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HOUSE BILL 1698

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By Representatives Cooper, Anderson, Wood, Jarrett, O'Brien, Murray, Upthegrove, Pflug and Dunshee

Read first time 02/05/2003. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to outdoor recreation programs; and amending RCW  
2 46.09.020 and 46.09.170.

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:))~~ The definitions in this  
9 section apply throughout this chapter unless the context clearly  
10 requires otherwise.

11 (1) "Person" means any individual, firm, partnership, association,  
12 or corporation.

13 (2)(a) "Nonhighway vehicle" means any motorized vehicle when used  
14 for recreation travel on trails and nonhighway roads or for recreation  
15 cross-country travel on any one of the following or a combination  
16 thereof: Land, water, snow, ice, marsh, swampland, and other natural  
17 terrain. Such vehicles include but are not limited to, off-road  
18 vehicles, two, three, or four-wheel vehicles, motorcycles, four-wheel

1 drive vehicles, dune buggies, amphibious vehicles, ground effects or  
2 air cushion vehicles, and any other means of land transportation  
3 deriving motive power from any source other than muscle or wind.

4 (b) Nonhighway vehicle does not include:

5 ~~((1))~~ (i) Any vehicle designed primarily for travel on, over, or  
6 in the water;

7 ~~((2))~~ (ii) Snowmobiles or any military vehicles; or

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

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

16 (4) "ORV use permit" means a permit issued for operation of an off-  
17 road vehicle under this chapter.

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

23 (6) "ORV use area" means the entire area of a parcel of land except  
24 for camping and approved buffer areas that is posted or designated for  
25 ORV use in accordance with rules adopted by the managing authority.

26 (7) "ORV recreation facility" includes ORV trails and ORV use  
27 areas.

28 (8) "Owner" means the person other than the lienholder, having an  
29 interest in or title to a nonhighway vehicle, and entitled to the use  
30 or possession thereof.

31 (9) "Operator" means each person who operates, or is in physical  
32 control of, any nonhighway vehicle.

33 (10) "Dealer" means a person, partnership, association, or  
34 corporation engaged in the business of selling off-road vehicles at  
35 wholesale or retail in this state.

36 (11) "Department" means the department of licensing.

37 (12) "Hunt" means any effort to kill, injure, capture, or purposely  
38 disturb a wild animal or wild bird.

1       (13) "Nonhighway road" means any road owned or managed by a public  
2 agency, or any private road for which the owner has granted a permanent  
3 easement for public use of the road, other than a highway generally  
4 capable of travel by a conventional two-wheel drive passenger  
5 automobile during most of the year and in use by such vehicles and that  
6 is not built or maintained with appropriations from the motor vehicle  
7 fund.

8       (14) "Nonhighway road recreation facilities" means recreational  
9 trails and facilities that are accessed by nonhighway roads and are  
10 intended solely for nonmotorized recreational uses.

11       (15) "Highway," for the purpose of this chapter only, means the  
12 entire width between the boundary lines of every way publicly  
13 maintained by the state department of transportation or any county or  
14 city when any part thereof is generally open to the use of the public  
15 for purposes of vehicular travel as a matter of right.

16       (16) "Organized competitive event" means any competition,  
17 advertised in advance through written notice to organized clubs or  
18 published in local newspapers, sponsored by recognized clubs, and  
19 conducted at a predetermined time and place.

20       **Sec. 2.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read  
21 as follows:

22       (1) From time to time, but at least once each year, the state  
23 treasurer shall refund from the motor vehicle fund one percent of the  
24 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
25 based on the tax rate in effect January 1, 1990, less proper deductions  
26 for refunds and costs of collection as provided in RCW 46.68.090. The  
27 treasurer shall place these funds in the general fund as follows:

28       (a) Forty percent shall be credited to the ORV and nonhighway  
29 vehicle account and administered by the department of natural resources  
30 solely for planning, maintenance, and management of ORV recreation  
31 facilities, nonhighway roads, and nonhighway road recreation  
32 facilities. The funds under this subsection shall be expended in  
33 accordance with the following limitations:

34       (i) Not more than five percent may be expended for information  
35 programs under this chapter;

36       (ii) Not less than ten percent and not more than fifty percent may  
37 be expended for ORV recreation facilities;

1 (iii) Not more than twenty-five percent may be expended for  
2 maintenance of nonhighway roads;

3 (iv) Not more than fifty percent may be expended for nonhighway  
4 road recreation facilities;

5 (v) Ten percent shall be transferred to the interagency committee  
6 for outdoor recreation for grants to law enforcement agencies in those  
7 counties where the department of natural resources maintains ORV  
8 facilities. This amount is in addition to those distributions made by  
9 the interagency committee for outdoor recreation under (d)(i) of this  
10 subsection;

11 (b) Three and one-half percent shall be credited to the ORV and  
12 nonhighway vehicle account and administered by the department of fish  
13 and wildlife solely for the acquisition, planning, development,  
14 maintenance, and management of nonhighway roads and recreation  
15 facilities;

16 (c) Two percent shall be credited to the ORV and nonhighway vehicle  
17 account and administered by the parks and recreation commission solely  
18 for the maintenance and management of ORV use areas and facilities; and

19 (d) Fifty-four and one-half percent, together with the funds  
20 received by the interagency committee for outdoor recreation under RCW  
21 46.09.110, shall be credited to the nonhighway and off-road vehicle  
22 activities program account to be administered by the committee for  
23 planning, acquisition, development, maintenance, and management of ORV  
24 recreation facilities and nonhighway road recreation facilities; ORV  
25 user education and information; and ORV law enforcement programs. The  
26 funds under this subsection shall be expended in accordance with the  
27 following limitations:

28 (i) Not more than (~~twenty~~) fifty percent may be expended for  
29 state and federal nonhighway road recreation projects or nonhighway and  
30 ORV education, information, and law enforcement programs under this  
31 chapter. For the purposes of this subsection, nonhighway road  
32 recreation projects include, but are not limited to, campgrounds,  
33 restrooms, interpretive facilities, signage, and building maintenance,  
34 but does not include nonmotorized or motorized trails;

35 (ii) Of the amount not expended in (d)(i) of this subsection not  
36 less than an amount equal to the funds received by the interagency  
37 committee for outdoor recreation under RCW 46.09.110 and not more than  
38 sixty percent may be expended for ORV recreation facilities;

1        (iii) Of the amount not expended in (d)(i) of this subsection not  
2 more than (~~twenty~~) sixty percent may be expended for nonhighway road  
3 recreation facilities.

4        (2) On a yearly basis an agency may not, except as provided in RCW  
5 46.09.110, expend more than ten percent of the funds it receives under  
6 this chapter for general administration expenses incurred in carrying  
7 out this chapter.

8        (3) Beginning January 1, 2013, and updated every ten years  
9 thereafter, the interagency committee for outdoor recreation shall  
10 contract with an independent entity to study the source and make  
11 recommendations on the distribution and use of funds provided to off-  
12 road vehicle and nonhighway road recreational activities under this  
13 section. The study must determine the relative portion of the motor  
14 vehicle fuel tax revenues that are attributable to vehicles operating  
15 off-road or on nonhighway roads for recreational purposes as provided  
16 in this section. The study must include the types of vehicles and  
17 location of their use, the types of recreational activities, the types  
18 of recreational facilities used, and the recreational use of forest  
19 roads relative to other, nonrecreational uses.

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