OCT 07 2009

His Worship Fred Eisenberger
Mayor
The City of Hamilton
Hamilton City Centre
77 James Street North, Suite 230
Hamilton, Ontario
L8R 2K3

Dear Mayor Eisenberger:

Thank you for your letter on behalf of Hamilton City Council requesting that the ministry address a petition dated June 28, 2009, regarding noise levels from motorcycle exhaust systems.

The issue of excessive noise and smoke emissions from motor vehicles, including motorcycles, is addressed under the Highway Traffic Act (HTA). Motorcycles fit into the definition of a "motor vehicle". Subsection 75 (1) requires that motor vehicles or motor-assisted bicycles be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke. This subsection also prohibits the use of muffler cut outs, straight exhausts, gutted or Hollywood mufflers, by-passes or similar devices on motor vehicles or motor-assisted bicycles. In 2008, there were 2,553 convictions for contravening subsection 75(1) of the HTA.

Subsection 75(4) of the HTA requires, among other things, that a driver of any motor vehicle not cause it to make any unnecessary noise. In 2008, there were 2,326 convictions for contravening subsection 75(4) of the HTA.

With regard to modified vehicles, in Ontario, vehicle owners are responsible for ensuring that any modifications that they plan to make to their vehicles are legal for on-road use before proceeding with modifying the vehicle. This also applies to individuals who purchase used vehicles that may have been modified from their original condition.

I must clarify that Transport Canada is responsible for regulating the overall standards for motor vehicle noise emission levels for new vehicles. You may wish to bring this issue to the attention of its Motor Vehicle Standards and Research Division at:

330 Sparks Street
Ottawa, Ontario
K1A 0N5
Telephone: 613-990-2309
E-mail: webfeedback@tc.gc.ca

OCT 13 2009
Again, thank you for your letter and please accept my best wishes.

Yours sincerely,

Jim Bradley
Minister