
SUBSTITUTE SENATE BILL 5785

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Parlette, Doumit, Benton, Mulliken, Schmidt and Honeyford)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to the use of a vehicle on a nonhighway road or
2 trail; 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 1979 ex.s. c 136 s 41 are each amended
5 to read 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 decibels on the "A" scale at a distance
4 of twenty inches from the exhaust outlet shall be an acceptable
5 substitute in lieu of the Society of Automotive Engineers test
6 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, in violation of the rules and regulations of the
28 administering agency, on any nonhighway road or any trail which is
29 restricted to pedestrian or animal travel; and

30 (i) On any public lands in violation of rules and regulations of
31 the agency administering such lands.

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

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