sanctioned competitive sports
56 events, the registration of which is not required by law.

57 *Section 24C.* The test procedures for determining new
58 motorcycle compliance with the provisions of this act shall be
59 established by the Registrar in substantial conformance with
60 applicable standards and recommended practices established by
61 the Society of Automobile Engineers, Inc., test procedure SAE J-
62 331a. The instrumentation requirements and specifications for
63 sound level meters for the measurement of motorcycle sound levels
64 shall be established by the registrar in substantial conformance
65 with applicable standards established by the American National
66 Standards Institute, Inc., ANSI S1.4-1971.

67 *Section 24D.* No manufacturer, distributor or importer shall sell
68 or offer for sale in the commonwealth any motorcycle manufac-
69 tured after July first, 1978, unless he has filed with the registrar a
70 written certification that the specific make, model, and description
71 of the motorcycle described therein complies with the re-
72 quirements of this chapter and the regulations promulgated

73 hereunder. Said certification shall be in the form of a certified letter
74 to the registrar signed by a person. The registrar shall compile lists
75 of all motorcycles certified by the manufacturers, distributors, or
76 importers to be in compliance with the requirements of this chapter
77 and the regulations promulgated hereunder. Said lists shall be
78 distributed to the several registry offices throughout the Com-
79 monwealth and the Division of Marine and Recreational Vehicles.
80 Said lists shall also be distributed to wholesale and retail
81 establishments offering motorcycles for sale within the Com-
82 monwealth.

83 (a) One such list shall specify all makes and models of
84 motorcycles that have been certified by the manufacturers,
85 distributors or importers to be in conformance with the sound
86 emission specifications provided in section 24B of this chapter for
87 motorcycles intended for use upon the public ways of the
88 commonwealth and registered under the provisions of section 2 of
89 chapter 90 of the General Laws.

90 (b) One such list shall specify all makes and models of
91 motorcycles that have been certified by the manufacturers,
92 distributors, or importers to be in conformance with the sound
93 emission specifications provided in section 24B of this chapter for
94 motorcycles intended for off-highway use and registered under the
95 provisions of section 22 of this chapter.

96 (c) One such list shall specify all makes and models of
97 competition motorcycles commonly known as motorcrossers or
98 flat trackers manufactured for use in professional or amateur
99 sanctioned competitive sports events, and not intended to be
100 registered under the provisions of section 2 of chapter 90 or section
101 22 of this chapter.

102 No motorcycle shall be registered under the provisions of section
103 2 of chapter 90 of the General Laws for use upon the public ways of
104 the Commonwealth unless it appears on the list provided by
105 paragraph (a) of this section.

106 No motorcycle shall be registered under the provisions of section
107 22 of this chapter unless it appears on the list provided by
108 paragraph (a) or paragraph (b) of this section.

109 No motorcycle shall be registered in the commonwealth if it
110 appears on a list provided by paragraph (c) of this section, or unless
111 it is determined by the registrar that all sound level and equipment
112 requirements for registration are complied with.

113 *Section 24E.* No person shall modify the exhaust system of a
114 motorcycle manufactured after July first, 1978, in a manner which
115 will amplify or increase the noise emitted by the motor of such
116 motorcycle above that level established under section two of this
117 act. No person shall operate a motorcycle with an exhaust system
118 so modified on any public or private way in the commonwealth.
119 No person shall sell or offer for sale for use as part of the equipment
120 of a motorcycle any new exhaust muffler, intake muffler or other
121 noise abatement device which, when installed, will increase the
122 emitted sound level of the vehicle above those new motorcycle
123 sound levels established under section 24B of this chapter.

124 *Section 24F.* The manufacturers of motorcycles and motorcycle
125 accessories shall, prior to the sale or offering for sale of any new
126 motorcycle exhaust system or part thereof, including, but not
127 limited to, a muffler, certify in each catalog or similar listing they
128 issue that the exhaust system or parts listed for sale in
129 Massachusetts comply with section 24E of this chapter and the
130 regulations promulgated by the registrar hereunder. The catalogs
131 or listings shall specify the vehicle models for which the items are
132 certified.

133 If the exhaust system manufacturer, supplier, or seller has no
134 catalog or similar listing, or if the part becomes available after
135 printing of the listing, the certification may be printed or otherwise
136 labeled on the part or on the container in which the part is sold, or
137 certifications shall specify the vehicle models for which the part is
138 certified. If a catalog or other listing was issued before July 1, 1979,
139 the certification may be on a form attached to the catalog or listing,
140 identifying the particular listing to which it refers and specifying
141 the systems or parts that are not certified. Noncertified systems
142 may be shown, but they must be clearly represented as not being
143 legal for use on highways in Massachusetts.

144 A complete exhaust system shall be certified as an assembly.
145 Parts of exhaust systems shall be certified when tested with the
146 remaining parts of the vehicle manufacturer's original equipment
147 or an exhaust manufacturer's certified replacement system
148 determined by the registrar to be in compliance with the
149 requirements of this chapter. Mufflers, resonators, chambered
150 pipes, flare tips, taper tips, and other sound-modifying parts shall
151 be certified for at least one engine modification for which it is
152 designed by the manufacturer of the special exhaust system.

153 Each initial certification by an exhaust system or parts
154 manufacturer shall be accompanied by reports of the sound output
155 of one or more typical systems by him.

156 One report shall fully describe the test procedure and contain
157 data on the sound measurements of at least one typical exhaust
158 system. A second report shall describe the method used by the
159 manufacturer to certify untested systems on the basis of
160 comparison with tested systems and shall contain an engineering
161 evaluation to justify the certification of at least one typical exhaust
162 system. This section shall become effective July first, 1979, and
163 shall apply to exhaust systems manufactured on or after that date.
164 The registrar may request the certifying agent to submit test
165 reports or data demonstrating compliance. The registrar shall
166 make such a request by certified mail.

167 If the test reports are not received by the registrar within sixty
168 days of the date of the request, he shall consider that such new
169 motorcycles or exhaust system or part thereof does not comply
170 with the provisions of this act or the regulations made hereunder. If
171 a manufacturer, distributor or importer submits a written request
172 setting forth good reason for an extension the registrar may grant
173 additional time for response.

174 After review of the data requested or after tests conducted by the
175 registrar or his designees pursuant to section 24C of this chapter,
176 the registrar may give notice of accusation to a manufacturer,
177 distributor or importer that he intends to retract the certification
178 on the basis that said certified product fails to comply with the
179 provisions of this act or the regulations promulgated by the
180 registrar hereunder, the notice of accusation shall set forth in
181 particularity those areas in which the new motorcycle or exhaust
182 system or parts thereof fail to comply with this act.

183 *Section 24H.* The registrar shall adopt regulations establishing
184 test procedures and instrumentation to be utilized for measuring
185 sound levels of in-use vehicles. Such regulations shall include site
186 criteria and moving and stationary vehicle measurement
187 procedures and shall take into consideration accepted scientific
188 and professional methods for the measurement of vehicular sound
189 levels. The measurement procedures may include adjustment
190 factors to be applied to the noise limit for measurement distances
191 of other than 50 feet from the center of the lane of travel and shall
192 allow to the extent feasible sound level measurement and

193 enforcement action to be accomplished in reasonably confined
194 areas such as residential areas of urban cities.

195 This section shall apply to the total noise from a motorcycle and
196 shall not be construed as limiting or precluding the enforcement of
197 any other provisions of law relating to motorcycle exhaust noise.

198 No person shall have a cause of action relating to the provisions
199 of this section against a manufacturer of a motorcycle or a compo-
200 nent part thereof on a theory based upon breach of an express or
201 implied warranty unless it is alleged and proved that such
202 manufacturer did not comply with those noise limit standards
203 applicable to manufacturers and in effect at the time such
204 motorcycle or component part was sold for purposes other than
205 resale.

206 No person shall operate a motorcycle intended for use on the
207 highways of the Commonwealth and registered under the
208 provisions of section two of chapter 90 of the General Laws at any
209 time or under any condition of grade, load, acceleration or
210 deceleration in such a manner as to exceed eighty-two decibels
211 when operated at forty-five miles per hour or less, or in such a
212 manner as to exceed eighty-six decibels when operated at forty-six
213 miles per hour or more. No person shall operate a motorcycle
214 intended for use off the highways of the Commonwealth and
215 registered under the provisions of section twenty-two of chapter
216 90B of the General Laws at any time or under any condition of
217 grade, load, acceleration or deceleration in such a manner as to
218 exceed eighty-five decibels when operated at forty-five miles an
219 hour or less or in such a manner as to exceed eighty-eight decibels
220 when operated at forty-six miles per hour or more.

221 The noise limits established by this section shall be based on a
222 distance of 50 feet from the center of the lane of travel within the
223 speed limit specified in this section. The Registrar may provide for
224 measuring at distances closer than 50 feet from the center of the
225 lane of travel. In such a case, the measuring devices shall be so
226 calibrated as to provide for measurements equivalent to the noise
227 limit established by this section measured at 50 feet.

228 The registrar shall adopt regulations pursuant to the provisions
229 of chapter 30A establishing the test procedures and instrumenta-
230 tion to be utilized. These procedures shall allow, to the extent
231 feasible, noise measurement and enforcement action to be

232 accomplished in reasonable confined areas such as residential
233 areas of urban cities.

234 This section applies to the total noise from a motorcycle and
235 shall not be construed as limiting or precluding the enforcement of
236 any other provisions of this chapter or chapter 90, relating to
237 exhaust noise.

1 SECTION 2. This act shall take effect on July 1, 1978.



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1280 Oaklawn Avenue
Cranston, Rhode Island 02910
1-401-739-9360

447 Wethersfield Avenue
Hartford, Conn. 06114
1-203-249-4015

23 Daniel Street
Milford, Conn. 06460
1-203-877-2791

October 22, 1977

City Clerk
City Hall
Cambridge, Mass. 02139

Dear Mr. Healy:

RE: House Bill 6549
A Bill To Regulate Motorcycle Sound Emission Levels

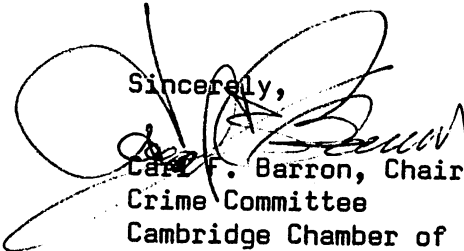
I would appreciate your submitting to the City Council a request for support of House Bill #6549, now in the Legislature, which is a bill "to regulate motorcycle sound emission levels".

The use of motorcycles is becoming more popular partially because of the economy of operation. Since there is no need for high sound levels by the use of motorcycles, this bill is intended only to limit the unnecessary noise, which is nerve-wracking, frightening, and so unnecessary.

I trust that all of the members of the Cambridge City Council will support the bill, and I would appreciate its' being submitted for a vote of approval at the earliest possible moment.

CFB/fs
cc: Mr. Walter Sullivan
Mr. Robert Austin

Sincerely,


Carl F. Barron, Chairman
Crime Committee
Cambridge Chamber of Commerce

P.S. I am enclosing herewith a copy of said proposed bill.



Member

FRAA

Furniture Rental Association of America

9-569

Comm. from Carl F. Barron of the Cambridge
Chamber of Commerce, requesting the support
of the City Council for H.B. 6549, a Bill to
Regulate Motorcycle Sound Emmission Levels.

10/31/77

Place Comm on
File
- See Below -

In City Council,

Oct. 31, 1977

10/31/77

Order

Adopted

See Order #11

By E. L. H. H. H.
Necessity Scores