

2005 DRAFTING REQUEST

Bill

Received: 05/23/2005

Received By: mglass

Wanted: As time permits

Identical to LRB:

For: Mark Pettis (608) 267-2365

By/Representing: Al Colvin

This file may be shown to any legislator: NO

Drafter: mglass

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: YES

Requester's email: Rep.Pettis@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Snowmobile noise levels

Instructions:

increase decibel level for snowmobile noise testing from 86 decibels in proposed rule to 88 decibels

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mglass 06/22/2005	wjackson 06/23/2005	jfrantze 06/23/2005	_____	sbasford 06/27/2005		State
	mglass 06/27/2005	wjackson 06/27/2005	rschluet 06/27/2005	_____			
	mglass 06/27/2005			_____			
/2	mglass	wjackson	rschluet	_____	lemery	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/01/2005	07/01/2005	07/01/2005	_____	07/01/2005	07/12/2005	

FE Sent For:

Att Intro.

<END>

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	mglass 06/27/2005	wjackson 06/27/2005	rschlue 06/27/2005				
	mglass 06/27/2005	1/2 wj 7/1					

Handwritten signatures and initials: A large signature resembling 'S' with '715' below it, and another signature resembling 'C' with 'CH' below it.

FE Sent For:

<END>

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No specific pre topic given

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Instructions:

increase decibel level for snowmobile noise testing from 86 decibels to 88 decibels

in proposed rule

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mglass	1WJ 6/21					State

FE Sent For:

<END>

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

The State of Wisconsin Natural Resources Board proposes an order to amend NR 6.08(1)(title) and (c), (4) and (6) and to create NR 6.03(1m) and 6.08(1m) relating to snowmobile noise testing procedures

LE-40-03

Analysis Prepared by the Department of Natural Resources

Statutory Authority: s. 227.11(2)(a), Stats.

Statutes Interpreted: s. 350.09(6) and 350.09(7), Stats.

Agency Authority: The department is granted rule making authority under s 227.11(2)(a) and as a result, the agency believes it is necessary to promulgate rules interpreting and effectuating the provisions of the statute that prohibits excessive or unusual snowmobile noise.

Related Statute: The statute related to the rule is s. 350.09 (6).

Rule Analysis: Current state law requires snowmobiles to meet certain noise levels at the time they are manufactured. For snowmobiles that were manufactured and sold or offered for sale in Wisconsin from 1972 to 1975 the noise limit was set at 82 decibels. For snowmobiles that were manufactured and sold or offered for sale in Wisconsin after July 1, 1975 the noise limit was established at 78 decibels. Machines that were manufactured prior to 1972 were not mandated to meet a manufactured decibel level.

The mandated manufacturer levels do not apply to the rider once the machine is sold. However, regardless of the date of manufacture, all snowmobiles that are operated in Wisconsin are limited to *excessive or unusual noise* levels. The term *excessive or unusual noise* is not defined and a reasonable method to determine excessive or unusual did not exist until recently.

The proposed rule will provide a definition for excessive or unusual noise and the proposed rule will provide a field-friendly test procedure (stationary test) for testing snowmobile noise emissions on consumer machines. The proposed test procedures have been adopted by the Society of Automotive Engineers for law enforcement as a means to identify excessive or unusually noisy snowmobiles under field conditions.

Summary of the Test Proposed in the Rule: The rule proposes to make use of a stationary test procedure that is detailed within SAE Standard J2567. Following the standard, the noise test is generally conducted on the right side of the snowmobile, directly perpendicular to the exhaust port(s). The sound level meter is positioned 157.5 inches away from the snowmobile (on the right side) and the meter is elevated 48 inches above the ground. The snowmobile is warmed up and is revved to 4,000 RPM for four seconds. The sound level meter is observed, the noise level is recorded and then the test is repeated. The two readings are averaged.

The rule also proposes to establish decibel levels that will be used in conjunction with the SAE standard. Once the recorded levels are averaged, the department proposes that the maximum noise level for a snowmobile that is manufactured after 1972, but before July 1, 1975 to be no more than 90 decibels. The proposed maximum noise level for snowmobiles manufactured after July 1, 1975 is proposed at ~~86~~ 88 decibels.

Summary of Federal Regulation: Federal laws regarding noise limits are primarily contained within the Parks Service codes. The federal law regulating snowmobile noise levels cite a baseline noise

level of 78 decibels using a passby test and noise level similar to Wisconsin's manufacturer requirements. The federal law is also similar to the laws of most other snowmobiling states. Federal law does not cite a noise level for a stationary test, nor does the federal law acknowledge a stationary test procedure. The stationary noise test is new to most agencies.

Agency	Manufacture Passby Noise limit (Prior to sale or import to the state)	Operator Passby Noise Limit (After sale)	Operator Stationary Noise Limit (After sale)
National Parks Service	State laws are adopted	Noise is prohibited above 78 decibels	None
Forest Service	It is prohibited to operate any vehicle off National Forest System, State or County roads: In violation of any applicable noise emission standard established by any Federal or State agency	None Found	None
Wisconsin	78 decibels per J192	Prohibited from emitting excessive or unusual noise	Proposed at 86 and 90 decibels for snowmobiles manufactured after July 1, 1975 and snowmobiles manufactured after 1972 and up to July 1, 1975, respectively

Adjoining States and Comparisons: Wisconsin, like surrounding states (IA, IL, MI and MN) make use of a manufacturer's certification system that is based on a passby test. This manufacturer's certification process takes place prior to the sale of the machine to dealers. Although the surrounding states' statutes are not developed exactly like Wisconsin's, snowmobiles that are manufactured and sold within each state (except Illinois and Iowa) are generally prohibited from emitting noise above 78 decibels per the passby test. Iowa's noise level is regulated by an alternative passby test that is basically equivalent to the mandates set in WI, MN and MI. However, consistency is lost when comparing the regulated limits that must be maintained during operation. Once a snowmobile is sold to the consumer, the noise limits for adjoining states range from 86 decibels to no decibel limit.

None of the surrounding states use a stationary test procedure to measure snowmobile noise levels. No state in the nation uses the stationary noise test; again, the test is new to most agencies.

State	Manufacture Passby Noise limit (Prior to sale or import to the state)	Operator Passby Noise Limit (After sale)	Operator Stationary Noise Limit (After sale)
Iowa	82 decibels using alternative passby test per J1161	86 decibels using alternative passby test per J1161	None
Illinois	None	None	None
Michigan	78 decibels per J192	None	None
Minnesota	78 decibels per J192	78 decibels per J192	None
Wisconsin	78 decibels per J192	Prohibited from emitting excessive or unusual noise	Proposed at 86 and 90 decibels for snowmobiles manufactured after July 1, 1975 and snowmobiles manufactured after 1972 and up to July 1, 1975, respectively

Summary of Factual Data: During 1998, snowmobilers (through the Association of Wisconsin Snowmobile Clubs- AWSC) came to the department and requested an increase in noise enforcement effort because snowmobile (exhaust) noise levels were increasing. Because snowmobile noises were increasing, trail-providing landowners were becoming intolerant of snowmobiles crossing their lands. Trail closures and continuing complaints jeopardized the health of the entire snowmobile trail system.

As a result of the request, the department soon realized that the existing sound test (passby standard) was not conducive for fieldwork and was unsafe to use with the public. Existing statutes and rules require snowmobiles to meet a noise level of 78 decibels at the time of manufacture and prior to import/sale into Wisconsin. Once the snowmobile is in the hands of the consumer, the snowmobile is only prohibited from emitting excessive or unusually loud noise.

Excessive or unusual noise is not currently defined and because of this omission, consistent application of the law is difficult to achieve in the field. The department investigated the possibility of creating a new noise standard that would be used to identify the extent of the noise problem and safely solve complaint problems. Using science, the department and industry began work on a new standard, sometimes together, sometimes separately.

The department's goals were, 1) establish a stationary noise testing procedure that would be used to test snowmobiles operated by the public that would address trail closure concerns due to excessive noise, and 2) establish a stationary noise level that would be comparable to the mandated manufacturer's noise level. The department's basis for establishing the stationary noise level was that most manufactured snowmobiles produced normal noises and the proposed level should be comparable to the mandated manufacturer's passby level. Normal noise levels were acceptable to snowmobilers and landowners and "normal" did not initiate complaints or trail closures.

The department contracted with a world-renowned physicist who used the best available science to develop the stationary noise test. The physicist, Richard A. Lanpheer was experienced in developing noise standards and had worked on acoustic science for more than 30 years. The research and development for the stationary noise test and corresponding noise level took more than four years to complete.

Science showed that a stationary test was achievable. The science also showed that the stationary test level was comparable to the existing passby test level. Although the stationary test level does not correlate 100% to the passby test level, correlation has been shown to be as high as 84%. This percentage level provides a confidence that when a snowmobile fails the stationary test at a level that is higher than 84 decibels, the same snowmobile will fail the manufacturer's 78 decibel (passby) level.

Data also showed that an 84 stationary decibel level is slightly higher than the 78 decibel passby level. This higher stationary decibel level provides a small cushion and allows for variances in the standard, equipment, exhaust age and environmental conditions.

The department has published its findings in a series of reports called phase reports. These reports were made available to the public, interested aftermarket producers and to manufacturers; Phase V - December 22, 1999 by Richard A. Lanpheer & Michael A. Freund; Phase VIII - August 28, 2001 by Richard A. Lanpheer & Michael A. Freund and Phase X - October 30, 2002 by Richard A. Lanpheer.

In 2003 the department originally proposed the noise rule using an 82 decibel level. The original rule also contained the entire noise testing procedure rather than citing the SAE standard. A comment period was completed and from which, three main groups emerged; Industry, which opposed the rule, the Governor's Council that endorsed the rule and AWSC, which remained neutral other than to support some type of test method for law enforcement to identify loud snowmobiles.

The department made several adjustments to the rule based on the public comments. A more significant change increased the noise level from 82 decibels to 84 decibels. The rule was redrafted and submitted to the NRB for final adoption in February 2004.

Industry asked for the rule to be postponed until May 2004 so that additional information from its engineers could be considered. The rule was removed from the agenda and in March Industry conducted additional noise tests in Michigan. Industry eventually supplied the data to the Governor's Snowmobile Recreation Council in June, at which time the department also received a copy of the data.

At the beginning of April, AWSC publicly endorsed an 88 decibel stationary level. The association's leadership was advised to appear before the NRB in May and make their position known. The final rule was rescheduled for adoption by the NRB in May, but the rule was postponed again.

In August, State Representative Mark Pettis called a meeting inviting representatives from the department, Industry, AWSC and the Governor's Snowmobile Recreation Council. The purpose of the meeting was to establish consensus on how the standard should be implemented and agreement on a corresponding stationary noise level.

From the meeting, Industry agreed to provide the department data that it currently had and which showed scientific justifications to change to an 88 stationary decibel level. The department agreed that it would consider the data and that staff would suggest appropriate changes if the data showed the proposed stationary level was too low. It was also agreed that the data would be submitted to the department by August 31, 2004. This date was chosen to provide the department enough time during a narrow window to review the data, schedule an appearance before the October NRB meeting and then redraft rule changes. It was made known to all that an appearance at the October NRB meeting was critical because it was the last chance to adopt a final rule and have it become effective for enforcement purposes during the 2004-05 snowmobile season. Lastly, it was agreed that if the rule was revised to reflect 88 decibels, the rule would "sunset" in two years, thereby providing a trial period using the 88 decibel level. During the two operating years, the department and others would review collected data, complaints and arrests and then a decision would be made to determine if adjustments to the stationary level were necessary.

Since time was of the essence, the department emailed a letter to the Industry representative shortly after Rep. Pettis' meeting. The letter restated the department's needs and the Industry's commitment. A hard copy of the letter was also mailed using the USPS. August 31 came and went and no information or communication was received from Industry.

On September 2, 2004 an email was sent to the Industry representative informing him that no data was received. Industry was informed that if information still existed that it should be faxed to the department by the morning.

On September 3, Rep Pettis' office sent an email to the department. The email contained an attachment from Industry showing examples of snowmobiles that were reported to be above 84 decibels. That same day the department received a fax containing the same Industry data. Although Industry missed the established deadline, the department did consider the data that was sent.

The data sent by Industry included only three snowmobiles. Data for one snowmobile could not be properly evaluated because the quantity of information was lacking. The other two sets of data were evaluated.

According to the Industry data, both snowmobiles were subjected to an Industry test using the passby method. This test was necessary to establish a baseline. Also according to the Industry information, the data shows both snowmobiles produced stationary decibel levels of 84.4 and 84.7. The data did not show large differences as claimed by Industry. In addition, the department was troubled with the

fact that only two machines were used to show Industry's claim that a significant problem would exist if the stationary test level remained at 84 decibels.

The department concluded there was insufficient data to support a significant change to 88 decibels. However, even though further supporting evidence was not provided, and there was only a small increase above the desired level of 84 decibels, the department believes it acted in good faith and appropriately adjusted the maximum noise levels proposed in the rule.

The levels are now proposed to be increased to 86 decibels and 90 decibels respectively for those snowmobiles manufactured after July 1, 1975 and snowmobiles manufactured from 1972 up to July 1, 1975. This adjustment accommodates new snowmobiles for which the respective Industry data (that was properly submitted to the department) shows that 84.7 and 84.4 decibels could be achieved using the stationary test procedure SAE J2567.

Representative Pettis was informed of the department's proposed changes and he was satisfied with the suggested modifications.

Small Business Analysis: This rule focuses on individual operator snowmobiles and does not impact small businesses.

Private Sector Costs: The private sector could experience costs resulting from the implementation of this rule. These costs could be applicable to snowmobile owners when their exhaust systems failed the stationary test. Failing the test would most commonly be attributed to retrofitting the snowmobile with a loud aftermarket product or a failure to maintain the exhaust system. Repair and/or replacement of the exhaust system could range as high as \$700 depending on snowmobile make, model and/or the amount of retrofitting. However, many of these snowmobiles are not legal under current law.

Effect on Small Businesses: This rule focuses on individual operator snowmobiles and does not impact small businesses.

SECTION 1. NR 6.03(1m) is created to read:

NR 6.03(1m) "Excessive or unusual noise" means noise as measured in accordance with the procedures required in the January 2004 Society of Automotive Engineers Standard J2567; that is emitted above 90 decibels by every snowmobile manufactured after July 1, 1972 and before July 2, 1975 and that is operated in the state or noise that is emitted above 86 decibels by every snowmobile that is manufactured after July 1, 1975 and that is operated in the state.

SECTION 2. NR 6.08(1)(title) and (c) are amended to read:

NR 6.08(1)(title) SOUND LEVEL LIMIT AND MANUFACTURER PROCEDURES AND EQUIPMENT REQUIREMENTS.

(c) The sound level requirements and testing criteria of the Society of Automotive Engineers Technical Report ~~J192a, as amended 1975~~, J192 as amended March 2003-03 shall be adhered to in certifying compliance with snowmobile sound level requirements for every snowmobile manufactured and offered for sale or sold in the state of Wisconsin.

SECTION 4. NR 6.08(4)(intro.) and (6) are amended to read:

NR 6.08(4)(intro.) Copies and amendments of the ~~1975~~ Society of Automotive Engineers Technical Report ~~J192a~~ J192, revised March 2003-03, entitled "Exterior Sound Levels for Snowmobiles"; 1973 Society of Automotive Engineers Technical Report J280, entitled "Snowmobile Headlamps"; and 1972 Society of Automotive Engineers Technical Report J279, entitled "Snowmobile

Tail Lamps", 2004 Society of Automotive Engineers Technical Report J2567, created March 2004-01, entitled "Measurement of Exhaust Sound Levels of Stationary Snowmobiles", are available for inspection in the following offices:

(6) REFUSAL TO ALLOW TESTING. No operator or owner of any snowmobile may deny inspection or testing of the equipment or operating system of a snowmobile or may refuse to operate his or her snowmobile in a manner prescribed by the law enforcement officer who reasonably suspects a violation of snowmobile equipment requirements found in either ch. 350, Stats., or this subchapter.

SECTION 5. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats. and shall remain in effect until July 1, 2006

SECTION 6. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 27, 2004.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)

NR 6.03(6)

(6) "Sound level" (noise) means total noise emission from the entire snowmobile.



NR 6.08

NR 6.08 Testing criteria. Testing criteria are as follows:



NR 6.08(1)

(1) SOUND LEVEL LIMIT.



NR 6.08(1)(a)

(a) The total vehicle noise produced by every snowmobile manufactured after July 1, 1972 and offered for sale or sold in the state of Wisconsin shall not exceed 82 dB on an A weighted network at 50 feet when measured in accordance with the procedures required herein.



NR 6.08(1)(b)

(b) The total vehicle noise produced by every snowmobile manufactured after July 1, 1975 and offered for sale or sold in the state of Wisconsin shall not exceed 78 dB on an A weighted network at 50 feet when measured in accordance with the procedures required herein.



NR 6.08(1)(c)

(c) The sound level requirements and testing criteria of the Society of Automotive Engineers Technical Report J192a, as amended 1975, shall be adhered to in certifying compliance with snowmobile sound level requirements.





State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3085/2
MGG: /...
Wlj

File D-Note ✓

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

LPS:
Please
check
spacing.

Gen

1 AN ACT ...; relating to: noise level requirements for snowmobiles.

Analysis by the Legislative Reference Bureau

Current law requires that snowmobiles that are sold in this state conform with specific noise level standards for total vehicle noise, as established by the Society of American Engineers (SEA). A different standard applies depending on when the snowmobile was manufactured. Current law also requires that a snowmobile manufactured, sold, or operated in this have a muffler in good working order that does not cause excessive or unusual noise.

state

This bill clarifies that the specific total vehicle noise level standards in current law apply only to snowmobiles that are sold as new. The bill then creates separate noise level standards for exhaust and engine noise, as opposed to total vehicle noise, that apply to the operation of snowmobiles after the initial sale. These standards are also established by the SEA. Again, a different standard as to exhaust and engine noise applies depending on when the snowmobile was manufactured.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 350.09 (6) of the statutes is renumbered 350.095 (2) and amended

(a)

3 to read:

LPS:
This is
"1)"
in
the
electronic
version.
"2)"
is correct

SECTION 1

extra space?

plain

350.095 (2) NOISE LEVEL STANDARDS, OPERATING REQUIREMENTS.

(a) No

snowmobile shall be manufactured, sold, offered for sale, or operated person may operate in this state a snowmobile unless it is equipped with a muffler in good working order, which.

(b) A muffler that is in good working order is one that blends the exhaust noise into the overall engine noise and is in constant operation to prevent excessive or unusual exhaust and engine noise that exceeds the applicable noise level standards established under pars. (c) and (d).

History: 1971 c. 277; 1981 c. 295; 1993 a. 436.

SECTION 2. 350.09 (7) of the statutes is renumbered 350.095 (1) amended to read:

350.095 (1) NOISE LEVEL STANDARDS; MANUFACTURING REQUIREMENTS.

(a) Every snowmobile that is manufactured after July 1, 1972, and before July 2, 1975, and that is offered for sale or sold as a new snowmobile in this state shall be so constructed manufactured so as to limit total vehicle noise to not more than 82 decibels of A sound pressure at 50 feet, as measured by society of automotive engineers Society of Automotive Engineer standards.

(b) Every snowmobile that is manufactured on or after July 1 2, 1975, and that is offered for sale or sold in this state as a new snowmobile shall be so constructed manufactured so as to limit total vehicle noise to not more than 78 decibels of A sound pressure, as measured by society of automotive engineers Society of Automotive Engineer standards.

(c) No snowmobile shall may be modified by any person in any manner that shall amplify or otherwise increase total noise-emission vehicle noise above that

1 emitted by the snowmobile as originally ~~constructed~~ manufactured, regardless of
2 date of manufacture.

3 History: 1971 c. 219, 277; 1981 c. 79 s. 17; 1983 a. 459; 1987 a. 399; 1997 a. 34.

3 SECTION 3. 350.09 (8) of the statutes is amended to read:

4 350.09 (8) ~~Subsection (7)~~ Section 350.095 does not apply to snowmobiles
5 competing in a sanctioned race or derby or to snowmobiles being tested by
6 manufacturers, distributors or dealers on lands under their control.

7 History: 1971 c. 277; 1981 c. 295; 1993 a. 436.

7 SECTION 4. 350.095 (title) of the statutes is created to read:

8 **350.095 (title) Noise level requirements.**

9 SECTION 5. 350.095 (2) (c) and (d) of the statutes are created to read:

10 350.095 (2) (c) For every snowmobile manufactured after July 1, 1972, and
11 before July 2, 1975, the noise level standard that applies to operating of the
12 snowmobile after it has been initially sold shall be 90 decibels as measured in
13 accordance with the procedures and standards established by the Society of
14 Automotive Engineers for the measurement of exhaust sound levels of stationary
15 snowmobiles.

16 (d) For every snowmobile manufactured on or after July 2, 1975, the noise level
17 standard that applies to the operating of the snowmobile after it has been initially
18 sold shall be 88 decibels as measured in accordance with the procedures and
19 standards established by the Society of Automotive Engineers for the measurement
20 of exhaust sound levels of stationary snowmobiles.

21 SECTION 6. 350.10 (1) (d) of the statutes is amended to read:

22 350.10 (1) (d) In such a way that the ~~exhaust of the motor makes an excessive~~
23 ~~or unusual noise~~ exhaust and engine noise exceeds the applicable noise level
24 standard specified in s.350.095 (2) (c) or (d).

Handwritten notes at the bottom of the page:
⑤ + ⑧ → SECTION #. CR; 350.095 (1) (title)
350.095 (1) (title) NOISE LEVEL STANDARDS; MANUFACTURING REQUIREMENTS
SECTION # CR; 350.095 (2) (title)
350.095 (2) (title) NOISE LEVEL STANDARDS; OPERATING REQUIREMENTS

1 **SECTION 7.** 350.10 (1) (e) of the statutes is repealed.

2 **(END)**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

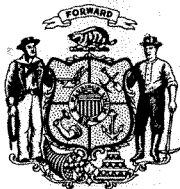
LRB-30857dn

MGG:.....

Wlj

Please have the interested parties review this bill very carefully to make sure it achieves your intent. Note there is a difference between "exhaust and engine noise", which is controlled by a muffler and "total vehicle noise". As drafted, the "exhaust and engine noise" applied to used snowmobiles, and both "exhaust and engine noise" and "total vehicle noise" applies ~~only~~ to new vehicles.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3085/1

MGG:wlj:jt

↑ stays

Mon
6/27

2005 BILL

manufactured after July 15, 1972

Regen

1 AN ACT *to repeal* 350.10 (1) (e); *to renumber and amend* 350.09 (6) and 350.09
2 (7); *to amend* 350.09 (8) and 350.10 (1) (d); and *to create* 350.095 (title),
3 350.095 (1) (title), 350.095 (2) (title) and 350.095 (2) (c) and (d) of the statutes;
4 **relating to:** noise level requirements for snowmobiles.

Analysis by the Legislative Reference Bureau

Current law requires that snowmobiles that are sold in this state conform with specific noise level standards for total vehicle noise, as established by the Society of American Engineers (SEA). A different standard applies depending on when the snowmobile was manufactured. Current law also requires that a snowmobile manufactured, sold, or operated in this state have a muffler in good working order that does not cause excessive or unusual noise.

This bill clarifies that the specific total vehicle noise level standards in current law apply only to snowmobiles that are sold as new. The bill then creates separate noise level standards for exhaust and engine noise, as opposed to total vehicle noise, that apply to the operation of snowmobiles after the initial sale. These standards are also established by the SEA. Again, a different standard as to exhaust and engine noise applies depending on when the snowmobile was manufactured.

sale ↑
to the manufacture and operation of all snowmobiles
manufactured after July 15, 1972

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 350.09 (6) of the statutes is renumbered 350.095 (2) (a) and amended to read:

350.095 (2) (a) No ^{PLAIN} snowmobile shall ^{MAY} be ^{PLAIN} manufactured, sold, offered for sale, or operated ~~person may operate in this state a snowmobile~~ unless it is equipped with a muffler in good working order, which.

(b) ^{For snowmobiles manufactured after July 1, 1972} A muffler that is in good working order is one that blends the exhaust noise into the overall engine noise and is in constant operation to prevent excessive or unusual exhaust and engine noise that exceeds the applicable noise level standards established under pars. (c) and (d).

SECTION 2. 350.09 (7) of the statutes is renumbered 350.095 (1) (a) and amended to read:

350.095 (1) (a) Every snowmobile that is manufactured after July 1, 1972, and before July 2, 1975, and that is offered for sale or sold as a new snowmobile in this state shall be manufactured so constructed as to limit total vehicle noise to not more than 82 decibels of A sound pressure at 50 feet, as measured by ~~society of automotive engineers~~ Society of Automotive Engineers standards.

(b) Every snowmobile that is manufactured on or after July 1, 1975, and that is offered for sale or sold in this state as a new snowmobile shall be manufactured so constructed as to limit total vehicle noise to not more than 78 decibels of A sound pressure, as measured by ~~society of automotive engineers~~ Society of Automotive Engineers standards.

BILL

1 (c) No snowmobile shall may be modified by any person in any manner that
2 shall amplify or otherwise increase total ~~noise emission~~ vehicle noise above that
3 emitted by the snowmobile as originally ~~constructed~~ manufactured, regardless of
4 date of manufacture.

5 **SECTION 3.** 350.09 (8) of the statutes is amended to read:

6 350.09 (8) ~~Subsection (7)~~ Section 350.095 does not apply to snowmobiles
7 competing in a sanctioned race or derby or to snowmobiles being tested by
8 manufacturers, distributors or dealers on lands under their control.

9 **SECTION 4.** 350.095 (title) of the statutes is created to read:

10 **350.095 (title) Noise level requirements.**

11 **SECTION 5.** 350.095 (1) (title) of the statutes is created to read:

12 350.095 (1) (title) NOISE LEVEL STANDARDS; ~~MANUFACTURING REQUIREMENTS~~ ^{Ⓢ TOTAL VEHICLE NOISE}

13 **SECTION 6.** 350.095 (2) (title) of the statutes is created to read:

14 ✓ 350.095 (2) (title) NOISE LEVEL STANDARDS; ~~OPERATING REQUIREMENTS~~ ^{Ⓢ EXHAUST AND ENGINE NOISE}

15 **SECTION 7.** 350.095 (2) (c) and (d) of the statutes are created to read:

16 350.095 (2) (c) For every snowmobile manufactured after July 1, 1972, and
17 before July 2, 1975, the noise level standard ~~that applies to operating of the~~ ^{for exhaust and engine}
18 ~~snowmobile after it has been initially sold~~ ^{noise} shall be 90 decibels as measured in
19 accordance with the procedures and standards established by the Society of
20 Automotive Engineers for the measurement of exhaust sound levels of stationary
21 snowmobiles.

22 (d) For every snowmobile manufactured on or after July 2, 1975, the noise level
23 standard ~~that applies to the operating of the snowmobile after it has been initially~~ ^{for exhaust and engine noise}
24 ~~sold~~ shall be 88 decibels as measured in accordance with the procedures and

BILL

1 standards established by the Society of Automotive Engineers for the measurement
2 of exhaust sound levels of stationary snowmobiles.

3 **SECTION 8.** 350.10 (1) (d) of the statutes is amended to read:

4 350.10 (1) (d) In such a way that the ^{plain}exhaust of the motor makes an excessive
5 ~~or unusual noise exhaust~~ and engine noise exceeds the applicable noise level
6 standard specified in s. 350.095 (2) (c) or (d).

7 **SECTION 9.** 350.10 (1) (e) of the statutes is repealed.

8 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

↓ STAYS
LRB-3085/1dn
MGG:wlj:jf

June 23, 2005

Please have the interested parties review this bill very carefully to make sure it achieves your intent. Note there is a difference between "exhaust and engine noise," which is controlled by a muffler and "total vehicle noise." As drafted, "exhaust and engine noise" applies to used snowmobiles, and both "exhaust and engine noise" and "total vehicle noise" applies only to new vehicles.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

standards
to all
the
snowmobiles
apply
apply
standards

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3085/1dn
MGG:wlj:rs

June 27, 2005

Please have the interested parties review this bill very carefully to make sure it achieves your intent. Note there is a difference between "exhaust and engine noise," which is controlled by a muffler and "total vehicle noise." As drafted, the "exhaust and engine noise" standards apply to all snowmobiles; the "total vehicle noise" standards apply only to new snowmobiles.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215

Emery, Lynn

From: Emery, Lynn
Sent: Tuesday, June 28, 2005 3:22 PM
To: Liedl, Kimberly
Subject: LRB 05-3085/1 (attached as requested)

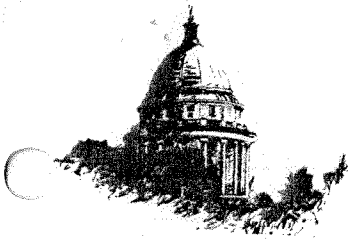


05-3085/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us

for 12

6/28 talked w/ Bob Nelson
wants specific standard -
Bob explained drawback
sent attached, still wants standard



Mark Pettis
STATE REPRESENTATIVE

January 26, 2005

Secretary Scott Hassett
Wisconsin Department of Natural Resources

Hi, Bob, here's
the info on
LRB 3085/1 and
how Mark would like
it drafted. Thanks
for the help. Call
if you have
any questions.
Thanks,
Kimber Bob 1/2

Dear Secretary Hassett:

On January 25, 2005, the Assembly Tourism Committee adopted the following motion with respect to Clearinghouse Rule 03-105.

Requests, pursuant to s. 227.19 (4) (b) 2., Stats, that the Department of Natural Resources consider making modifications to Section 1 of Clearinghouse Rule 03-105 to read:

"Excessive or unusual noise" means noise as measured in accordance with the procedures required in the January 2004 Society of Automotive Engineers Standard J2567; that is emitted above 90 decibels by every snowmobile manufactured after July 1, 1972 and before July 2, 1975 and that is operated in the state or noise that is emitted above 86 88 decibels by every snowmobile that is manufactured after July 1, 1975 and that is operated in the state.

88
15th #

2. Objects, pursuant to s.227.19 (4) (d) 6., Stats. to Clearinghouse Rule 03-105 if the Department of Natural Resources does not agree, by 5:00p.m., on February 11, 2005, to consider making modifications to the rule as stated above.

No sunset
date
in
bill

This motion was adopted on a vote of Ayes, 9; Noes, 3. Please inform the committee in writing if you agree to consider modifications.

Thank you for your consideration of this recommendation.

Sincerely,

Mark L. Pettis

Mark L. Pettis
State Representative
28th Assembly District

Chair:
Assembly Tourism Committee

CAPITOL OFFICE: P.O. Box 8953
Madison, WI 53708-8953
(608) 267-2365

TOLL-FREE: (888) 529-0028

FAX: (608) 282-3628

E-MAIL: Rep.Pettis@legis.state.wi.us

HOME: 3830 State Road 70
Hertel, WI 54845
(715) 349-2206
(715) 349-7844 Fax

Cc:
Karl Brooks
Amber Meyer Smith
Carol Turner

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING AND CREATING RULES

The State of Wisconsin Natural Resources Board proposes an order to amend NR 6.08(1)(title) and (c), (4) and (6) and to create NR 6.03(1m) and 6.08(1m) relating to snowmobile noise testing procedures

LE-40-03

Analysis Prepared by the Department of Natural Resources

Statutory Authority: s. 227.11(2)(a), Stats.

Statutes Interpreted: s. 350.09(6) and 350.09(7), Stats.

Agency Authority: The department is granted rule making authority under s 227.11(2)(a) and as a result, the agency believes it is necessary to promulgate rules interpreting and effectuating the provisions of the statute that prohibits excessive or unusual snowmobile noise.

Related Statute: The statute related to the rule is s. 350.09 (6).

Rule Analysis: Current state law requires snowmobiles to meet certain noise levels at the time they are manufactured. For snowmobiles that were manufactured and sold or offered for sale in Wisconsin from 1972 to 1975 the noise limit was set at 82 decibels. For snowmobiles that were manufactured and sold or offered for sale in Wisconsin after July 1, 1975 the noise limit was established at 78 decibels. Machines that were manufactured prior to 1972 were not mandated to meet a manufactured decibel level.

The mandated manufacturer levels do not apply to the rider once the machine is sold. However, regardless of the date of manufacture, all snowmobiles that are operated in Wisconsin are limited to *excessive or unusual noise* levels. The term *excessive or unusual noise* is not defined and a reasonable method to determine excessive or unusual did not exist until recently.

The proposed rule will provide a definition for excessive or unusual noise and the proposed rule will provide a field-friendly test procedure (stationary test) for testing snowmobile noise emissions on consumer machines. The proposed test procedures have been adopted by the Society of Automotive Engineers for law enforcement as a means to identify excessive or unusually noisy snowmobiles under field conditions.

Summary of the Test Proposed in the Rule: The rule proposes to make use of a stationary test procedure that is detailed within SAE Standard J2567. Following the standard, the noise test is generally conducted on the right side of the snowmobile, directly perpendicular to the exhaust port(s). The sound level meter is positioned 157.5 inches away from the snowmobile (on the right side) and the meter is elevated 48 inches above the ground. The snowmobile is warmed up and is revved to 4,000 RPM for four seconds. The sound level meter is observed, the noise level is recorded and then the test is repeated. The two readings are averaged.

The rule also proposes to establish decibel levels that will be used in conjunction with the SAE standard. Once the recorded levels are averaged, the department proposes that the maximum noise level for a snowmobile that is manufactured after 1972, but before July 1, 1975 to be no more than 90 decibels. The proposed maximum noise level for snowmobiles manufactured after July 1, 1975 is proposed at 78 decibels.

Summary of Federal Regulation: Federal laws regarding noise limits are primarily contained within the Parks Service codes. The federal law regulating snowmobile noise levels cite a baseline noise

level of 78 decibels using a passby test and noise level similar to Wisconsin's manufacturer requirements. The federal law is also similar to the laws of most other snowmobiling states. Federal law does not cite a noise level for a stationary test, nor does the federal law acknowledge a stationary test procedure. The stationary noise test is new to most agencies.

Agency	Manufacture Passby Noise limit (Prior to sale or import to the state)	Operator Passby Noise Limit (After sale)	Operator Stationary Noise Limit (After sale)
National Parks Service	State laws are adopted	Noise is prohibited above 78 decibels	None
Forest Service	It is prohibited to operate any vehicle off National Forest System, State or County roads: In violation of any applicable noise emission standard established by any Federal or State agency	None Found	None
Wisconsin	78 decibels per J192	Prohibited from emitting excessive or unusual noise	Proposed at 86 and 90 decibels for snowmobiles manufactured after July 1, 1975 and snowmobiles manufactured after 1972 and up to July 1, 1975, respectively

Adjoining States and Comparisons: Wisconsin, like surrounding states (IA, IL, MI and MN) make use of a manufacturer's certification system that is based on a passby test. This manufacturer's certification process takes place prior to the sale of the machine to dealers. Although the surrounding states' statutes are not developed exactly like Wisconsin's, snowmobiles that are manufactured and sold within each state (except Illinois and Iowa) are generally prohibited from emitting noise above 78 decibels per the passby test. Iowa's noise level is regulated by an alternative passby test that is basically equivalent to the mandates set in WI, MN and MI. However, consistency is lost when comparing the regulated limits that must be maintained during operation. Once a snowmobile is sold to the consumer, the noise limits for adjoining states range from 86 decibels to no decibel limit.

None of the surrounding states use a stationary test procedure to measure snowmobile noise levels. No state in the nation uses the stationary noise test; again, the test is new to most agencies.

State	Manufacture Passby Noise limit (Prior to sale or import to the state)	Operator Passby Noise Limit (After sale)	Operator Stationary Noise Limit (After sale)
Iowa	82 decibels using alternative passby test per J1161	86 decibels using alternative passby test per J1161	None
Illinois	None	None	None
Michigan	78 decibels per J192	None	None
Minnesota	78 decibels per J192	78 decibels per J192	None
Wisconsin	78 decibels per J192	Prohibited from emitting excessive or unusual noise	Proposed at 86 and 90 decibels for snowmobiles manufactured after July 1, 1975 and snowmobiles manufactured after 1972 and up to July 1, 1975, respectively

Summary of Factual Data: During 1998, snowmobilers (through the Association of Wisconsin Snowmobile Clubs- AWSC) came to the department and requested an increase in noise enforcement effort because snowmobile (exhaust) noise levels were increasing. Because snowmobile noises were increasing, trail-providing landowners were becoming intolerant of snowmobiles crossing their lands. Trail closures and continuing complaints jeopardized the health of the entire snowmobile trail system.

As a result of the request, the department soon realized that the existing sound test (passby standard) was not conducive for fieldwork and was unsafe to use with the public. Existing statutes and rules require snowmobiles to meet a noise level of 78 decibels at the time of manufacture and prior to import/sale into Wisconsin. Once the snowmobile is in the hands of the consumer, the snowmobile is only prohibited from emitting excessive or unusually loud noise.

Excessive or unusual noise is not currently defined and because of this omission, consistent application of the law is difficult to achieve in the field. The department investigated the possibility of creating a new noise standard that would be used to identify the extent of the noise problem and safely solve complaint problems. Using science, the department and industry began work on a new standard, sometimes together, sometimes separately.

The department's goals were, 1) establish a stationary noise testing procedure that would be used to test snowmobiles operated by the public that would address trail closure concerns due to excessive noise, and 2) establish a stationary noise level that would be comparable to the mandated manufacturer's noise level. The department's basis for establishing the stationary noise level was that most manufactured snowmobiles produced normal noises and the proposed level should be comparable to the mandated manufacturer's passby level. Normal noise levels were acceptable to snowmobilers and landowners and "normal" did not initiate complaints or trail closures.

The department contracted with a world-renowned physicist who used the best available science to develop the stationary noise test. The physicist, Richard A. Lanpheer was experienced in developing noise standards and had worked on acoustic science for more than 30 years. The research and development for the stationary noise test and corresponding noise level took more than four years to complete.

Science showed that a stationary test was achievable. The science also showed that the stationary test level was comparable to the existing passby test level. Although the stationary test level does not correlate 100% to the passby test level, correlation has been shown to be as high as 84%. This percentage level provides a confidence that when a snowmobile fails the stationary test at a level that is higher than 84 decibels, the same snowmobile will fail the manufacturer's 78 decibel (passby) level.

Data also showed that an 84 stationary decibel level is slightly higher than the 78 decibel passby level. This higher stationary decibel level provides a small cushion and allows for variances in the standard, equipment, exhaust age and environmental conditions.

The department has published its findings in a series of reports called phase reports. These reports were made available to the public, interested aftermarket producers and to manufacturers; Phase V - December 22, 1999 by Richard A. Lanpheer & Michael A. Freund; Phase VIII - August 28, 2001 by Richard A. Lanpheer & Michael A. Freund and Phase X - October 30, 2002 by Richard A. Lanpheer.

In 2003 the department originally proposed the noise rule using an 82 decibel level. The original rule also contained the entire noise testing procedure rather than citing the SAE standard. A comment period was completed and from which, three main groups emerged; industry, which opposed the rule, the Governor's Council that endorsed the rule and AWSC, which remained neutral other than to support some type of test method for law enforcement to identify loud snowmobiles.

The department made several adjustments to the rule based on the public comments. A more significant change increased the noise level from 82 decibels to 84 decibels. The rule was redrafted and submitted to the NRB for final adoption in February 2004.

Industry asked for the rule to be postponed until May 2004 so that additional information from its engineers could be considered. The rule was removed from the agenda and in March Industry conducted additional noise tests in Michigan. Industry eventually supplied the data to the Governor's Snowmobile Recreation Council in June, at which time the department also received a copy of the data.

At the beginning of April, AWSC publicly endorsed an 88 decibel stationary level. The association's leadership was advised to appear before the NRB in May and make their position known. The final rule was rescheduled for adoption by the NRB in May, but the rule was postponed again.

In August, State Representative Mark Pettis called a meeting inviting representatives from the department, Industry, AWSC and the Governor's Snowmobile Recreation Council. The purpose of the meeting was to establish consensus on how the standard should be implemented and agreement on a corresponding stationary noise level.

From the meeting, Industry agreed to provide the department data that it currently had and which showed scientific justifications to change to an 88 stationary decibel level. The department agreed that it would consider the data and that staff would suggest appropriate changes if the data showed the proposed stationary level was too low. It was also agreed that the data would be submitted to the department by August 31, 2004. This date was chosen to provide the department enough time during a narrow window to review the data, schedule an appearance before the October NRB meeting and then redraft rule changes. It was made known to all that an appearance at the October NRB meeting was critical because it was the last chance to adopt a final rule and have it become effective for enforcement purposes during the 2004-05 snowmobile season. Lastly, it was agreed that if the rule was revised to reflect 88 decibels, the rule would "sunset" in two years, thereby providing a trial period using the 88 decibel level. During the two operating years, the department and others would review collected data, complaints and arrests and then a decision would be made to determine if adjustments to the stationary level were necessary.

Since time was of the essence, the department emailed a letter to the Industry representative shortly after Rep. Pettis' meeting. The letter restated the department's needs and the Industry's commitment. A hard copy of the letter was also mailed using the USPS. August 31 came and went and no information or communication was received from Industry.

On September 2, 2004 an email was sent to the Industry representative informing him that no data was received. Industry was informed that if information still existed that it should be faxed to the department by the morning.

On September 3, Rep Pettis' office sent an email to the department. The email contained an attachment from Industry showing examples of snowmobiles that were reported to be above 84 decibels. That same day the department received a fax containing the same Industry data. Although Industry missed the established deadline, the department did consider the data that was sent.

The data sent by Industry included only three snowmobiles. Data for one snowmobile could not be properly evaluated because the quantity of information was lacking. The other two sets of data were evaluated.

According to the Industry data, both snowmobiles were subjected to an Industry test using the passby method. This test was necessary to establish a baseline. Also according to the Industry information, the data shows both snowmobiles produced stationary decibel levels of 84.4 and 84.7. The data did not show large differences as claimed by Industry. In addition, the department was troubled with the

fact that only two machines were used to show Industry's claim that a significant problem would exist if the stationary test level remained at 84 decibels.

The department concluded there was insufficient data to support a significant change to 88 decibels. However, even though further supporting evidence was not provided, and there was only a small increase above the desired level of 84 decibels, the department believes it acted in good faith and appropriately adjusted the maximum noise levels proposed in the rule.

The levels are now proposed to be increased to 86 decibels and 90 decibels respectively for those snowmobiles manufactured after July 1, 1975 and snowmobiles manufactured from 1972 up to July 1, 1975. This adjustment accommodates new snowmobiles for which the respective Industry data (that was properly submitted to the department) shows that 84.7 and 84.4 decibels could be achieved using the stationary test procedure SAE J2567.

Representative Pettis was informed of the department's proposed changes and he was satisfied with the suggested modifications.

Small Business Analysis: This rule focuses on individual operator snowmobiles and does not impact small businesses.

Private Sector Costs: The private sector could experience costs resulting from the implementation of this rule. These costs could be applicable to snowmobile owners when their exhaust systems failed the stationary test. Failing the test would most commonly be attributed to retrofitting the snowmobile with a loud aftermarket product or a failure to maintain the exhaust system. Repair and/or replacement of the exhaust system could range as high as \$700 depending on snowmobile make, model and/or the amount of retrofitting. However, many of these snowmobiles are not legal under current law.

Effect on Small Businesses: This rule focuses on individual operator snowmobiles and does not impact small businesses.

SECTION 1. NR 6.03(1m) is created to read:

NR 6.03(1m) "Excessive or unusual noise" means noise as measured in accordance with the procedures required in the January 2004 Society of Automotive Engineers Standard J2567; that is emitted above 90 decibels by every snowmobile manufactured after July 1, 1972 and before July 2, 1975 and that is operated in the state or noise that is emitted above 86 decibels by every snowmobile that is manufactured after July 1, 1975 and that is operated in the state.

SECTION 2. NR 6.08(1)(title) and (c) are amended to read:

NR 6.08(1)(title) SOUND LEVEL LIMIT AND MANUFACTURER PROCEDURES AND EQUIPMENT REQUIREMENTS.

(c) The sound level requirements and testing criteria of the Society of Automotive Engineers Technical Report ~~J192a~~ ~~as amended 1975~~, J192 as amended March 2003-03 shall be adhered to in certifying compliance with snowmobile sound level requirements for every snowmobile manufactured and offered for sale or sold in the state of Wisconsin.

SECTION 4. NR 6.08(4)(intro.) and (6) are amended to read:

NR 6.08(4)(intro.) Copies and amendments of the ~~1975~~ Society of Automotive Engineers Technical Report ~~J192a~~ J192, revised March 2003-03, entitled "Exterior Sound Levels for Snowmobiles"; 1973 Society of Automotive Engineers Technical Report J280, entitled "Snowmobile Headlamps"; and 1972 Society of Automotive Engineers Technical Report J279, entitled "Snowmobile

Tail Lamps", 2004 Society of Automotive Engineers Technical Report J2567, created March 2004-01, entitled "Measurement of Exhaust Sound Levels of Stationary Snowmobiles", are available for inspection in the following offices:

(6) REFUSAL TO ALLOW TESTING. No operator or owner of any snowmobile may deny inspection or testing of the equipment or operating system of a snowmobile or may refuse to operate his or her snowmobile in a manner prescribed by the law enforcement officer who reasonably suspects a violation of snowmobile equipment requirements found in either ch. 350, Stats., or this subchapter.

SECTION 5. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats. and shall remain in effect until July 1, 2006

SECTION 6. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on October 27, 2004.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)

RHR

Fujioaim
~~Notes~~

2005 BILL

Regen

1 AN ACT *to repeal* 350.10 (1) (e); *to renumber and amend* 350.09 (6) and 350.09
 2 (7); *to amend* 350.09 (8) and 350.10 (1) (d); and *to create* 350.095 (title),
 3 350.095 (1) (title), 350.095 (2) (title) and 350.095 (2) (c) and (d) of the statutes;
 4 **relating to:** noise level requirements for snowmobiles.

Analysis by the Legislative Reference Bureau (SAE)

Current law requires that snowmobiles manufactured after July 1, 1972, that are sold in this state conform with specific noise level standards for total vehicle noise, as established by the Society of American Engineers (SAE). A different standard applies depending on when the snowmobile was manufactured. Current law also requires that a snowmobile manufactured, sold, or operated in this state have a muffler in good working order that does not cause excessive or unusual noise.

This bill clarifies that the specific total vehicle noise level standards in current law apply only to snowmobiles that are sold as new. The bill then creates separate noise level standards for exhaust and engine noise, as opposed to total vehicle noise, that apply to the manufacture, sale, and operation of all snowmobiles manufactured after July 1, 1972. These standards are also established by the SAE. Again, a different standard as to exhaust and engine noise applies depending on when the snowmobile was manufactured.

SAE

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 350.09 (6) of the statutes is renumbered 350.095 (2) (a) and
2 amended to read:

3 350.095 (2) (a) No snowmobile shall may be manufactured, sold, offered for
4 sale, or operated unless it is equipped with a muffler in good working order, ~~which,~~

5 (b) For snowmobiles manufactured after July 1, 1972, a muffler that is in good
6 working order is one that blends the exhaust noise into the overall engine noise and
7 is in constant operation to prevent ~~excessive or unusual~~ exhaust and engine noise
8 that exceeds the applicable noise level standards established under pars. (c) and (d).

9 SECTION 2. 350.09 (7) of the statutes is renumbered 350.095 (1) (a) and
10 amended to read:

11 350.095 (1) (a) Every snowmobile that is manufactured after July 1, 1972, and
12 before July 2, 1975, and that is offered for sale or sold as a new snowmobile in this
13 state shall be manufactured so ~~constructed~~ as to limit total vehicle noise to not more
14 than 82 decibels of A sound pressure at 50 feet, as measured by ~~society of automotive~~
15 ~~engineers~~ Society of Automotive Engineers standards.

16 (b) Every snowmobile that is manufactured on or after July 1 2, 1975, and that
17 is offered for sale or sold in this state as a new snowmobile shall be manufactured
18 ~~so constructed~~ as to limit total vehicle noise to not more than 78 decibels of A sound
19 pressure, as measured by ~~society of automotive engineers~~ Society of Automotive
20 Engineers standards.

BILL

1 (c) No snowmobile shall may be modified by any person in any manner that
2 shall amplify or otherwise increase total ~~noise emission~~ vehicle noise above that
3 emitted by the snowmobile as originally ~~constructed~~ manufactured, regardless of
4 date of manufacture.

5 **SECTION 3.** 350.09 (8) of the statutes is amended to read:

6 350.09 (8) ~~Subsection (7)~~ Section 350.095 does not apply to snowmobiles
7 competing in a sanctioned race or derby or to snowmobiles being tested by
8 manufacturers, distributors or dealers on lands under their control.

9 **SECTION 4.** 350.095 (title) of the statutes is created to read:

10 **350.095 (title) Noise level requirements.**

11 **SECTION 5.** 350.095 (1) (title) of the statutes is created to read:

12 350.095 (1) (title) NOISE LEVEL STANDARDS; TOTAL VEHICLE NOISE.

13 **SECTION 6.** 350.095 (2) (title) of the statutes is created to read:

14 350.095 (2) (title) NOISE LEVEL STANDARDS; EXHAUST AND ENGINE NOISE.

15 **SECTION 7.** 350.095 (2) (c) and (d) of the statutes are created to read:

16 350.095 (2) (c) For every snowmobile manufactured after July 1, 1972, and
17 before July 2, 1975, the noise level standard for exhaust and engine noise shall be

18 90 decibels as measured in accordance with the procedures and standards
19 ~~established by the Society of Automotive Engineers~~ ^{established} ~~for the measurement of exhaust~~ ^{the}
20 ~~sound levels of stationary snowmobiles~~ ^{established in January 2004}
~~by the Society of Automotive Engineers~~ ^{Society of Automotive Engineers}

21 (d) For every snowmobile manufactured on or after July 2, 1975, the noise level ^{Standard}
22 standard for exhaust and engine noise shall be 88 decibels as measured in accordance ^{J2567}
23 with the procedures and standards established by the Society of Automotive
24 ~~Engineers~~ ^{established} ~~for the measurement of exhaust sound levels of stationary snowmobiles~~

25 **SECTION 8.** 350.10 (1) (d) of the statutes is amended to read:

*In the January 2004
Society of Automotive Engineer
Standard J2567*

Northrop, Lori

From: Liedl, Kimberly
Sent: Tuesday, July 12, 2005 12:28 PM
To: LRB.Legal
Subject: Draft review: LRB 05-3085/2 Topic: Snowmobile noise levels

It has been requested by <Liedl, Kimberly> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-3085/2 Topic: Snowmobile noise levels

CCC to 2005 AB-566

Page 3, line 20: delete "Engineers" and substitute "Engineers".

Page 3, line 24: delete "Engineers" and substitute "Engineers".

(END)

Wlj 8/31



State of Wisconsin
2005-2006 LEGISLATURE

CORRECTIONS IN:

2005 ASSEMBLY BILL 566

Prepared by the Legislative Reference Bureau
(September 1, 2005)

1. Page 3, line 20: delete "Engineers" and substitute "Engineers".
2. Page 3, line 24: delete "Engineers" and substitute "Engineers".

(END)