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OPPOSITION MAKING NOISE

**NOISE ACTIVISTS FOCUS ON CAR AUDIO & SECURITY ISSUES
BY MICAH SHEVELOFF**

As if the nation's economic woes were not enough of a challenge for mobile electronics retailers to overcome, anti-noise activists have intensified efforts to put in place legislation against both audible car security devices and loud automotive audio systems, citing rampant disturbance of population as the primary offense. Communities such as Elgin, IL and Rochester, NY have empowered law-enforcement officers to seize vehicles on the spot for violating noise codes, and the New York City Council has already begun debate on legislation banning the use of any audible type of security device. Retailers in these communities and others across the U.S. have been affected by this unanticipated opposition, and forced to respond by lobbying on their own behalf. The Mobile Enhancement Retailers Association (MERA) has also begun to address these issues, apparently a legitimate threat to the future sales of mobile audio and security devices.

SECURITY-RELATED ISSUES

Seemingly, the most immediate threat to commerce is in New York City, where two City Council members have introduced bills banning the installation and/or use of any audible car alarm within the five boroughs (Queens, Brooklyn, The Bronx,

Manhattan and Staten Island). One of the lobbyists supporting the action is Aaron Friedman, a project manager for a group called Transportation Alternatives. "We are trying to get an outright ban on audible car alarms," said Friedman. "I am convinced that they do not work at all, especially in an urban environment," he stated, citing a 1997 study done by the auto insurance industry's Highway Loss Data Institute that came to the conclusion that car alarms "have no effect at all" on theft rates. It is Transportation Alternatives' position that the use of immobilizers, paging systems and tracking devices would provide better security to vehicle owners without the risk of disturbing people in the process.

New York City Council members John Liu and Eva Moskowitz presented the proposed bills banning audible car alarm devices at a public hearing on June 11, with representatives from Directed Electronics, Audiovox and the Consumer Electronics Association in attendance. The City Council requested testimony from the New York City Police Department, during which they were asked if car alarms prevented theft, vandalism, or had led to the arrest of any perpetrators. The NYC

police spokesperson was unable to provide any data supporting the use of security devices. "The people in my district are constantly bothered by the noise generated by these systems," reported councilman John Liu. "I think they would live with the noise if car alarms were effective, but there is no proof that the devices deter or prevent theft. The citizens of New York City are frustrated by the belief that car alarms do nothing at all," Liu explained. "There are better devices today that deter theft and allow police to track and recover vehicles," said

Liu. "It has become a cost/benefit issue, and the cost to the people of New York City far outweighs the benefits," Liu added. The June 11 hearing was the first forum used to address the car alarm issue within the NYC political system, and there is a second hear-



ing scheduled for fall. "Although there may be some modifications to the proposed bills such as the section pertaining to penalties, I am hoping that they go before the council for a vote," Liu reported. "I am amazed when I step into a store or look through a magazine at the advances in technology, however, there are some things that simply do not work," said Liu. "I have even brought up concerns



about consumer fraud regarding these car alarm systems. People spend big money on them and they do not deter or prevent theft," he added. When asked about the potential loss of jobs that could result from such a ban, Councilman Liu responded, "It is important to preserve jobs; however, I do not believe in promoting jobs within an industry just for the sake of keeping jobs. I am an advocate of what works, and for the discontinuation of products that do not serve the best interests of consumers here in New York City," Liu concluded.

New York City councilwoman Eva Moskowitz reported that her office has received numerous calls from all over the city in support of this legislation. "My constituents brought this issue to my attention first, but car alarms have long been disturbing the peace and quiet in New York City. The Mayor's Quality of Life Hotline (called the 311 Hotline) receives more noise complaints than any other call, and many, if not most, of these complaints are car-alarm-related," said Moskowitz through a spokesperson. "We are not pushing these bills to put anyone out of business, but rather, we are looking to make New York City a better place to live. Noisy car alarms are one of the most prevalent forms of noise pollution we deal with every day, and their cost to the city far outweighs the benefit," added Moskowitz.

AUDIO-RELATED ISSUES

Citizens angered by the intrusive rumble of "boom cars" have begun to speak up in communities all over the United States. The group Noise Free America has chapters in several states and is embattled trying to quiet everything from car stereo systems to

motorcycles and even leaf blowers. "I don't mind the SPL competitions, but that freedom should not extend into my living room," commented Mark Huber, communications director for Noise Free America. "How can you not love music? It gets inside of you and you turn it up! I would never deny anyone that feeling," commented Huber. That being said, he emphasized that quiet is essential for deliberate thought. "Quiet is not silence," he explained. "I just want to be able to hear the neighborhood kids. The constant rumble created by the boom cars masks day-to-day sounds that people have a right to experience," said Huber, who suggested that there should be a contest added to the competition circuit that focuses on how great the sound could be inside a car without causing external disturbance. "I feel sorry for a lot of the kids who have gone out and spent all of that money for a car audio system and end up getting busted."

■ ■ ■ MERA HAS BEGUN TO ADDRESS THESE ISSUES & THEIR EFFECT ON SECURITY SALES ■ ■ ■

"Getting busted" is now a reality in some communities such as Elgin and Rochester, where there are laws that prohibit excessive noise emanating from a car stereo system. The Rochester legislations states: "No person shall operate or cause to be operated any motor vehicle in such a manner that the sound level emitted therefrom exceeds eighty (80) dB(A) either: 1) At a distance of 25 feet or more from the path of the vehicle when operated on a public street or sidewalk or in a public park or other public place; or 2) At or beyond the property line when operated on private property." The legislation then states: "Any motor vehicle used in connection with the commission of a violation of this section shall be towed..."

Matt Carpenter, president and general manager of Rochester's Stereo

Shop (founded in 1983), stated that the law did have an effect on sales of mobile electronics products from his establishment. "At first it was bad. People came back wanting to return what they had purchased," Carpenter recalled. "People got tickets, and sales were certainly affected. Now, they pay more attention to looking out for law enforcement," he explained. "The police may not be as strict as they were initially. The big push here now is regarding cell phone use. It has to be hands-free while driving," said Carpenter.

Emery Kapral is a 22-year old store manager and audio enthusiast at Prime Time, another 12-volt retailer in the Rochester area. "I would say that the law had a pretty big effect in terms of loss of sales," said Kapral. "The kids around here are tired of being harassed," he added. "We do cruise nights down at the beach (Rochester is located on Lake Ontario) that attract about 2,000 cars, and many of them still have the stock stereo system," Kapral stated, blaming the tough local laws at least in part for the waning interest in audio upgrades.

"I hear customers bring up the issue [of the ordinances] in the store, but it does not appear to stop them from buying a system," related David Kendig, president of The Speaker Place (founded in 1978). "It does make them think twice about cranking it up, though," Kendig added. "I also suspect that the customer demographic is changing their focus away from audio towards things like shift knobs, mufflers and general hot-rodding. That in combination with the state of the economy is more to blame for slow sales than the noise ordinances," commented Kendig.

Rodric Cox-Cooper works for the mayor of Rochester as the director of the Neighborhood Empowerment Teams (NET) and has noted positive results since the noise ordinance was implemented. "We have reduced the noise problem caused by the car stereo systems, especially during the warm weather months," Cox-Cooper reported. "We certainly have not eliminated



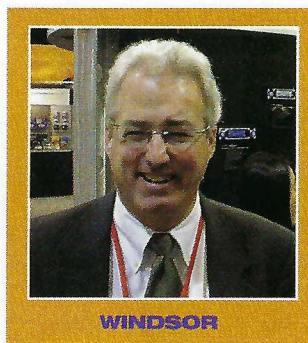
it," he added. Cox-Cooper recalls that the city of Rochester studied similar laws in other cities such as Chicago when assembling their own legislation. "The ticket we issue is called a municipal code appearance, requiring the person to appear before a hearing examiner," Cox-Cooper explained. The decision is either reversed or upheld, and a fine is levied. The vehicle owner is also liable for towing fees (typically \$80-\$120) and storage fees (typically about \$12 per day), so it becomes a very expensive outing if you blast your stereo and get caught," Cox-Cooper concluded. The Rochester police have instituted "noise details" where six to 10 officers set up an observation of a high-problem area. They will monitor the area for two to four hours and address any violations that occur. The noise details are utilized by the city up to five times per week during the warm weather months. "The mayor believes that quality of life issues such as noise pollution have to be addressed," said Cox-Cooper.

During the late 1990s, the city of Chicago established noise ordinances empowering police to stop and confiscate any vehicle causing a disturbance. "I still hear customers complaining: oh, they took my truck, it cost me \$565 to get it back," reported Binu Bayalo, president of Pro Sound in Chicago. "Customers are not buying big systems like they used to, although I am sure some of that is because of the economy. I hear them crying about not having any money," said Bayalo. "Even though the enforcement seems not to be as strict as it once was, I think my customers got the message. Sales are down, big time," he added. Once the city of Chicago had demonstrated success with their ordinances, many of the smaller surrounding com-

munities were soon to follow. "There seems to be a lot less complaints from within the community," reported lieutenant Mike Turner, the public information officer in Elgin, which is just outside of Chicago. "It was quite an eye-opener for offenders to

receive a \$250 fine and a mandatory court appearance," Turner added. "There are a lot less of those cars running around." The officers in Elgin have been empowered by legislation that states: "no driver or owner of any motor vehicle within the city shall operate or permit operation of any sound amplification system which can be heard outside the vehicle from 75 feet when the vehicle is being operated upon a street, highway or roadway unless such a system is being operated to request assistance or warn of a hazardous situation." Other language in the document states that there will be a fine (\$250) plus towing and storage fees, and that any vehicle unclaimed after 30-days can "be disposed of as provided by law." A vehicle that can be heard from 75 feet or more is in violation of the code, and it is left to "officer's discretion" to make the final determination. "This is a quality of life issue for the people of Elgin," Turner added. "We are getting a lot of compliments from citizens who support our efforts," he stated.

Ray Windsor is the legislative committee chairman and a member of the board of trustees for MERA (as well as vice president of sales and marketing at Eclipse), an organization trying to grapple with these issues on behalf of electronics retailers across the nation. "The legislative committee was put together to be sure that members of MERA were being looked after regarding any positive or negative legislation that might impact their businesses," Windsor explained. "Our goal is to be sure that retailers are aware of what is happening, and to see that they are not harmed by such legislation," he



added. "There are extreme noise activists who think that today's youth is going to destroy the world as we know it. The same phenomenon applied to Elvis and The Beatles," said Windsor. "That being said, some communities have a legitimate beef about noise

pollution, and they are just trying to maintain peace and quiet in their neighborhoods. It is MERA's goal to see that there is fair and balanced legislation out there, and to help retailers educate consumers so that they listen responsibly for both health reasons and for the community at large," stated Windsor. MERA has created a proposed sound ordinance for communities that are considering such restrictions. The document suggests that no person shall play a system audible beyond 100 feet between the hours of 11:00 p.m. and 6:00 a.m., and that a noise-free zone be established within two blocks of schools, churches and hospitals. The MERA proposed ordinance also suggests a non-moving traffic infraction and fine of \$100 for the first offense with incrementally larger fines and driver's-license suspension for repeat offenders. "This is what we think is good for the retailer's relationship with the community," concluded Windsor.

Clearly, it is time for the consumer electronics industry, including manufacturers, retailers and related organizations, to prepare for an onslaught of restrictive legislation by acting responsibly and meeting these challenges head-on. Why have false alarms been such a problem in densely populated areas? How can consumers be motivated to listen to their audio systems responsibly? Are the marketing strategies used within the industry responsible and in the best long-term interests of the CE community? These are questions that are likely to shape the future of the mobile electronics industry in the very near future because legislators are debating their next moves right now.