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HOUSE BILL 1986

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Cooper, Barlean, Regala, Eickmeyer, Kagi, Fisher and Thomas

Read first time 02/12/1999. Referred to Committee on Transportation.

1 AN ACT Relating to off-road vehicle areas; and amending RCW  
2 46.09.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.09.020 and 1986 c 206 s 1 are each amended to read  
5 as follows:

6 As used in this chapter the following words and phrases have the  
7 designated meanings unless a different meaning is expressly provided or  
8 the context otherwise clearly indicates:

9 "Person" means any individual, firm, partnership, association, or  
10 corporation.

11 "Nonhighway vehicle" means any motorized vehicle when used for  
12 recreation travel on trails and nonhighway roads or for recreation  
13 cross-country travel on any one of the following or a combination  
14 thereof: Land, water, snow, ice, marsh, swampland, and other natural  
15 terrain. Such vehicles include but are not limited to, off-road  
16 vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel  
17 drive vehicles, dune buggies, amphibious vehicles, ground effects or  
18 air cushion vehicles, and any other means of land transportation  
19 deriving motive power from any source other than muscle or wind.

1 Nonhighway vehicle does not include:

2 (1) Any vehicle designed primarily for travel on, over, or in the  
3 water;

4 (2) Snowmobiles or any military vehicles; or

5 (3) Any vehicle eligible for a motor vehicle fuel tax exemption or  
6 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.  
7 This exemption includes but is not limited to farm, construction, and  
8 logging vehicles.

9 "Off-road vehicle" or "ORV" means any nonhighway vehicle when used  
10 for cross-country travel on trails or on any one of the following or a  
11 combination thereof: Land, water, snow, ice, marsh, swampland and  
12 other natural terrain.

13 "ORV use permit" means a permit issued for operation of an off-road  
14 vehicle under this chapter.

15 "ORV trail" means a multiple-use corridor designated and maintained  
16 for recreational travel by off-road vehicles that is not normally  
17 suitable for travel by conventional two-wheel drive vehicles and is  
18 posted or designated by the managing authority of the property that the  
19 trail traverses as permitting ORV travel.

20 "ORV use area" means the entire area of a parcel of land except for  
21 camping and approved buffer areas that is posted or designated for ORV  
22 use in accordance with rules adopted by the managing authority.

23 "ORV recreation facility" includes ORV trails and ORV use areas  
24 that are not in a governmentally inventoried roadless area.

25 "Owner" means the person other than the lienholder, having an  
26 interest in or title to a nonhighway vehicle, and entitled to the use  
27 or possession thereof.

28 "Operator" means each person who operates, or is in physical  
29 control of, any nonhighway vehicle.

30 "Dealer" means a person, partnership, association, or corporation  
31 engaged in the business of selling off-road vehicles at wholesale or  
32 retail in this state.

33 "Department" means the department of licensing.

34 "Hunt" means any effort to kill, injure, capture, or purposely  
35 disturb a wild animal or wild bird.

36 "Nonhighway road" means any road owned or managed by a public  
37 agency, or any private road for which the owner has granted a permanent  
38 easement for public use of the road, other than a highway generally  
39 capable of travel by a conventional two-wheel drive passenger

1 automobile during most of the year and in use by such vehicles and that  
2 is not built or maintained with appropriations from the motor vehicle  
3 fund.

4 "Highway," for the purpose of this chapter only, means the entire  
5 width between the boundary lines of every way publicly maintained by  
6 the state department of transportation or any county or city when any  
7 part thereof is generally open to the use of the public for purposes of  
8 vehicular travel as a matter of right.

9 "Organized competitive event" means any competition, advertised in  
10 advance through written notice to organized clubs or published in local  
11 newspapers, sponsored by recognized clubs, and conducted at a  
12 predetermined time and place.

13 "Nonhighway road recreation facility" includes trails designated  
14 for nonmotorized use.

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