
SENATE BILL 5534

State of Washington

58th Legislature

2003 Regular Session

By Senators Keiser, Fraser, Kline and Kohl-Welles

Read first time 01/29/2003. Referred to Committee on Natural Resources, Energy & Water.

1 AN ACT Relating to visible smoke from motor vehicles; amending RCW
2 46.37.390, 46.04.521, and 46.37.539; adding a new section to chapter
3 46.37 RCW; creating new sections; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that visible smoke
6 from motor vehicles is a major indicator of poor vehicle performance,
7 a factor contributing to the degradation of regional air quality, and
8 is injurious to the public health and safety.

9 **Sec. 2.** RCW 46.37.390 and 2001 c 293 s 1 are each amended to read
10 as follows:

11 (1) Every motor vehicle shall at all times be equipped with a
12 muffler in good working order and in constant operation to prevent
13 excessive or unusual noise, and no person shall use a muffler cut-out,
14 bypass, or similar device upon a motor vehicle on a highway.

15 ~~(2)((a) No motor vehicle first sold and registered as a new motor~~
16 ~~vehicle on or after January 1, 1971, shall discharge into the~~
17 ~~atmosphere at elevations of less than three thousand feet any air~~
18 ~~contaminant for a period of more than ten seconds which is:~~

1 ~~(i) As dark as or darker than the shade designated as No. 1 on the~~
2 ~~Ringelmann chart, as published by the United States bureau of mines; or~~

3 ~~(ii) Of such opacity as to obscure an observer's view to a degree~~
4 ~~equal to or greater than does smoke described in subsection (a)(i)~~
5 ~~above.~~

6 ~~(b) No motor vehicle first sold and registered prior to January 1,~~
7 ~~1971, shall discharge into the atmosphere at elevations of less than~~
8 ~~three thousand feet any air contaminant for a period of more than ten~~
9 ~~seconds which is:~~

10 ~~(i) As dark as or darker than the shade designated as No. 2 on the~~
11 ~~Ringelmann chart, as published by the United States bureau of mines; or~~

12 ~~(ii) Of such opacity as to obscure an observer's view to a degree~~
13 ~~equal to or greater than does smoke described in subsection (b)(i)~~
14 ~~above.~~

15 ~~(c) For the purposes of this subsection the following definitions~~
16 ~~shall apply:~~

17 ~~(i) "Opacity" means the degree to which an emission reduces the~~
18 ~~transmission of light and obscures the view of an object in the~~
19 ~~background;~~

20 ~~(ii) "Ringelmann chart" means the Ringelmann smoke chart with~~
21 ~~instructions for use as published by the United States bureau of mines~~
22 ~~in May 1967 and as thereafter amended, information circular 7718.~~

23 ~~(3))~~ No person shall modify the exhaust system of a motor vehicle
24 in a manner which will amplify or increase the noise emitted by the
25 engine of such vehicle above that emitted by the muffler originally
26 installed on the vehicle, and it shall be unlawful for any person to
27 operate a motor vehicle not equipped as required by this subsection, or
28 which has been amplified as prohibited by this subsection so that the
29 vehicle's exhaust noise exceeds ninety-five decibels as measured by the
30 Society of Automotive Engineers (SAE) test procedure J1169 (May, 1998).
31 It is not a violation of this subsection unless proven by proper
32 authorities that the exhaust system modification results in noise
33 amplification in excess of ninety-five decibels under the prescribed
34 SAE test standard. A court may dismiss an infraction notice for a
35 violation of this subsection if there is reasonable grounds to believe
36 that the vehicle was not operated in violation of this subsection.

37 This subsection (~~(3))~~ (2) does not apply to vehicles twenty-five

1 or more years old or to passenger vehicles being operated off the
2 highways in an organized racing or competitive event conducted by a
3 recognized sanctioning body.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.37 RCW
5 to read as follows:

6 (1) No motor vehicle may discharge visible smoke for a period of
7 more than ten seconds.

8 (2) The owner, operator, or driver of a school bus, as defined in
9 RCW 46.04.521, shall not be issued a traffic infraction for a violation
10 of subsection (1) of this section.

11 **Sec. 4.** RCW 46.04.521 and 1995 c 141 s 1 are each amended to read
12 as follows:

13 "School bus" means every motor vehicle used regularly to transport
14 children to and from school or in connection with school activities,
15 which is subject to the requirements (~~(set forth)~~) in (~~(the most recent~~
16 ~~edition of "~~) chapter 392-143 WAC, specifications for school buses(~~"~~
17 ~~published~~), adopted by the state superintendent of public instruction,
18 but does not include buses operated by common carriers in urban
19 transportation of school children or private carrier buses operated as
20 school buses in the transportation of children to and from private
21 schools or school activities.

22 **Sec. 5.** RCW 46.37.539 and 1977 ex.s. c 355 s 53 are each amended
23 to read as follows:

24 Every motorcycle and every motor-driven cycle shall also comply
25 with the requirements and limitations of:

- 26 RCW 46.37.380 on horns and warning devices;
- 27 RCW 46.37.390 on mufflers and prevention of noise;
- 28 Section 3 of this act on visible smoke;
- 29 RCW 46.37.400 on mirrors; and
- 30 RCW 46.37.420 on tires.

31 NEW SECTION. **Sec. 6.** The legislature respectfully requests the
32 supreme court to provide increased fines, in its schedule of monetary
33 penalties for traffic infractions, for repeat violations of section 3
34 of this act.

--- END ---