
SENATE BILL 5490

State of Washington 59th Legislature 2005 Regular Session

By Senators Kastama, Kline and McAuliffe

Read first time 01/26/2005. Referred to Committee on Transportation.

1 AN ACT Relating to noise prevention for motor vehicles; and
2 amending RCW 46.37.390.

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

4 **Sec. 1.** RCW 46.37.390 and 2001 c 293 s 1 are each amended to read
5 as follows:

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

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

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

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

1 (b) No motor vehicle first sold and registered prior to January 1,
2 1971, shall discharge into the atmosphere at elevations of less than
3 three thousand feet any air contaminant for a period of more than ten
4 seconds which is:

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

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

10 (c) For the purposes of this subsection the following definitions
11 shall apply:

12 (i) "Opacity" means the degree to which an emission reduces the
13 transmission of light and obscures the view of an object in the
14 background;

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

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

32 This subsection (3) does not apply to vehicles twenty-five or more
33 years old or to passenger vehicles being operated off the highways in
34 an organized racing or competitive event conducted by a recognized
35 sanctioning body.

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