

SSB 5785 - S AMD 179

By Senators Parlette, Oke

ADOPTED 03/18/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.09.120 and 1979 ex.s. c 136 s 41 are each amended  
4 to read as follows:

5 (1) It is a traffic infraction for any person to operate any  
6 nonhighway vehicle:

7 (a) In such a manner as to endanger the property of another;

8 (b) On lands not owned by the operator or owner of the nonhighway  
9 vehicle without a lighted headlight and taillight between the hours of  
10 dusk and dawn, or when otherwise required for the safety of others  
11 regardless of ownership;

12 (c) On lands not owned by the operator or owner of the nonhighway  
13 vehicle without an adequate braking device or when otherwise required  
14 for the safety of others regardless of ownership;

15 (d) Without a spark arrester approved by the department of natural  
16 resources;

17 (e) Without an adequate, and operating, muffling device which  
18 effectively limits vehicle noise to no more than eighty-six decibels on  
19 the "A" scale at fifty feet as measured by the Society of Automotive  
20 Engineers (SAE) test procedure J 331a, except that a maximum noise  
21 level of one hundred and five decibels on the "A" scale at a distance  
22 of twenty inches from the exhaust outlet shall be an acceptable  
23 substitute in lieu of the Society of Automotive Engineers test  
24 procedure J 331a when measured:

25 (i) At a forty-five degree angle at a distance of twenty inches  
26 from the exhaust outlet;

27 (ii) With the vehicle stationary and the engine running at a steady  
28 speed equal to one-half of the manufacturer's maximum allowable ("red  
29 line") engine speed or where the manufacturer's maximum allowable

1 engine speed is not known the test speed in revolutions per minute  
2 calculated as sixty percent of the speed at which maximum horsepower is  
3 developed; and

4 (iii) With the microphone placed ten inches from the side of the  
5 vehicle, one-half way between the lowest part of the vehicle body and  
6 the ground plane, and in the same lateral plane as the rearmost exhaust  
7 outlet where the outlet of the exhaust pipe is under the vehicle;

8 (f) On lands not owned by the operator or owner of the nonhighway  
9 vehicle upon the shoulder or inside bank or slope of any nonhighway  
10 road or highway, or upon the median of any divided highway;

11 (g) On lands not owned by the operator or owner of the nonhighway  
12 vehicle in any area or in such a manner so as to unreasonably expose  
13 the underlying soil, or to create an erosion condition, or to injure,  
14 damage, or destroy trees, growing crops, or other vegetation;

15 (h) On lands not owned by the operator or owner of the nonhighway  
16 vehicle or on any nonhighway road or trail (~~which is~~), when these are  
17 restricted to pedestrian or animal travel; and

18 (i) On any public lands in violation of rules and regulations of  
19 the agency administering such lands.

20 (2) It is a misdemeanor for any person to operate any nonhighway  
21 vehicle while under the influence of intoxicating liquor or a  
22 controlled substance."

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23 On page 1, line 2 of the title, after "trail;" strike the remainder  
24 of the title and insert "and amending RCW 46.09.120."

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