
**Natural Resources, Ecology &
Parks Committee**

HB 3105

Brief Description: Addressing noise problems from off-road and all-terrain vehicles.

Sponsors: Representatives Hunt and Williams.

Brief Summary of Bill

- Requires the Department of Ecology to strengthen the decibel standards that apply to off-road vehicles in residential settings and identify enforcement alternatives.
- Requires the Interagency Committee for Outdoor Recreation to expand grant programs so that local governments or community development representatives can receive funding for enforcement of nuisance noise complaints caused by ORV users in residential neighborhoods.

Hearing Date: 2/2/06

Staff: Jason Callahan (786-7117).

Background:

Noise standards

The Department of Ecology (Department) is the lead agency for developing state noise standards. Rules adopted by the Department identify maximum noise levels that are permitted in specific environments (RCW 70.107.030). Violations of the state noise standards are enforced by the appropriate local government with a \$100 fine (RCW 70.107.050). With some exceptions, a person generating noise within a residential area may not exceed 55 decibels (WAC 173-60-040). Local governments may only adopt noise standards that are different from the standards adopted by the Department if the Director of the Department approves the local ordinance (WAC 173-60-110).

Off-road vehicles (ORVs) are required to have an operating muffler. The muffler must limit the noise emitted by the ORV to either 86 decibels measured 50 feet from the ORV or 105 decibels measured at a distance of 20 inches from the ORV (RCW 46.09.120). A violation of the muffling requirements may be prosecuted as a traffic infraction.

ORV grants

The Interagency Committee for Outdoor Recreation (IAC) manages a number of grant programs related to ORVs and other non-highway vehicles. There are grant programs that provide money to state and local agencies for the development of ORV recreation facilities. Generally, the funding for the grants comes from a combination of ORV registration fees and gas taxes paid by the operators of non-highway vehicles.

Off-Road Vehicle Noise Management Task Force

During the 2005 session, the Legislature created the Off-Road Vehicle Noise Management Task Force (Task Force). The Task Force consisted of bipartisan membership from both the House of Representatives and the Senate. The Task Force met three times during the 2005 interim and heard presentations, testimony, and demonstrations relating to ORV noise and ORV riding opportunities. The legislation that enabled the Task Force stated that any recommendations must be forwarded in the form of draft legislation. The Task Force has yet to forward recommended legislation.

Summary of Bill:

Department rules update

The Department is required to revise its rules relating to noise standards in certain environments. The updated rules must strengthen the decibel standards that apply to ORVs and identify enforcement alternatives that can be easily measured by law enforcement. Examples of alternative enforcement mechanisms include measurable buffers and narrative standards such as "clearly audible at the property line." The Department noise standard rules do not limit the ability of a local government to adopt standards that are more stringent.

Before updating its rules, the Department must conduct a study on the adverse effects of ORV noise in residential neighborhoods. The new rules must be based on the findings of the study.

Individuals who violate the new noise standards will be subject to civil penalties imposed by the appropriate local government. First time violators will be penalized \$100. The penalty amount is increased to \$250 for second violations and \$1,000 for every additional violation.

IAC grants

The IAC is directed to expand grants funded by ORV registration and gas tax rebates so that local governments or community development representatives can receive funding for enforcement of nuisance noise complaints caused by ORV users in residential neighborhoods. The IAC must also educate eligible recipients and encourage them to apply for funding.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.