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SENATE BILL 5089

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State of Washington

59th Legislature

2005 Regular Session

By Senators Sheldon, Fraser and Kline

Read first time 01/13/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to reducing nuisance noise from off-road vehicles;  
2 amending RCW 46.09.120 and 46.09.190; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.09.120 and 2003 c 377 s 1 are each amended to read  
5 as follows:

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

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

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

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

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

18 (e) Without an adequate, and operating, muffling device which  
19 effectively limits vehicle noise to no more than eighty-six decibels on

1 the "A" scale at fifty feet as measured by the Society of Automotive  
2 Engineers (SAE) test procedure J 331a, except that a maximum noise  
3 level of (~~one hundred and five~~) ninety-six decibels on the "A" scale  
4 at a distance of twenty inches from the exhaust outlet shall be an  
5 acceptable substitute in lieu of the Society of Automotive Engineers  
6 test procedure J 331a when measured:

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

9 (ii) With the vehicle stationary and the engine running at a steady  
10 speed equal to one-half of the manufacturer's maximum allowable ("red  
11 line") engine speed or where the manufacturer's maximum allowable  
12 engine speed is not known the test speed in revolutions per minute  
13 calculated as sixty percent of the speed at which maximum horsepower is  
14 developed; and

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

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

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

26 (h) On lands not owned by the operator or owner of the nonhighway  
27 vehicle or on any nonhighway road or trail, when these are restricted  
28 to pedestrian or animal travel; (~~and~~)

29 (i) On lands zoned as residential within six hundred feet of  
30 another property owner's residence, or within six hundred feet of  
31 another property owner's barn, stable, penned area, or similar  
32 structure or confined area occupied by any livestock, as defined by RCW  
33 16.36.005, in a repetitive manner or on a track for purposes of  
34 recreation or practicing for races, jumps, tests, or similar purposes.  
35 A person who is guilty of violating this subsection is subject on the  
36 first offense to a fine of not less than one hundred dollars. On each  
37 subsequent violation, the person is subject to twice the amount of fine  
38 as on the last infraction; and

1        (j) On any public lands in violation of rules and regulations of  
2 the agency administering such lands.

3        (2) It is a misdemeanor for any person to operate any nonhighway  
4 vehicle while under the influence of intoxicating liquor or a  
5 controlled substance.

6        **Sec. 2.** RCW 46.09.190 and 1979 ex.s. c 136 s 42 are each amended  
7 to read as follows:

8        (1) Except as provided in RCW (~~(46.09.120(2))~~) 46.09.120 (1)(j) and  
9 (2) and 46.09.130 as now or hereafter amended, violation of the  
10 provisions of this chapter is a traffic infraction for which a penalty  
11 of not less than twenty-five dollars may be imposed.

12        (2) In addition to the penalties provided in subsection (1) of this  
13 section, the owner and/or the operator of any nonhighway vehicle shall  
14 be liable for any damage to property including damage to trees, shrubs,  
15 or growing crops injured as the result of travel by the nonhighway  
16 vehicle. The owner of such property may recover from the person  
17 responsible three times the amount of damage.

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