
SUBSTITUTE HOUSE BILL 3105

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Hunt and Williams)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to noise problems from off-road and all-terrain
2 vehicles; and amending RCW 46.09.120.

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

4 **Sec. 1.** RCW 46.09.120 and 2005 c 213 s 3 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;

29 (i) On any public lands in violation of rules and regulations of
30 the agency administering such lands; (~~and~~)

31 (j) On any lands, highways, or public easements by the operator in
32 a repetitive manner in a residential setting or in close proximity to
33 a residential dwelling; and

34 (k) On a private nonhighway road in violation of RCW 46.09.115(3).

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

1 (3)(a) Except for an off-road vehicle equipped with seat belts and
2 roll bars or an enclosed passenger compartment, it is a traffic
3 infraction for any person to operate or ride an off-road vehicle on a
4 nonhighway road without wearing upon his or her head a motorcycle
5 helmet fastened securely while in motion. For purposes of this
6 section, "motorcycle helmet" has the same meaning as provided in RCW
7 46.37.530.

8 (b) Subsection (3)(a) of this section does not apply to an off-road
9 vehicle operator operating on his or her own land.

10 (c) Subsection (3)(a) of this section does not apply to an off-road
11 vehicle operator operating on agricultural lands owned or leased by the
12 off-road vehicle operator or the operator's employer.

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