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SENATE BILL 5031

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Haugen, Jacobsen, Kastama and Swecker

Read first time 01/10/2005. Referred to Committee on Transportation.

1            AN ACT Relating to all-terrain vehicles; amending RCW 46.01.040;  
2 adding a new chapter to Title 46 RCW; and prescribing penalties.

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

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

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

8            (1) The motor vehicle fuel excise tax as provided in chapter 82.36  
9 RCW;

10           (2) The special fuel tax as provided in chapter 82.38 RCW;

11           (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;

12           (4) The house trailer excise tax as provided in chapter 82.50 RCW;

13           (5) All general powers and duties relating to motor vehicles as  
14 provided in chapter 46.08 RCW;

15           (6) Certificates of ownership and registration as provided in  
16 chapters 46.12 and 46.16 RCW;

17           (7) The registration and licensing of motor vehicles as provided in  
18 chapters 46.12 and 46.16 RCW;

19           (8) Dealers' licenses as provided in chapter 46.70 RCW;

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

22 NEW SECTION. Sec. 2. (1) "All-terrain vehicle" or "ATV" means a  
23 motorized off-highway vehicle designed to travel on three or four low-  
24 pressure tires, having a seat designed to be straddled by the operator  
25 and handlebars for steering control, and intended for use by a single  
26 operator with no passenger.

27 (2) "Dealer" means any person engaged in the business of selling,  
28 leasing, or renting all-terrain vehicles at retail, at a regular place  
29 of business.

30 (3) "Department" means the department of licensing.

31 (4) "Director" means the director of licensing.

32 (5) "Owner" means any person, other than a person with a security  
33 interest, having a property interest or title to an all-terrain vehicle  
34 and entitled to the use and possession of the vehicle.

35 (6) "Person" means a person or legal entity.

1        NEW SECTION.    **Sec. 3.**    (1) The department shall adopt standards for  
2 and implement a comprehensive all-terrain vehicle safety education and  
3 training program.    The program must provide for the hands-on training  
4 of all-terrain vehicle operators, and for the issuance of all-terrain  
5 vehicle safety certificates to operators who successfully complete the  
6 training.    Course content must be adopted from a curriculum developed  
7 by a nationally recognized safety organization, such as the All-Terrain  
8 Vehicle Safety Institute.

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

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

18        (2) Beginning July 1, 2006, to operate an ATV on public land a  
19 person must possess a safety certificate issued by the director or by  
20 another state or Canadian province.    A nonresident who does not possess  
21 a safety certificate may operate an ATV on public land for five days in  
22 a calendar year.

23        (3) The director may issue an "exceptional" safety certificate to  
24 an applicant who is at least eighteen years of age upon a satisfactory  
25 showing by the applicant of at least five years of ATV operating  
26 experience.

27        (4) The director may collect a fee of ten dollars for issuance of  
28 a safety certificate.

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

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

1 (a) Possess a current all-terrain vehicle safety instructor  
2 certification or license issued by a recognized all-terrain vehicle  
3 safety organization;

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

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

7 (d) Have no previous felony convictions.

8 NEW SECTION. **Sec. 6.** The director may collect a fee, not to  
9 exceed five dollars, from each applicant for a safety certificate.  
10 Fees collected must be deposited in the ATV safety training and  
11 education account. The ATV safety training and education account is  
12 created in the custody of the state treasurer. All receipts from fees  
13 authorized in this chapter must be deposited into the account.  
14 Expenditures from the account may only be used to support the ATV  
15 safety and education program. Only the director of licensing or the  
16 director's designee may authorize expenditures from the account. The  
17 account is subject to allotment procedures under chapter 43.88 RCW, but  
18 an appropriation is not required for expenditures.

19 NEW SECTION. **Sec. 7.** (1) All-terrain vehicles with engine  
20 capacity of seventy cubic centimeter displacement ("cc") up to and  
21 including ninety cc may be operated on public land only by those aged  
22 twelve years and older.

23 (2) All-terrain vehicles with engine capacity greater than ninety  
24 cc may be operated on public land only by those aged sixteen years and  
25 older.

26 (3) Persons under age sixteen must be under continuous adult  
27 supervision while operating an ATV on public land.

28 NEW SECTION. **Sec. 8.** Unless participating in a competitive event  
29 and exempted by rule of the director, an all-terrain vehicle operated  
30 on public land must:

31 (1) Display a lighted headlamp and taillamp during the period from  
32 one-half hour after sunset to one-half hour before sunrise and at any  
33 time when visibility is reduced due to insufficient light or  
34 unfavorable atmospheric conditions;

- 1 (2) Be equipped with a brake system maintained in good operating
- 2 condition;
- 3 (3) Be equipped with an effective muffler system in good working
- 4 condition;
- 5 (4) Be equipped with an effective spark arrester in good working
- 6 condition.

7 NEW SECTION. **Sec. 9.** No person may:

8 (1) Operate an all-terrain vehicle in a careless or reckless manner  
9 so as to endanger or to cause injury or damage to any person or  
10 property;

11 (2) Drive or operate an ATV on any public street, road, or highway  
12 of this state except for purposes of crossing and:

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

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

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

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

22 (3) Cross any interstate or limited access highway;

23 (4) Operate an all-terrain vehicle without eye protection and a  
24 safety helmet approved by the director;

25 (5) Carry a passenger on an all-terrain vehicle;

26 (6) Operate an all-terrain vehicle while under the influence of  
27 alcohol or any controlled substance, or under the influence of a  
28 prescription or nonprescription drug that impairs vision or motor  
29 coordination;

30 (7) Knowingly sell or offer to sell at retail an all-terrain  
31 vehicle with an engine capacity of seventy cc or greater for use by a  
32 person under twelve years of age; or

33 (8) Knowingly sell or offer to sell at retail an all-terrain  
34 vehicle with an engine capacity of greater than ninety cc for use by a  
35 person under sixteen years of age.

1        NEW SECTION.   **Sec. 10.**   The director may adopt rules necessary to  
2   carry out and enforce this chapter.

3        NEW SECTION.   **Sec. 11.**   A person who violates any of the provisions  
4   of section 4, 7, 8, or 9 of this act is subject to a civil penalty of  
5   not less than fifty dollars or more than five hundred dollars.

6        NEW SECTION.   **Sec. 12.**   Sections 2 through 11 of this act  
7   constitute a new chapter in Title 46 RCW.

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