

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 5785**

Chapter 377, Laws of 2003

58th Legislature  
2003 Regular Session

NONHIGHWAY VEHICLES--USE

EFFECTIVE DATE: 7/27/03

Passed by the Senate March 18, 2003  
YEAS 49 NAYS 0

BRAD OWEN

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**President of the Senate**

Passed by the House April 16, 2003  
YEAS 97 NAYS 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved May 20, 2003.

GARY LOCKE

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SUBSTITUTE SENATE BILL  
5785** as passed by the Senate and  
the House of Representatives on  
the dates hereon set forth.

MILTON H. DOUMIT JR.

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**Secretary**

FILED

May 20, 2003 - 2:50 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5785**

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Passed Legislature - 2003 Regular Session

**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 on any nonhighway road or trail (~~which is~~), when these are  
28 restricted to pedestrian or animal travel; and

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

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

Passed by the Senate March 18, 2003.

Passed by the House April 16, 2003.

Approved by the Governor May 20, 2003.

Filed in Office of Secretary of State May 20, 2003.