

HOUSE BILL REPORT

HB 3105

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to noise problems from off-road and all-terrain vehicles.

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

Sponsors: Representatives Hunt and Williams.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 2/2/06 [DPS].

Brief Summary of Substitute Bill

- Lowers the maximum decibel level for off-road vehicles from 105 decibels to 96 decibels.
- Creates a new traffic infraction for riding off-road vehicles in a repetitive manner in a residential setting.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Dickerson, Eickmeyer, Hunt and Kagi.

Minority Report: Do not pass. Signed by 5 members: Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, Chandler and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

Off-road vehicles (ORVs) must be equipped with a functioning 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. A violation of the muffling requirements may be prosecuted as a traffic infraction.

Summary of Substitute Bill:

The maximum decibel level for an ORV is lowered from 105 decibels to 96 decibels.

A new ORV-related traffic infraction is created. No person may operate an ORV on any lands, highways, or public easements in a repetitive manner in a residential setting or in close proximity to a residential dwelling.

Substitute Bill Compared to Original Bill:

The original bill required the Department of Ecology (DOE) to strengthen the decibel standards that apply to ORVs in residential settings. It also required the Interagency Committee for Outdoor Recreation to expand grant programs so that local governments or community development representatives could receive funding for enforcement of nuisance noise complaints caused by ORV users in residential neighborhoods.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (In support of original bill) This bill is not about prohibiting ORV use, it is about providing livable neighborhoods and homes for people. Homes are sanctuaries, but noise interferes with the enjoyment of property. Noise is unnerving and stress inducing, and the noise frequency from ORVs is particularly troublesome.

The use of ORVs in residential areas cause health problems for those subjected to the noise, and it can lower property values. Most ORV riders are responsible, but there is a subgroup that is not responsible and use after market mufflers in residential areas. It is not uncommon for intimidation and harassment to occur when a neighbor complains about constant ORV use in a residential area. Local governments and law enforcement agencies are not offering help or enforcement of the existing laws. In part, local law enforcement needs funding and enforceable standards.

There was a task force this past interim that looked into this issue, but they were unsuccessful in finding an adequate solution. The problem has not gone away. This bill is just a first step to finding a solution.

(With concerns on original bill) Requiring new noise standards will have a high fiscal impact. There is not currently an active noise program at the DOE, and starting one now will be expensive. The main problem is with enforcement at the local level, and it would be a shame to go through the rulemaking and study process only to find that the same problems still exist. Funding should not be diverted from the Non-Highway Vehicle Gas Tax Rebate Grant Program.

Testimony Against: (Opposed to original bill) There are very few violations of noise standards written for ORV riders statewide. Local governments do not have the resources to

enforce new standards, so the money it will take to study noise standards can be better spent. The fines in the bill are excessive, and the bill discriminates against ORV riders by singling them out as the only source of neighborhood noise.

Persons Testifying: (In support of original bill) Representative Hunt, prime sponsor; Nancy Armstrong, Andrea Fonterot, Leslie Seffern, and Dr. Trev Hauk, Coalition Against Off-Road Vehicle Nuisance; and Jonathan Guzzo, Washington Trails Association.

(With concerns on original bill) Jerry Thielen, Department of Ecology.

(Opposed to original bill) Representative Condotta; and John Eaton, Washington Off-Highway Vehicle Alliance.

Persons Signed In To Testify But Not Testifying: None.