

# SENATE BILL REPORT

## SB 5031

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As of March 4, 2005

**Title:** An act relating to all-terrain vehicles.

**Brief Description:** Regulating ATVs.

**Sponsors:** Senators Haugen, Jacobsen, Kastama and Swecker.

**Brief History:**

**Committee Activity:** Transportation: 1/26/05, 3/2/05.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Dalene Sprick (786-7321)

**Background:** Under current law, operators of off-road vehicles (ORVs), which include all-terrain vehicles (ATVs), are subject to various regulations regarding the use of such vehicles. For example, generally an ORV operator must obtain and display an ORV use permit in order to operate the vehicle. Additionally, certain equipment standards must be satisfied before an ORV operator may lawfully operate the vehicle on nonhighway roads, and various restrictions exist regarding the manner and location in which an ORV may be operated.

Current law does not include safety education and training requirements, or operational regulations, specifically limited to ATVs.

**Summary of Substitute Bill:** The Department of Licensing (DOL) must establish a comprehensive hands-on ATV safety education and training program that provides for the issuance of ATV safety certificates. The course content must be adopted from a curriculum developed by a nationally recognized safety organization. The DOL may authorize certain agents to conduct classes and issue ATV safety certificates. Such agents may charge a reasonable fee. ATV safety instructors must be certified by the DOL director and must meet certain criteria.

Beginning January 1, 2007, to operate an ATV on public land a person under sixteen years of age must possess an ATV safety certificate issued by the director or by another state or by a Canadian province. A non-resident who does not possess a safety certificate may operate an ATV on public lands for five days in a calendar year. Certificate applicants with at least one year of ATV operating experience are exempt from the training requirements, and may be issued an "exceptional" safety certificate.

The DOL director must collect a fee of \$10 for issuance of a safety certificate. All of the fees must be deposited in the newly created, nonappropriated "ATV safety training and education account." Expenditures from the account may only be used to support the ATV safety and education program.

Various operational and equipment regulations, specific to ATVs, are prescribed.

If funding for the act is not provided, this act becomes null and void.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There was a number of compromises made for this bill. All that is left is that 16 year olds would have training and they would be required to wear eye protection and helmets. There are an estimated 80,000 ATV's in operation in the state. This bill creates a comprehensive training program for those under 16. This is about youth safety. We are willing to pay our own way.

**Testimony Against:** This is a very underfunded issue. Also we have concerns about enforcement. There is no program like this so it would have to be created from scratch.

**Who Testified:** PRO: Frank Warnke, Advocates, Inc.; James Boltz, Washington State Motorsports Dealers Association.

CON: Larry Walker, Washington Road Riders Association; Carl Spurgeon, WDOL.