
SUBSTITUTE HOUSE BILL 1029

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Simpson, Rodne, B. Sullivan and Anderson)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to all-terrain vehicles; amending RCW 46.01.040 and
2 46.09.020; adding new sections to chapter 46.09 RCW; creating a new
3 section; prescribing penalties; and providing an effective date.

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

5 **Sec. 1.** RCW 46.01.040 and 1983 c 3 s 117 are each amended to read
6 as follows:

7 The department of licensing is vested with all powers, functions,
8 and duties with respect to and including the following:

- 9 (1) The motor vehicle fuel excise tax as provided in chapter 82.36
10 RCW;
- 11 (2) The special fuel tax as provided in chapter 82.38 RCW;
- 12 (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;
- 13 (4) The house trailer excise tax as provided in chapter 82.50 RCW;
- 14 (5) All general powers and duties relating to motor vehicles as
15 provided in chapter 46.08 RCW;
- 16 (6) Certificates of ownership and registration as provided in
17 chapters 46.12 and 46.16 RCW;
- 18 (7) The registration and licensing of motor vehicles as provided in
19 chapters 46.12 and 46.16 RCW;

- 1 (8) Dealers' licenses as provided in chapter 46.70 RCW;
- 2 (9) The licensing of motor vehicle transporters as provided in
3 chapter 46.76 RCW;
- 4 (10) The licensing of (~~motor~~) vehicle wreckers as provided in
5 chapter 46.80 RCW;
- 6 (11) The administration of the laws relating to reciprocal or
7 proportional registration of motor vehicles as provided in chapter
8 46.85 RCW;
- 9 (12) The licensing of passenger vehicles for hire as provided in
10 chapter 46.72 RCW;
- 11 (13) Operators' licenses as provided in chapter 46.20 RCW;
- 12 (14) Commercial driver training schools as provided in chapter
13 46.82 RCW;
- 14 (15) Financial responsibility as provided in chapter 46.29 RCW;
- 15 (16) Accident reporting as provided in chapter 46.52 RCW;
- 16 (17) Disposition of revenues as provided in chapter 46.68 RCW;
- 17 (~~and~~)
- 18 (18) The administration of all other laws relating to motor
19 vehicles vested in the director of licenses on June 30, 1965; and
- 20 (19) All-terrain vehicle safety education and training program,
21 safety certificates, and laws relating to all-terrain vehicles as
22 provided in sections 3 through 6 of this act.

23 **Sec. 2.** RCW 46.09.020 and 2004 c 105 s 1 are each amended to read
24 as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

27 (1) "Advisory committee" means the nonhighway and off-road vehicle
28 activities advisory committee established in RCW 46.09.280.

29 (2) "All-terrain vehicle" or "ATV" means a motorized off-highway
30 vehicle designed to travel on three or four low-pressure tires, having
31 a seat designed to be straddled by the operator and handlebars for
32 steering control, and intended for use by a single operator with no
33 passengers unless specifically manufactured to accommodate multiple
34 riders.

35 (3) "Committee" means the interagency committee for outdoor
36 recreation established in RCW 79A.25.110.

1 ~~((3))~~ (4) "Dealer" means a person, partnership, association, or
2 corporation engaged in the business of selling off-road vehicles at
3 wholesale or retail in this state.

4 ~~((4))~~ (5) "Department" means the department of licensing.

5 ~~((5))~~ (6) "Highway," for the purpose of this chapter only, means
6 the entire width between the boundary lines of every roadway publicly
7 maintained by the state department of transportation or any county or
8 city with funding from the motor vehicle fund. A highway is generally
9 capable of travel by a conventional two-wheel drive passenger
10 automobile during most of the year and in use by such vehicles.

11 ~~((6))~~ (7) "Motorized vehicle" means a vehicle that derives motive
12 power from an internal combustion engine.

13 ~~((7))~~ (8) "Nonhighway road" means any road owned or managed by a
14 public agency or any private road for which the owner has granted an
15 easement for public use for which appropriations from the motor vehicle
16 fund were not used for (a) original construction or reconstruction in
17 the last twenty-five years; or (b) maintenance in the last four years.

18 ~~((8))~~ (9) "Nonhighway road recreation facilities" means
19 recreational facilities that are adjacent to, or accessed by, a
20 nonhighway road and intended primarily for nonhighway road recreational
21 users.

22 ~~((9))~~ (10) "Nonhighway road recreational user" means a person
23 whose purpose for consuming fuel on a nonhighway road or off-road is
24 primarily for nonhighway road recreational purposes, including, but not
25 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
26 picnicking, driving for pleasure, kayaking/canoeing, and gathering
27 berries, firewood, mushrooms, and other natural products.

28 ~~((10))~~ (11) "Nonhighway vehicle" means any motorized vehicle
29 including an ORV when used for recreational purposes on nonhighway
30 roads, trails, or a variety of other natural terrain.

31 Nonhighway vehicle does not include:

32 (a) Any vehicle designed primarily for travel on, over, or in the
33 water;

34 (b) Snowmobiles or any military vehicles; or

35 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
36 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
37 This exemption includes but is not limited to farm, construction, and
38 logging vehicles.

1 (~~(11)~~) (12) "Nonmotorized recreational facilities" means
2 recreational trails and facilities that are adjacent to, or accessed
3 by, a nonhighway road and intended primarily for nonmotorized
4 recreational users.

5 (~~(12)~~) (13) "Nonmotorized recreational user" means a person whose
6 purpose for consuming fuel on a nonhighway road or off-road is
7 primarily for nonmotorized recreational purposes including, but not
8 limited to, walking, hiking, backpacking, climbing, cross-country
9 skiing, snowshoeing, mountain biking, horseback riding, and pack animal
10 activities.

11 (~~(13)~~) (14) "Off-road vehicle" or "ORV" means any nonstreet
12 licensed vehicle when used for recreational purposes on nonhighway
13 roads, trails, or a variety of other natural terrain. Such vehicles
14 include, but are not limited to, all-terrain vehicles, motorcycles,
15 four-wheel drive vehicles, and dune buggies.

16 (~~(14)~~) (15) "Operator" means each person who operates, or is in
17 physical control of, any nonhighway vehicle.

18 (~~(15)~~) (16) "Organized competitive event" means any competition,
19 advertised in advance through written notice to organized clubs or
20 published in local newspapers, sponsored by recognized clubs, and
21 conducted at a predetermined time and place.

22 (~~(16)~~) (17) "ORV recreation facilities" include, but are not
23 limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and
24 ORV use areas, designated for ORV use by the managing authority that
25 are intended primarily for ORV recreational users.

26 (~~(17)~~) (18) "ORV recreational user" means a person whose purpose
27 for consuming fuel on nonhighway roads or off-road is primarily for ORV
28 recreational purposes, including but not limited to riding an all-
29 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
30 dune buggy.

31 (~~(18)~~) (19) "ORV (~~sport[s]~~) sports park" means a facility
32 designed to accommodate competitive ORV recreational uses including,
33 but not limited to, motocross racing, four-wheel drive competitions,
34 and flat track racing. Use of ORV sports parks can be competitive or
35 noncompetitive in nature.

36 (~~(19)~~) (20) "ORV trail" means a multiple-use corridor designated
37 by the managing authority and maintained for recreational use by
38 motorized vehicles.

1 (~~(+20+)~~) (21) "ORV use permit" means a permit issued for operation
2 of an off-road vehicle under this chapter.

3 (~~(+21+)~~) (22) "Owner" means the person other than the lienholder,
4 having an interest in or title to a nonhighway vehicle, and entitled to
5 the use or possession thereof.

6 (~~(+22+)~~) (23) "Person" means any individual, firm, partnership,
7 association, or corporation.

8 NEW SECTION. Sec. 3. (1) The department shall adopt standards for
9 and implement a comprehensive all-terrain vehicle safety education and
10 training program. The program must provide for the hands-on training
11 of all-terrain vehicle operators, and for the issuance of all-terrain
12 vehicle safety certificates to operators who successfully complete the
13 training. Course content must be adopted from a curriculum developed
14 by a nationally recognized safety organization, such as the All-Terrain
15 Vehicle Safety Institute, and approved by the director.

16 (2) The department may authorize persons, clubs, associations,
17 municipalities, or other political subdivisions of the state to conduct
18 classes and issue all-terrain vehicle safety certificates in the
19 director's name. Any authorized person, club, association,
20 municipality, or political subdivision may charge a reasonable fee,
21 subject to department approval, for the training course.

22 NEW SECTION. Sec. 4. (1) Except as provided in subsection (3) of
23 this section, all operators seeking a safety certificate must have the
24 training required by section 3 of this act.

25 (2) Beginning January 1, 2007, to operate an ATV on public land a
26 person under sixteen years of age must possess a safety certificate
27 issued by the director or by another state or Canadian province. A
28 nonresident who does not possess a safety certificate may operate an
29 ATV on public land for five days in a calendar year.

30 (3) The director may issue an "exceptional" safety certificate to
31 an applicant who is under sixteen years of age upon a satisfactory
32 showing by the applicant of at least one year of ATV operating
33 experience.

34 (4) The director shall collect a fee of ten dollars for issuance of
35 a safety certificate. The fees collected under this section shall be
36 distributed to the account created in section 6 of this act.

1 NEW SECTION. **Sec. 5.** (1) The director shall by rule establish a
2 program to certify all-terrain vehicle safety instructors, clubs,
3 associations, municipalities, or political subdivisions to conduct a
4 training program and to issue safety certificates in the director's
5 name.

6 (2) All-terrain vehicle safety instructors at a minimum shall meet
7 the following requirements to become certified:

8 (a) Possess a current all-terrain vehicle safety instructor
9 certification or license issued by a recognized all-terrain vehicle
10 safety organization;

11 (b) Be at least eighteen years of age;

12 (c) Have no convictions relating to or as a result of the use of
13 alcohol or drugs during the immediately preceding two years; and

14 (d) Have no previous felony convictions.

15 NEW SECTION. **Sec. 6.** Fees collected under section 4 of this act
16 must be deposited in the ATV safety education and training account
17 hereby created in the custody of the state treasurer. Expenditures
18 from the account may only be used to support the ATV safety education
19 and training program. Only the director of licensing or the director's
20 designee may authorize expenditures from the account. The account is
21 subject to allotment procedures under chapter 43.88 RCW, but an
22 appropriation is not required for expenditures.

23 NEW SECTION. **Sec. 7.** No person may:

24 (1) Drive or operate an ATV on any public street, road, or highway
25 of this state except for purposes of crossing and:

26 (a) The crossing is made at an angle of approximately ninety
27 degrees to the direction of the highway and at a place where no
28 obstruction prevents a quick and safe crossing;

29 (b) The vehicle is brought to a complete stop before crossing the
30 shoulder or main traveled way of the highway;

31 (c) The operator yields the right of way to all oncoming traffic
32 that constitutes an immediate potential hazard; and

33 (d) Both the headlight and taillight are on, if equipped, when the
34 crossing is made;

35 (2) Cross any interstate or limited access highway;

1 (3) Operate an all-terrain vehicle on public land, if under sixteen
2 years of age, without continuous adult supervision;

3 (4) Operate an all-terrain vehicle on public land, if under sixteen
4 years of age, without eye protection and a safety helmet;

5 (5) Carry a passenger on an all-terrain vehicle on public land
6 unless the ATV is specifically manufactured to accommodate multiple
7 riders.

8 NEW SECTION. **Sec. 8.** The director may adopt rules necessary to
9 carry out and enforce sections 2 through 6 of this act.

10 NEW SECTION. **Sec. 9.** Sections 3 through 7 of this act are each
11 added to chapter 46.09 RCW.

12 NEW SECTION. **Sec. 10.** This act takes effect January 1, 2007.

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