

2 **SSB 5494** - H COMM AMD **ADOPTED 4/9/01**
3 By Committee on Transportation

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 46.37.390 and 1977 ex.s. c 355 s 33 are each amended
8 to read as follows:

9 (1) Every motor vehicle shall at all times be equipped with a
10 muffler in good working order and in constant operation to prevent
11 excessive or unusual noise, and no person shall use a muffler cut-out,
12 bypass, or similar device upon a motor vehicle on a highway.

13 (2)(a) No motor vehicle first sold and registered as a new motor
14 vehicle on or after January 1, 1971, shall discharge into the
15 atmosphere at elevations of less than three thousand feet any air
16 contaminant for a period of more than ten seconds which is:

17 (i) As dark as or darker than the shade designated as No. 1 on the
18 Ringelmann chart, as published by the United States bureau of mines; or

19 (ii) Of such opacity as to obscure an observer's view to a degree
20 equal to or greater than does smoke described in subsection (a)(i)
21 above.

22 (b) No motor vehicle first sold and registered prior to January 1,
23 1971, shall discharge into the atmosphere at elevations of less than
24 three thousand feet any air contaminant for a period of more than ten
25 seconds which is:

26 (i) As dark as or darker than the shade designated as No. 2 on the
27 Ringelmann chart, as published by the United States bureau of mines; or

28 (ii) Of such opacity as to obscure an observer's view to a degree
29 equal to or greater than does smoke described in subsection (b)(i)
30 above.

31 (c) For the purposes of this subsection the following definitions
32 shall apply:

33 (i) "Opacity" means the degree to which an emission reduces the
34 transmission of light and obscures the view of an object in the
35 background;

1 (ii) "Ringelmann chart" means the Ringelmann smoke chart with
2 instructions for use as published by the United States bureau of mines
3 in May 1967 and as thereafter amended, information circular 7718.

4 (3) No person shall modify the exhaust system of a motor vehicle in
5 a manner which will amplify or increase the noise emitted by the engine
6 of such vehicle above that emitted by the muffler originally installed
7 on the vehicle, and it shall be unlawful for any person to operate a
8 motor vehicle not equipped as required by this subsection, or which has
9 been amplified as prohibited by this subsection so that the vehicle's
10 exhaust noise exceeds ninety-five decibels as measured by the Society
11 of Automotive Engineers (SAE) test procedure J1169 (May, 1998). It is
12 not a violation of this subsection unless proven by proper authorities
13 that the exhaust system modification results in noise amplification in
14 excess of ninety-five decibels under the prescribed SAE test standard.
15 A court may dismiss an infraction notice for a violation of this
16 subsection if there is reasonable grounds to believe that the vehicle
17 was not operated in violation of this subsection.

18 This subsection (3) does not apply to vehicles twenty-five or more
19 years old or to passenger vehicles being operated off the highways in
20 an organized racing or competitive event conducted by a recognized
21 sanctioning body."

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