
SENATE BILL 5036

State of Washington 53rd Legislature 1993 Regular Session

By Senators Haugen, Winsley and Erwin

Read first time 01/11/93. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to noise pollution; and amending RCW 70.107.020,
2 70.107.040, 70.107.060, and 46.10.090.

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

4 **Sec. 1.** RCW 70.107.020 and 1974 ex.s. c 183 s 2 are each amended
5 to read as follows:

6 As used in this chapter, unless the context clearly indicates
7 otherwise:

8 (1) "Department" means the department of ~~((ecology))~~ health.

9 (2) "Director" means ~~((director of the department))~~ secretary of
10 ~~((ecology))~~ health.

11 (3) "Local government" means county or city government or any
12 combination of the two.

13 (4) "Noise" means the intensity, duration and character of sounds
14 from any and all sources.

15 (5) "Person" means any individual, corporation, partnership,
16 association, governmental body, state, or other entity whatsoever.

17 **Sec. 2.** RCW 70.107.040 and 1975-'76 2nd ex.s. c 34 s 164 are each
18 amended to read as follows:

1 The ((director)) secretary shall name a technical advisory
2 committee to assist the department in the implementation of this
3 chapter. Committee members shall be entitled to reimbursement for
4 travel expenses as provided in RCW 43.03.050 and 43.03.060(~~(, as now~~
5 ~~existing or hereafter amended)~~)).

6 **Sec. 3.** RCW 70.107.060 and 1987 c 103 s 1 are each amended to read
7 as follows:

8 (1) Nothing in this chapter shall be construed to deny, abridge or
9 alter alternative rights of action or remedies in equity or under
10 common law or statutory law, criminal or civil.

11 (2) Nothing in this chapter shall deny, abridge or alter any
12 powers, duties and functions relating to noise abatement and control
13 now or hereafter vested in any state agency, nor shall this chapter be
14 construed as granting jurisdiction over the industrial safety and
15 health of employees in work places of the state, as now or hereafter
16 vested in the department of labor and industries.

17 (3) Standards and other control measures adopted by the department
18 under this chapter shall be exclusive except as hereinafter provided.
19 A local government may impose limits or control sources differing from
20 those adopted or controlled by the department upon a finding that such
21 requirements are necessitated by special conditions. Noise limiting
22 requirements of local government which differ from those adopted or
23 controlled by the department shall be invalid unless first approved by
24 the department. If the department of ((ecology)) health fails to
25 approve or disapprove standards submitted by local governmental
26 jurisdictions within ninety days of submittal, such standards shall be
27 deemed approved. If disapproved, the local government may appeal the
28 decision to the pollution control hearings board which shall decide the
29 appeal on the basis of the provisions of this chapter, and the
30 applicable regulations, together with such briefs, testimony, and oral
31 argument as the hearings board in its discretion may require. The
32 department determination of whether to grant approval shall depend on
33 the reasonableness and practicability of compliance. Particular
34 attention shall be given to stationary sources located near
35 jurisdictional boundaries, and temporary noise producing operations
36 which may operate across one or more jurisdictional boundaries.

37 (4) In carrying out the rule-making authority provided in this
38 chapter, the department shall follow the procedures of the

1 administrative procedure act, chapter 34.05 RCW, and shall take care
2 that no rules adopted purport to exercise any powers preempted by the
3 United States under federal law.

4 **Sec. 4.** RCW 46.10.090 and 1980 c 148 s 1 are each amended to read
5 as follows:

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

8 (a) At a rate of speed greater than reasonable and prudent under
9 the existing conditions.

10 (b) In a manner so as to endanger the property of another.

11 (c) Without a lighted headlight and taillight between the hours of
12 dusk and dawn, or when otherwise required for the safety of others.

13 (d) Without an adequate braking device which may be operated either
14 by hand or foot.

15 (e) Without an adequate and operating muffling device which shall
16 effectively blend the exhaust and motor noise in such a manner so as to
17 preclude excessive or unusual noise, and, (i) on snowmobiles
18 manufactured on or before January 4, 1973, which shall effectively
19 limit such noise at a level of eighty-six decibels, or below, on the
20 "A" scale at fifty feet, and (ii) on snowmobiles manufactured after
21 January 4, 1973, which shall effectively limit such noise at a level of
22 eighty-two decibels, or below, on the "A" scale at fifty feet, and
23 (iii) on snowmobiles manufactured after January 1, 1975, which shall
24 effectively limit such noise at a level of seventy-eight decibels, or
25 below, as measured on the "A" scale at a distance of fifty feet, under
26 testing procedures as established by the department of ((ecology))
27 health; except snowmobiles used in organized racing events in an area
28 designated for that purpose may use a bypass or cutout device. This
29 section shall not affect the power of the department of ((ecology))
30 health to adopt noise performance standards for snowmobiles. Noise
31 performance standards adopted or to be adopted by the department of
32 ((ecology)) health shall be in addition to the standards contained in
33 this section, but the department's standards shall supersede this
34 section to the extent of any inconsistency.

35 (f) Upon the paved portion or upon the shoulder or inside bank or
36 slope of any public roadway or highway, or upon the median of any
37 divided highway, except as provided in RCW 46.10.100 and 46.10.110.

1 (g) In any area or in such a manner so as to expose the underlying
2 soil or vegetation, or to injure, damage, or destroy trees or growing
3 crops.

4 (h) Without a current registration decal affixed thereon, if not
5 exempted under RCW 46.10.030 as now or hereafter amended.

6 (2) It is a misdemeanor for any person to operate any snowmobile so
7 as to endanger the person of another or while under the influence of
8 intoxicating liquor or narcotics or habit-forming drugs.

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