

SENATE BILL REPORT

SB 5586

As of January 29, 2009

Title: An act relating to protecting public lands through off-road vehicle safety education and training.

Brief Description: Implementing a comprehensive off-road vehicle safety education and training program.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/29/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Sherry McNamara (786-7402)

Background: Current law regulates certain aspects of the use and operation of off-road vehicles (ORVs). These regulations include an operating ORV use permit requirement, certain equipment standards to lawfully operate on non-highway roads, and various restrictions on the manner and location in which an ORV may be operated.

Current law does not include safety education or training requirements for ORVs.

Summary of Bill: The Department of Licensing (DOL) must adopt and implement a comprehensive ORV safety education and training program. The program must provide for hands-on training of ORV operators and for the issuance of safety certificates to those who successfully complete the training. Course content must be adopted from a curriculum developed by a nationally recognized safety organization.

The DOL may authorize qualified providers to conduct training programs and issue safety certificates. The provider, with the DOL's approval, may charge a reasonable fee for the training program.

The DOL must establish a training program to certify ORV safety instructors who meet the following minimum requirements:

- possess a current ORV safety instructor certification or license issued by a recognized ORV safety organization;

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- be at least 18 years of age;
- have no convictions relating to or as a result of the use of alcohol or drugs during the two preceding years; and
- have no previous felony convictions.

Beginning July 1, 2010, a person must possess a safety certificate to operate an ORV on public land. The certificate may be issued by the DOL or an authorized provider, or by another state or Canadian province. The DOL may collect a \$10 fee for the safety certificate. The fees must be deposited into the newly created "ORV safety training and education" account. Expenditures from the account may only be used to support the ORV safety program.

Two exemptions to the safety education and training requirement are:

- ORV operators who are at least 18 years old with at least five years operating experience; and
- a nonresident who does not possess a safety certificate may operate an ORV on public land for five days in a calendar year.

Appropriation: None.

Fiscal Note: Requested on January 28, 2009.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This year the Department of Natural Resources (DNR) will be holding the 2nd Annual ORV safety summit. Safety training and education is provided by national and local organizations and associations. It would be beneficial to synchronize these training efforts. DNR is exploring recreational opportunities, funding, and other issues in the Sustainable Recreation Work Group created last session by the Legislature.

CON: Offering education and safety training won't teach judgment or how to use your skills in a responsible way. Being forced into training won't change behavior; the training should be voluntary and not mandated.

Persons Testifying: PRO: Bonnie Bunning, DNR.

CON: John Eaton, Washington State Trails Coalition; Tod Petersen, Washington Off Highway Vehicle Alliance; Andrew Tudhope, citizen.