

HOUSE BILL NO. 241

INTRODUCED BY S. GIBSON

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ENFORCEMENT OF OFF-HIGHWAY MOTORCYCLE AND QUADRICYCLE NOISE EMISSION STANDARDS BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; AND AMENDING SECTIONS 61-9-418, 61-9-435, AND 61-9-518, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Off-highway motorcycle and quadricycle noise control -- spark**

**arrester.** (1) Except as provided in subsection (2), a motorcycle or quadricycle may be operated off of a highway on public lands only if the motorcycle's or quadricycle's noise emissions do not exceed 96 db(A), using test procedures established by the society of automotive engineers under standard J1287.

(2) The noise limitations in subsection (1) do not apply to motorcycles or quadricycles that are operated for special events permitted on closed courses by a state entity or local government.

(3) A motorcycle or quadricycle may not be operated off of a highway unless it is equipped with an adequate spark arrester to prevent the escape of sparks or other burning material from the motorcycle's or quadricycle's engine.

(4) A person convicted of violating this section is subject to the penalties provided for in 61-9-518(2).

**Section 2.** Section 61-9-418, MCA, is amended to read:

**"61-9-418. Motorcycle and quadricycle noise suppression devices --~~motorcycle and quadricycle spark arrester.~~** (4) All motorcycles or quadricycles operated on the streets and highways of this state must be equipped at all times with noise suppression devices, including an exhaust muffler, in good working order and in constant operation. In addition, all motorcycles and quadricycles operating on streets and highways must meet the following noise decibel limitations, on the standard A scale, to be measured at 50 feet from the closest point to the motorcycle or quadricycle:

- (a)(1) any cycle manufactured prior to 1970.....92 db(A)
- (b)(2) any cycle manufactured after 1969 but prior to 1973.....88 db(A)
- (c)(3) any cycle manufactured after 1972 but prior to 1975.....86 db(A)



1           ~~(d)~~(4) any cycle manufactured after 1974 but prior to 1978.....80 db(A)

2           ~~(e)~~(5) any cycle manufactured after 1977 but prior to 1988.....75 db(A)

3           ~~(f)~~(6) any cycle manufactured after 1987.....70 db(A)

4           ~~(2) (a) Except as provided in subsection (2)(b), a motorcycle or quadricycle may be operated off of a~~  
5 highway on public lands only if the motorcycle's or quadricycle's noise emissions do not exceed 96 db(A), using  
6 test procedures established by the society of automotive engineers under standard J-1287.

7           ~~(b) The noise limitations in subsection (2)(a) do not apply to motorcycles or quadricycles that are~~  
8 operated for special events permitted on closed courses by a state entity or local government.

9           ~~(c) A motorcycle or quadricycle may not be operated off of a highway unless it is equipped with an~~  
10 adequate spark arrester to prevent the escape of sparks or other burning material from the motorcycle's or  
11 quadricycle's engine."

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13           **Section 3.** Section 61-9-435, MCA, is amended to read:

14           **"61-9-435. Exhaust noise limitation.** (1) Except as provided in subsection (3), a person may not  
15 operate a motor vehicle with an exhaust system that emits a noise in excess of 95 decibels, as measured by the  
16 society of automotive engineers' standard ~~j4469~~ J1169 (May 1998).

17           (2) A person charged with violating this section may not be convicted if the person had reasonable  
18 grounds to believe that the vehicle was not operated in violation of the standard in subsection (1).

19           (3) This section does not apply to a motorcycle or quadricycle that is subject to ~~61-9-418~~ [section 1]."

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21           **Section 4.** Section 61-9-518, MCA, is amended to read:

22           **"61-9-518. Violation of motorcycle or quadricycle requirements -- penalty.** (1) A person convicted  
23 of the violation of 61-9-417 shall be fined \$5.

24           (2) A person convicted of the violation of [section 1] or 61-9-418 shall be punished by a fine of not less  
25 than \$10 or more than \$100 for the first conviction. For a second conviction within 1 year, the person shall be  
26 punished by a fine of not less than \$25 or more than \$200. Upon a third or subsequent conviction within 1 year  
27 after the first conviction, the person shall be punished by a fine of not less than \$50 or more than \$500."

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29           **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
30 integral part of Title 23, chapter 2, part 8, and the provisions of Title 23, chapter 2, part 8, apply to [section 1].

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