

# DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

## PROPOSED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 4  
ARTICLE 10, SECTIONS 1041 AND 1046

### VEHICLE SOUND MEASUREMENT (CHP-R-2019-06211)

*Existing Text:* ..... Times New Roman 12 point font.  
*Additions:* ..... Times New Roman 12 point font with single underline.  
*Deletions:* ..... ~~Times New Roman 12 point font with strikethrough.~~

#### TITLE 13, CALIFORNIA CODE OF REGULATIONS DIVISION 2, CHAPTER 4 ARTICLE 10, SECTIONS 1041 AND 1046 ARE AMENDED TO READ:

##### § 1041. Definitions.

(a) "Exhaust system" means all pipes, converters, and chambers through which the exhaust gas flows from the engine exhaust manifold outlet flang to the end of the tailpipe.

(b) "Microphone line" means an unmarked reference line running parallel to the vehicle path and passing through the microphone.

(c) "Microphone target point" means the unmarked location on the center of the lane of travel that is the closest to the microphone.

(d) For the purpose of this article, the terms "sound" and "noise" are synonymous.

Note: Authority cited: Sections ~~23130~~, ~~23130.5~~, 27200, 27207 and 38370, Vehicle Code.  
Reference: Sections ~~23130~~, ~~23130.5~~, 27200-27207 and 38370, Vehicle Code.

##### §1046. Measurement Procedures for New Motor Vehicles.

(a) Heavy Trucks. New motor vehicles with a manufacturer's GVWR of more than 4,537 kg (10,000 pounds) subject to 40 CFR, Part 205, shall be tested in accordance with procedures established in that regulation.

(b) Other Heavy Vehicles. New motor vehicles with a manufacturer's GVWR of more than 4,537 kg (10,000 pound) that are not subject to 40 CFR, Part 205, except transit buses equipped

with automatic transmissions, shall be tested in accordance with SAE J366b, ~~July 1978~~September 2011, which, excluding the Appendix, is hereby incorporated by reference, or SAE J2805, May 2020, which is hereby incorporated by reference. Transit buses with a manufacturer's gross vehicle weight rating of more than 4,537 kg (10,000 pounds) equipped with automatic transmissions shall be tested according to SAE J366b, September 2011, except for Section ~~4.4.5.1~~ of that standard which shall be replaced with the following procedure.

(1) Face the vehicle in the direction opposite that to be used for the noise test, position the reference point (Section ~~3.7.4.7~~) at the mid-point of the end zone within 0.3 m (1.0 ft), place the gear selector in the position normally used for driving, and locate the starting point for the noise test as follows:

(A) Accelerate the vehicle as rapidly as possible by establishing and maintaining wide open throttle until the first transmission shift occurs.

(B) Mark as the designated starting point, the location along the test path where the vehicle reference point is passing when the shift occurs.

(2) Perform the noise test by reversing the vehicle direction, positioning the vehicle so it is at rest with the vehicle reference point at the designated starting point, and operating the vehicle as follows:

(A) Accelerate the vehicle as rapidly as possible by establishing wide open throttle.

(B) Continue acceleration until the entire vehicle has vacated the end zone, recording only runs in which the first transmission shift occurs in the end zone.

(c) Light Vehicles. New motor vehicles with a manufacturer's GVWR of 4,537 kg (10,000 pounds) or less shall be tested in accordance with ~~either any~~ of the following methods, at the manufacturer's option: SAE J986, ~~November 1981~~ or SAE J1470, March 1992; August 2018, which is hereby incorporated by reference, except that the provisions of Section ~~6.5.7.5~~ shall not apply, or SAE J2805, May 2020.

(d) Motorcycles. New motorcycles subject to 40 CFR, Part 205, shall be tested in accordance with procedures established in that regulation. Other new motorcycles shall be tested in accordance with SAE J331a, July 1978~~2020~~, which is hereby incorporated by reference.

(e) Snowmobiles. New snowmobiles shall be tested in accordance with SAE J192, ~~April 1980~~ March 2021, which is hereby incorporated by reference, excluding the sound level tolerances in Section ~~6.4.6.1~~.

Note: Authority cited: Sections 27200 and 38370, Vehicle Code. Reference: Sections 27200-27207 and 38370, Vehicle Code.

# **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**

## **NOTICE OF PROPOSED REGULATORY ACTION**

TITLE 13, CALIFORNIA CODE OF REGULATIONS,  
DIVISION 2, CHAPTER 4, AMEND ARTICLE 10, SECTIONS 1041 AND 1046

### **Vehicle Sound Measurement (CHP-R-2019-06211)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, of the California Code of Regulations (CCR), Division 2, Chapter 4, Article 10, Section 1041, Definitions, which defines and establishes consistency throughout regulations and Section 1046, Measurement Procedures for New Motor Vehicles, which adopts the most currently recognized Society of Automotive Engineers SAE International standards.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Pursuant to Division 12, Equipment of Vehicles, commencing with Section 27200 of the California Vehicle Code (CVC), the CHP shall establish test procedures for new motor vehicle noise emissions, taking into consideration the procedures published by SAE International. The currently referenced SAE standards in the CCR have become obsolete and are no longer recognized by SAE International. This amendment makes substantive changes to ensure California sound-level measurement procedures, for new motor vehicles, align with current SAE standards. This amendment will repeal obsolete SAE testing procedures, presently adopted in Title 13, CCR, Section 1046, and adopt the most currently recognized SAE standards. This amendment removes repealed authority-cited sections and includes a definition for the terms “sound” and “noise” in Title 13, CCR, Section 1041.

#### **Anticipated Benefits of Proposed Regulations:**

This proposed regulatory action will continue to provide a nonmonetary benefit by protecting the health, safety, and welfare of California’s residents, workers, and environment through establishing procedural standards for sound-level measurements to be used by manufacturers of new motor vehicles. The changes bring regulations into conformance with current SAE standards and clarify terms used within the regulation.

#### **Evaluation of Inconsistency/Incompatibility with Existing State Regulations:**

The CHP has determined the proposed regulations are neither inconsistent, nor incompatible, with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the CHP has concluded these are the only regulations that concern vehicle sound measurement for new motor vehicles.

## **PUBLIC COMMENT**

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to [cvsregulations@chp.ca.gov](mailto:cvsregulations@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
Attention: Officer Kasonja Pochop  
P.O. Box 942898  
Sacramento, CA 94298-0001

Written comments must be received by July 18, 2022.

## **PUBLIC HEARINGS**

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

## **AVAILABILITY OF INFORMATION**

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulations text in ~~strikeout~~ and underline format. Requests to review or receive copies of this information should be directed to the CHP either at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS, for an appointment. Additionally, documents regarding the proposed action are available through the CHP's Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above-noted address. Copies will also be posted on the CHP Web site.

**NOTE:** The SAE standards to be incorporated by reference may only be viewed by appointment, due to copyright restrictions, at CHP Headquarters from Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for state holidays.

## **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Sergeant David Kelly or Officer Kasonja Pochop, at (916) 843-3400.

## **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulations, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

## **FISCAL DISCLOSURES AND RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

The CHP has made an initial determination this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code (GC) Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor cost or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Benefits of the Proposed Action: The proposed regulations update sound-level measurement testing procedures for new motor vehicles, and will continue to provide benefits, including the nonmonetary benefit of protecting public health and safety for residents, workers, and the environment, by providing a regulatory basis for new motor vehicle registration requirements. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

## **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.



## **EFFECT ON SMALL BUSINESSES**

The CHP has determined the proposed regulatory action will not have an effect on small businesses. The action is intended to clarify and update the testing procedures for sound-level measurements of new motor vehicles which are to be registered in California.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Section 11346.5(a)(13) GC, the CHP must determine no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## **AUTHORITY**

This regulatory action is being taken pursuant to Sections 27200 and 38370 CVC.

## **REFERENCE**

This action implements, interprets, or makes specific interpretations of Sections 27200 and 38370 CVC as mandated by the statute.