



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE

Published on *MTAS* (<https://www.mtas.tennessee.edu>)

June 04, 2020

## Regulating Jake Brakes

---

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee  
Municipal Technical Advisory Service  
1610 University Avenue  
Knoxville, TN 37921-6741  
865-974-0411 phone  
865-974-0423 fax  
[www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

## Table of Contents

|                                     |   |
|-------------------------------------|---|
| Regulating Jake Brakes .....        | 3 |
| Jake Brakes: Sample Ordinance ..... | 3 |

## Regulating Jake Brakes

**Reference Number:** MTAS-1221

Tennessee cities may regulate, but not prohibit, the use of engine compression braking devices by ordinance provided that the ordinance conforms to Interstate Motor Carriers Noise Emission Standards as outlined in 49 C.F.R. 325 *et seq.*

T.C.A. § 55-7-117 states that truck tractors and semi-trailers, as defined in T.C.A. § 55-8-101, shall not use an engine compression braking device unless the device is equipped with an operational, approved muffler.

Federal testing procedures for measuring allowable decibel levels of truck tractor and semi-trailers require certified equipment, testing sites, testing procedures, and inspectors. The testing standards are very complex, and most cities do not have the ability to administer such tests. Cities experiencing problems with noise pollution from engine compression devices are advised to use a visual muffler inspection procedure to reduce the noise level from engine compression braking systems.

MTAS recommends that cities desiring to enforce engine compression braking device standards require that truck tractors and semi-trailers comply with the approved muffler requirements of T.C.A. § 55-7-117. Cities may request appropriate highway notice signs from the Tennessee Department of Transportation.

## Jake Brakes: Sample Ordinance

**Reference Number:** MTAS-1778

**Ordinance Number** \_\_\_\_\_

### **AN ORDINANCE REGULATING THE USE OF ENGINE COMPRESSION BRAKING DEVICES**

**Whereas**, Tennessee law provides for visual muffler inspection standards as a means to enforce noise pollution; now

**Therefore**, Be It Ordained by the Board of Mayor and Aldermen of the City of \_\_\_\_\_ as follows:

**Section 1.** All truck tractor and semi-trailers operating within the city of \_\_\_\_\_ shall conform to the visual exhaust system inspection requirements, 40 C.F.R. 202.22, of the Interstate Motor Carriers Noise Emission Standards.

**Section 2.** A motor vehicle does not conform to the visual exhaust system inspection requirements referenced in Section 1 of this ordinance if inspection of the exhaust system of the motor carrier vehicle discloses that the system:

- Has a defect that adversely affects sound reduction, such as exhaust gas leaks or alteration or deterioration of muffler elements. (Small traces of soot on flexible exhaust pipe sections shall not constitute a violation.);
- Is not equipped with either a muffler or other noise dissipative device, such as a turbocharger (supercharger driven by exhaust by gases); or
- Is equipped with a cut out, bypass, or similar device, unless such device is designed as an exhaust gas driven cargo unloading system.

**Section 3.** Violations of this ordinance shall subject the offender to a fine of \$50 per offense.

**Section 4.** This ordinance shall be supplemental to other noise control ordinances and regulations of the city, and shall be effective upon its final passage, the public welfare requiring it.

Passed 1st reading on \_\_\_\_\_, 20\_\_  
Passed 2nd reading on \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor Attest:

\_\_\_\_\_  
City Recorder

---

Approved As To Form: City Attorney

---

*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

**Source URL (retrieved on 06/04/2020 - 1:02pm):** <https://www.mtas.tennessee.edu/reference/regulating-jake-brakes>



Municipal Technical Advisory Service  
INSTITUTE *for* PUBLIC SERVICE