

HOUSE BILL REPORT

HB 1817

As Passed House:
March 10, 2015

Title: An act relating to liability immunity for local jurisdictions when wheeled all-terrain vehicles are operated on public roadways.

Brief Description: Providing liability immunity for local jurisdictions when wheeled all-terrain vehicles are operated on public roadways.

Sponsors: Representatives Shea, Taylor, Holy, Scott, Griffey, Reykdal and Condotta.

Brief History:

Committee Activity:

Judiciary: 2/18/15, 2/19/15 [DP].

Floor Activity:

Passed House: 3/10/15, 96-2.

Brief Summary of Bill

- Provides that the release from liability required for any person who operates a wheeled all-terrain vehicle on a public roadway will also release counties, cities, and towns from any liability.
- Provides that the release of liability must be on a form supplied by the Department of Licensing.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

Staff: Brent Campbell (786-7152).

Background:

Wheeled All-Terrain Vehicles.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2013 the Legislature established a new classification of vehicles known as wheeled all-terrain vehicles (WATVs). These are motorized non-highway vehicles and utility vehicles that meet certain height, width, weight, and wheel requirements.

Authorized and Prohibited Uses.

The WATV designation allows off-road and, in certain circumstances, on-road use. A person may operate a WATV on any public roadway, not including nonhighway roads and trails, at a speed of 35 miles per hour or less subject to certain restrictions. A person may not operate a WATV on a state highway and may not cross a public roadway with a speed in excess of 35 miles per hour. A person also may not operate a WATV within the boundaries of a county with a population of 15,000 or more unless the county, by ordinance, has approved the operation of WATVs on roadways. A person is further prohibited from operating a WATV within the boundary of a city or town unless the city or town has approved operation of WATVs.

Operational Requirements.

In order to operate a WATV off road, a person must:

- have a metal tag issued by the Department of Licensing (DOL) of the same size as a motorcycle license plate; and
- have a current and proper WATV off-road vehicle registration and tab.

In addition to the above requirements, a person may also operate a WATV on certain public roads if:

- the WATV meets certain equipment standards, such as headlight, taillight, stoplight, and reflector requirements;
- the person has a current and proper WATV on-road vehicle registration and tab; and
- the person provides a required declaration.

Declaration Requirements.

In addition to equipment and registration requirements, a person who operates a WATV on a public roadway must provide a declaration that includes the following:

- documentation of a safety inspection;
- a vehicle identification number; and
- a release signed by the owner that: (1) releases the state from liability and (2) outlines that the owner understands that the original WATV was not manufactured for on-road use and has been modified for use on public roads.

Summary of Bill:

A person who operates a WATV on any public roadway, not including nonhighway roads and trails, is subject to the statutorily authorized and prohibited uses for WATVs.

A person who operates a WATV on a public roadway must provide a release of liability on a form supplied by the DOL. This release must be signed by the owner of the WATV and be verified by the DOL, county auditor or other agent appointed by the Director of the DOL to release the state, counties, cities, and towns from any liability.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) When this Legislature allowed the use of WATVs on public roads they believed that the required release from liability included local jurisdictions, but it is not being applied in this way. This bill is meant to fix that and to extend protections to cities, counties, and towns. Some local jurisdictions have already refused to allow WATVs on public roadways because they are too concerned with liability. This bill would remove that barrier.

Cities and counties want this, and so do the people of rural communities. This bill would help bring more travel and tourism to the communities that allow WATVs on roadways. The people who come to these communities for WATV recreation bring their families and are good people with good values.

(Opposed) None.

Persons Testifying: Representative Shea, prime sponsor; Ted Jackson; Glenn Carter; and Chris Marsh.

Persons Signed In To Testify But Not Testifying: None.