

1 HB BILL NO. 221
 2 INTRODUCED BY Wendell Lynch
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAINTAIN SNOWMOBILE
 5 NOISE STANDARDS AT THE LEVELS PRESCRIBED TO TAKE EFFECT JUNE
 6 30, 1975; AMENDING SECTION 53-1020, R.C.M. 1947."
 7

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

9 Section 1. Section 53-1020, R.C.M. 1947, is amended to
 10 read as follows:

11 "53-1020. Other unlawful operation. No person while
 12 operating a snowmobile, shall use the same:

13 (1) For the purpose of driving, rallying or harassing
 14 any of the game animals, game birds, or fur-bearing animals
 15 of the state, or any livestock, provided, however, that an
 16 owner of livestock is not prohibited from managing or
 17 driving his own livestock by the use of snowmobiles and may
 18 direct other persons to so manage or drive his livestock;
 19 provided further that the department of fish and game,
 20 including its duly authorized employees, is not prohibited
 21 from managing or driving game animals, game birds or
 22 fur-bearing animals by the use of snowmobiles.

23 (2) To discharge a firearm from or upon a snowmobile.

24 (3) Regulation of snowmobile noise. (a) Except as
 25 provided in this section, every snowmobile shall be equipped

1 at all times with noise-suppression devices, including an
 2 exhaust muffler, in good working order and in constant
 3 operation. No snowmobile shall be modified by any person in
 4 any manner that shall amplify or otherwise increase total
 5 noise emissions to a level greater than that emitted by the
 6 snowmobile as originally constructed, regardless of date of
 7 manufacture.

8 (b) No new snowmobile manufactured prior to June 30,
 9 1975, except snowmobiles designated for competition purposes
 10 only, may be sold or offered for sale unless that machine
 11 has been certified by the manufacturer as being able to
 12 conform to a sound level limitation of not more than
 13 eighty-two (82) dbA measured at fifty (50) feet. Every
 14 person who owns or operates a snowmobile manufactured after
 15 June 30, 1972, but prior to June 30, 1975, shall maintain
 16 his machine in such a manner that it will not exceed a sound
 17 level limitation of eighty-two (82) dbA measured at fifty
 18 (50) feet.

19 (c) No new snowmobile manufactured after June 30,
 20 1975, but ~~prior to June 30, 1978~~, except snowmobiles
 21 designated for competition purposes only, may be sold or
 22 offered for sale unless that machine has been certified by
 23 the manufacturer as being able to conform to a sound level
 24 limitation of not more than seventy-eight (78) dbA measured
 25 at fifty (50) feet. Every person who owns or operates a

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1 snowmobile manufactured after June 30, 1975, ~~but prior to~~
 2 ~~June 30, 1978,~~ shall maintain his machine in such a manner
 3 that it will not exceed a sound level limitation of
 4 seventy-eight (78) dbA measured at fifty (50) feet.

5 ~~(d) No new snowmobile manufactured after June 30,~~
 6 ~~1978, except snowmobiles designated for competition purposes~~
 7 ~~only, may be sold or offered for sale unless that machine~~
 8 ~~has been certified by the manufacturer as being able to~~
 9 ~~conform to a sound level limitation of not more than~~
 10 ~~seventy-three (73) dbA measured at fifty (50) feet. Every~~
 11 ~~person who owns or operates a snowmobile manufactured after~~
 12 ~~June 30, 1978, shall maintain his machine in such a manner~~
 13 ~~that it will not exceed a sound level limitation of~~
 14 ~~seventy-three (73) dbA measured at fifty (50) feet.~~

15 ~~(e)(d)~~ The fish and game commission shall have the
 16 authority to adopt and revise sound level limitations for
 17 all snowmobiles manufactured after June 30, 1978 1975.
 18 However, a sound level limitation adopted or revised by the
 19 commission shall not be higher than a decibel standard of
 20 ~~seventy-three (73)~~ 78 dbA measured at ~~fifty (50)~~ feet. The
 21 adoption or revision of sound level limitation by the
 22 commission shall be effective beginning June 30 of the
 23 succeeding calendar year and any sound level limitation
 24 formally adopted or revised shall remain in effect for a
 25 minimum period of two (2) years. Every person who owns or

1 operates a snowmobile manufactured after June 30, ~~1978~~ 1975,
 2 shall maintain his machine in compliance with the sound
 3 level limitation which is applicable to new snowmobiles
 4 manufactured during the period that a sound level limitation
 5 adopted by the commission is in effect.

6 ~~(f)(e)~~ A manufacturer who certifies that a new
 7 snowmobile can comply with the noise limitation requirements
 8 of this act shall affix a permanent notice of that
 9 certification to every snowmobile offered for sale in the
 10 state of Montana.

11 ~~(g)(f)~~ In certifying that a new snowmobile can comply
 12 with the noise limitation requirements of this act, a
 13 manufacturer shall make such a certification based upon
 14 measurements made in accordance with SAE recommended
 15 practice J192, as amended. The fish and game commission, in
 16 enforcing the provisions of this act, shall make
 17 measurements of snowmobile noise in accordance with
 18 applicable practices outlined in the "procedure for sound
 19 level measurements of snowmobiles" used by the international
 20 snowmobile industry association (January, 1969), as amended,
 21 or with such other standards for measurement of sound level
 22 as the commission may adopt.

23 ~~(h)(g)~~ This section does not apply to organized races
 24 or similar competitive events held on

25 (i) private lands, with the permission of the owner,

1 lessee, or custodian of the land, or
2 (ii) public lands, with the consent of the public
3 agency having the authority to grant such consent, provided
4 that total sound produced by such an event shall not exceed
5 ~~fifty-(50)~~ dbA at any point ~~fifty-(50)~~ feet or more outside
6 the area under the control of the sponsoring entity.
7 (4) Upon a railroad right of way or railroad track,
8 provided, however, it shall not be unlawful for officers or
9 employees of any railroad operating over said tracks to
10 operate snowmobiles thereon."

-End-

Approved by Committee
on Public Health, Welfare
& Safety

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16 owner of livestock is not prohibited from managing or
17 driving his own livestock by the use of snowmobiles and may
18 direct other persons to so manage or drive his livestock;
19 provided further that the department of fish and game,
20 including its duly authorized employees, is not prohibited
21 from managing or driving game animals, game birds or
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23 (2) To discharge a firearm from or upon a snowmobile.

24 (3) Regulation of snowmobile noise. (a) Except as
25 provided in this section, every snowmobile shall be equipped

1 at all times with noise-suppression devices, including an
2 exhaust muffler, in good working order and in constant
3 operation. No snowmobile shall be modified by any person in
4 any manner that shall amplify or otherwise increase total
5 noise emissions to a level greater than that emitted by the
6 snowmobile as originally constructed, regardless of date of
7 manufacture.

8 (b) No new snowmobile manufactured prior to June 30,
9 1975, except snowmobiles designated for competition purposes
10 only, may be sold or offered for sale unless that machine
11 has been certified by the manufacturer as being able to
12 conform to a sound level limitation of not more than
13 eighty-two (82) dbA measured at fifty (50) feet. Every
14 person who owns or operates a snowmobile manufactured after
15 June 30, 1972, but prior to June 30, 1975, shall maintain
16 his machine in such a manner that it will not exceed a sound
17 level limitation of eighty-two (82) dbA measured at fifty
18 (50) feet.

19 (c) No new snowmobile manufactured after June 30,
20 1975, ~~but prior to June 30, 1978,~~ except snowmobiles
21 designated for competition purposes only, may be sold or
22 offered for sale unless that machine has been certified by
23 the manufacturer as being able to conform to a sound level
24 limitation of not more than seventy-eight (78) dbA measured
25 at fifty (50) feet. Every person who owns or operates a

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 4 seventy-eight (78) dbA measured at fifty (50) feet.

5 ~~(d) No new snowmobile manufactured after June 30,~~
 6 ~~1978, except snowmobiles designated for competition purposes~~
 7 ~~only may be sold or offered for sale unless that machine~~
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15 ~~(e)(d)~~ The fish and game commission shall have the
 16 authority to adopt and revise sound level limitations for
 17 all snowmobiles manufactured after June 30, 1978 1975.
 18 However, a sound level limitation adopted or revised by the
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 21 or with such other standards for measurement of sound level
 22 as the commission may adopt.

23 ~~(h)(g)~~ This section does not apply to organized races
 24 or similar competitive events held on

25 (i) private lands, with the permission of the owner,

1 lessee, or custodian of the land, or
2 (ii) public lands, with the consent of the public
3 agency having the authority to grant such consent, provided
4 that total sound produced by such an event shall not exceed
5 ~~forty-fifty~~ dbA at any point ~~forty-fifty~~ feet or more outside
6 the area under the control of the sponsoring entity.
7 (4) Upon a railroad right of way or railroad track,
8 provided, however, it shall not be unlawful for officers or
9 employees of any railroad operating over said tracks to
10 operate snowmobiles thereon."

-End-

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 19 provided further that the department of fish and game,
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 4 any manner that shall amplify or otherwise increase total
 5 noise emissions to a level greater than that emitted by the
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3 agency having the authority to grant such consent, provided
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5 fifty-{50} dbA at any point fifty-{50} feet or more outside
6 the area under the control of the sponsoring entity.
7 (4) Upon a railroad right of way or railroad track,
8 provided, however, it shall not be unlawful for officers or
9 employees of any railroad operating over said tracks to
10 operate snowmobiles thereon."

-End-

1 HOUSE BILL NO. 221

2 INTRODUCED BY MENAHAN, LYNCH

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REFERENCE BILL

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5 ~~{d}--No--new--snowmobile--manufactured--after--June--30--~~
6 ~~1978--except--snowmobiles--designated--for--competition--purposes~~
7 ~~only--may--be--sold--or--offered--for--sale--unless--that--machine~~
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9 ~~conform--to--a--sound--level--limitation--of--not--more--than~~
10 ~~seventy-three--(73)--dbA--measured--at--fifty--(50)--feet. Every~~
11 ~~person--who--owns--or--operates--a--snowmobile--manufactured--after~~
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