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HOUSE BILL 2283

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Haugen, Zellinsky, Anderson, Ferguson, Spanel,  
Winsley, D. Sommers, Paris and Orr

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State Government.

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.

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

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

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

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

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

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

21 (3) Standards and other control measures adopted by the department  
22 under this chapter shall be exclusive except as hereinafter provided.  
23 A local government may impose limits or control sources differing from  
24 those adopted or controlled by the department upon a finding that such  
25 requirements are necessitated by special conditions. Noise limiting  
26 requirements of local government which differ from those adopted or  
27 controlled by the department shall be invalid unless first approved by  
28 the department. If the department of ((ecology)) health fails to

1 approve or disapprove standards submitted by local governmental  
2 jurisdictions within ninety days of submittal, such standards shall be  
3 deemed approved. If disapproved, the local government may appeal the  
4 decision to the pollution control hearings board which shall decide the  
5 appeal on the basis of the provisions of this chapter, and the  
6 applicable regulations, together with such briefs, testimony, and oral  
7 argument as the hearings board in its discretion may require. The  
8 department determination of whether to grant approval shall depend on  
9 the reasonableness and practicability of compliance. Particular  
10 attention shall be given to stationary sources located near  
11 jurisdictional boundaries, and temporary noise producing operations  
12 which may operate across one or more jurisdictional boundaries.

13 (4) In carrying out the rule-making authority provided in this  
14 chapter, the department shall follow the procedures of the  
15 administrative procedure act, chapter 34.05 RCW, and shall take care  
16 that no rules adopted purport to exercise any powers preempted by the  
17 United States under federal law.

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

20 (1) It is a traffic infraction for any person to operate any  
21 snowmobile:

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

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

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

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

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

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

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

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

29 (2) It is a misdemeanor for any person to operate any snowmobile so  
30 as to endanger the person of another or while under the influence of

1 intoxicating liquor or narcotics or habit-forming drugs.