

SSB 6687 - S AMD 110  
By Senator Sheldon

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.09.120 and 2005 c 213 s 3 are each amended to read  
4 as follows:

5 (1) It is a traffic infraction for any person to operate any  
6 nonhighway vehicle:

7 (a) In such a manner as to endanger the property of another;

8 (b) On lands not owned by the operator or owner of the nonhighway  
9 vehicle without a lighted headlight and taillight between the hours of  
10 dusk and dawn, or when otherwise required for the safety of others  
11 regardless of ownership;

12 (c) On lands not owned by the operator or owner of the nonhighway  
13 vehicle without an adequate braking device or when otherwise required  
14 for the safety of others regardless of ownership;

15 (d) Without a spark arrester approved by the department of natural  
16 resources;

17 (e) Without an adequate, and operating, muffling device which  
18 effectively limits vehicle noise to no more than eighty-six decibels on  
19 the "A" scale at fifty feet as measured by the Society of Automotive  
20 Engineers (SAE) test procedure J 331a, except that a maximum noise  
21 level of (~~one hundred and five~~) ninety-six decibels on the "A" scale  
22 at a distance of twenty inches from the exhaust outlet shall be an  
23 acceptable substitute in lieu of the Society of Automotive Engineers  
24 test procedure J 331a when measured:

25 (i) At a forty-five degree angle at a distance of twenty inches  
26 from the exhaust outlet;

27 (ii) With the vehicle stationary and the engine running at a steady  
28 speed equal to one-half of the manufacturer's maximum allowable ("red  
29 line") engine speed or where the manufacturer's maximum allowable

1 engine speed is not known the test speed in revolutions per minute  
2 calculated as sixty percent of the speed at which maximum horsepower is  
3 developed; and

4 (iii) With the microphone placed ten inches from the side of the  
5 vehicle, one-half way between the lowest part of the vehicle body and  
6 the ground plane, and in the same lateral plane as the rearmost exhaust  
7 outlet where the outlet of the exhaust pipe is under the vehicle;

8 (f) On lands not owned by the operator or owner of the nonhighway  
9 vehicle upon the shoulder or inside bank or slope of any nonhighway  
10 road or highway, or upon the median of any divided highway;

11 (g) On lands not owned by the operator or owner of the nonhighway  
12 vehicle in any area or in such a manner so as to unreasonably expose  
13 the underlying soil, or to create an erosion condition, or to injure,  
14 damage, or destroy trees, growing crops, or other vegetation;

15 (h) On lands not owned by the operator or owner of the nonhighway  
16 vehicle or on any nonhighway road or trail, when these are restricted  
17 to pedestrian or animal travel;

18 (i) On any public lands in violation of rules and regulations of  
19 the agency administering such lands; and

20 (j) On a private nonhighway road in violation of RCW 46.09.115(3).

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

24 (3)(a) Except for an off-road vehicle equipped with seat belts and  
25 roll bars or an enclosed passenger compartment, it is a traffic  
26 infraction for any person to operate or ride an off-road vehicle on a  
27 nonhighway road without wearing upon his or her head a motorcycle  
28 helmet fastened securely while in motion. For purposes of this  
29 section, "motorcycle helmet" has the same meaning as provided in RCW  
30 46.37.530.

31 (b) Subsection (3)(a) of this section does not apply to an off-road  
32 vehicle operator operating on his or her own land.

33 (c) Subsection (3)(a) of this section does not apply to an off-road  
34 vehicle operator operating on agricultural lands owned or leased by the  
35 off-road vehicle operator or the operator's employer.

36 NEW SECTION. **Sec. 2.** The sum of one hundred thousand dollars, or  
37 as much thereof as may be necessary, is appropriated from the general

1 fund to the interagency committee for outdoor recreation for the fiscal  
2 year ending June 30, 2007, to fund off-road vehicle education and  
3 enforcement activities by state agencies and local governments through  
4 the nonhighway and off-road vehicle activities program.

5 NEW SECTION. **Sec. 3.** (1) The legislature finds that, as the  
6 population of Washington and the popularity of recreational off-road  
7 vehicle use have increased without any substantial increase to public  
8 or private land for use by riders, many riders have no other suitable  
9 options than to ride near their residences.

10 (2) The department of natural resources shall convene a working  
11 group to develop and propose policy strategies and legislation to  
12 address issues relating to access to public and private lands for  
13 recreational off-road vehicle use, including:

14 (a) Proposals to improve and increase recreational off-road vehicle  
15 use opportunities on public lands where such use is compatible with  
16 other types of recreation and the environmental, habitat, and trust  
17 responsibilities of the department of natural resources and other  
18 public land managers;

19 (b) Proposals for addressing the conflicts and safety issues posed  
20 by the growing pressure on public and private lands available for  
21 recreational off-road vehicle use, including any recommended changes to  
22 the recreational use immunity statute, RCW 4.24.210; and

23 (c) Proposals to ensure the existence of the financial resources  
24 necessary to provide access to public lands for recreational off-road  
25 vehicle use, including funding for agency planning and management  
26 activities, land stewardship and trail maintenance, and education and  
27 enforcement programs.

28 (3) The working group consists of the following:

29 (a) One member from the department of natural resources, appointed  
30 by the commissioner of public lands;

31 (b) One member from the department of fish and wildlife, appointed  
32 by the director of the department of fish and wildlife;

33 (c) One member from the state parks and recreation commission,  
34 appointed by the director of the state parks and recreation commission;

35 (d) One member from the interagency committee for outdoor  
36 recreation, appointed by the director of the interagency committee for  
37 outdoor recreation;

1 (e) Two members representing county governments, one county  
2 commissioner each from an urban and a rural county, invited by the  
3 commissioner of public lands;

4 (f) One member representing the United States forest service,  
5 invited by the commissioner of public lands;

6 (g) Two members representing off-road vehicle recreational user  
7 groups, invited by the commissioner of public lands;

8 (h) One member representing private land managers, invited by the  
9 commissioner of public lands;

10 (i) One member representing the off-road vehicle industry, invited  
11 by the commissioner of public lands; and

12 (j) A representative of local law enforcement, invited by the  
13 commissioner of public lands.

14 (4) In carrying out its duties, the working group shall provide a  
15 forum for interested citizens and organizations to provide information  
16 and suggestions to the working group.

17 (5) The working group shall provide its policy strategies and  
18 legislative proposals to the appropriate policy and fiscal committees  
19 of the senate and house of representatives by December 1, 2007.

20 (6) This section expires June 30, 2008."

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21 On page 1, line 1 of the title, after "noise;" strike the remainder  
22 of the title and insert "amending RCW 46.09.120; creating a new  
23 section; making an appropriation; and providing an expiration date."

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