

E2SSB 5366 - H AMD 1290

By Representative Shea

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that off-road vehicle
4 users have been overwhelmed with varied confusing rules, regulations,
5 and ordinances from federal, state, county, and city land managers
6 throughout the state to the extent standardization statewide is needed
7 to maintain public safety and good order.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
9 to read as follows:

10 "Four-wheel all-terrain vehicle" means (1) any motorized nonhighway
11 vehicle with handlebars that is fifty inches or less in width, has a
12 seat height of at least twenty inches, weighs less than one thousand
13 five hundred pounds, and has tires having a diameter of thirty inches
14 or less, or (2) a utility-type vehicle designed for and capable of
15 travel over designated roads that travels on four or more tires, has a
16 maximum width less than seventy-four inches, has a maximum weight less
17 than two thousand pounds, has a wheelbase of one hundred ten inches or
18 less, and satisfies at least one of the following: (a) Has a minimum
19 width of fifty inches; (b) has a minimum weight of at least nine
20 hundred pounds; or (c) has a wheelbase of over sixty-one inches.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.16A RCW
22 to read as follows:

23 Any four-wheel all-terrain vehicle operated within this state must
24 have in full force and effect a current and proper vehicle registration
25 and a metal tag to be displayed as described in this section. The
26 department shall issue a metal tag to be affixed to the rear of a four-
27 wheel all-terrain vehicle upon payment of the fee under section 8 of

1 this act. The department must design the metal tag to accommodate
2 four-wheel all-terrain vehicles, to not be smaller than a license plate
3 for motorcycles, and to identify the registered owner.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW
5 to read as follows:

6 (1) A person may operate a four-wheel all-terrain vehicle as
7 defined in section 2 of this act upon any roadway of this state, not
8 including nonhighway roads and trails, having a speed limit of thirty-
9 five miles per hour or less subject to the following restrictions and
10 requirements:

11 (a) A person may not operate a four-wheel all-terrain vehicle upon
12 state highways that are listed in chapter 47.17 RCW; however, a person
13 may operate a four-wheel all-terrain vehicle upon a segment of a state
14 highway listed in chapter 47.17 RCW if the segment is within the limits
15 of a city and the speed limit on the segment is thirty-five miles per
16 hour or less;

17 (b) A person operating a four-wheel all-terrain vehicle may not
18 cross a roadway, not including nonhighway roads and trails, with a
19 speed limit in excess of thirty-five miles per hour, unless the
20 crossing begins and ends on a roadway, not including nonhighway roads
21 and trails, or an ORV trail as defined in RCW 46.09.310, with a speed
22 limit of thirty-five miles per hour or less and occurs at an
23 intersection of approximately ninety degrees, except that the operator
24 of a four-wheel all-terrain vehicle may not cross at an uncontrolled
25 intersection of a public highway listed under chapter 47.17 RCW;

26 (c)(i) A person may not operate a four-wheel all-terrain vehicle on
27 a roadway within the boundaries of a city, not including nonhighway
28 roads and trails, with a population of fifteen thousand or more unless
29 the city by ordinance has approved the operation of four-wheel all-
30 terrain vehicles on city roadways, not including nonhighway roads and
31 trails.

32 (ii) The legislative body of a city with a population of less than
33 fifteen thousand may, by ordinance, designate a road or highway within
34 its boundaries to be unsuitable for use by four-wheel all-terrain
35 vehicles.

36 (iii) Any roadways, not including nonhighway roads and trails,
37 authorized by a legislative body of a city under (c)(i) of this

1 subsection or designated as unsuitable under (c)(ii) of this subsection
2 must be listed publicly and made accessible from the main page of the
3 city web site;

4 (d) A person operating a four-wheel all-terrain vehicle under this
5 section is granted all rights and is subject to all duties applicable
6 to the operator of a motorcycle under RCW 46.37.530 and chapter 46.61
7 RCW, unless otherwise stated in this act, except that four-wheel all-
8 terrain vehicles may not be operated side-by-side in a single lane of
9 traffic. Four-wheel all-terrain vehicles are subject to chapter 46.55
10 RCW;

11 (e) Except as provided in subsection (3)(b) of this section, any
12 person who violates this section commits a traffic infraction;

13 (f) Accidents must be recorded and tracked in compliance with
14 chapter 46.52 RCW. An accident report must indicate and be tracked
15 separately when any of the vehicles involved are a four-wheel all-
16 terrain vehicle;

17 (g) Local authorities may not establish requirements for the
18 registration of four-wheel all-terrain vehicles;

19 (h) A person may operate a four-wheel all-terrain vehicle upon any
20 road, trail, nonhighway road, or highway within the state while being
21 used under the authority or direction of an appropriate emergency
22 management, search and rescue, or law enforcement agency within the
23 scope of the agency's official duties.

24 (2) A person may operate a four-wheel all-terrain vehicle as
25 defined in section 2 of this act upon any roadway of this state, not
26 including nonhighway roads and trails, subject to the following license
27 and registration requirements:

28 (a) A person may not operate a four-wheel all-terrain vehicle upon
29 a roadway of this state without first having obtained and having in
30 full force and effect a current and proper vehicle registration and a
31 metal tag in compliance with section 3 of this act. The metal tag must
32 be displayed as required in section 3 of this act. A four-wheel all-
33 terrain vehicle may not be registered for commercial use;

34 (b) A person may not operate a four-wheel all-terrain vehicle upon
35 a roadway of this state, not including nonhighway roads and trails,
36 without (i) first obtaining a valid driver's license issued to
37 Washington residents in compliance with chapter 46.20 RCW, or (ii)

1 possessing a valid driver's license issued by the state of the person's
2 residence if the person is a nonresident;

3 (c) A person may not operate a four-wheel all-terrain vehicle
4 subject to registration under chapter 46.16A RCW on a roadway of this
5 state, not including nonhighway roads and trails, unless the person is
6 insured under a motor vehicle liability policy in compliance with
7 chapter 46.30 RCW;

8 (d) A person who operates a four-wheel all-terrain vehicle under
9 this section must pay the annual vehicle license fee required in RCW
10 46.17.350(1)(e) for the four-wheel all-terrain vehicle;

11 (e) Any four-wheel all-terrain vehicle must have a current and
12 proper off-road vehicle registration or temporary ORV use permit under
13 chapter 46.09 RCW for off-road use;

14 (f) Any four-wheel all-terrain vehicle that is road legal must have
15 a decal identifying the vehicle as being road legal. The department of
16 licensing is directed to design a decal, to be affixed to the metal tag
17 of a four-wheel all-terrain vehicle, clearly authorizing on-road usage
18 for the four-wheel all-terrain vehicle.

19 (3) A person may operate a four-wheel all-terrain vehicle as
20 defined in section 2 of this act upon any roadway of this state, not
21 including nonhighway roads and trails, subject to the following
22 equipment and certification requirements:

23 (a) A person operating a four-wheel all-terrain vehicle must comply
24 with the following equipment requirements:

25 (i) Headlights meeting the requirements of RCW 46.37.030 and
26 46.37.040 and used at all times when the vehicle is in motion upon a
27 highway;

28 (ii) One tail lamp meeting the requirements of RCW 46.37.525;

29 (iii) A stop lamp meeting the requirements of RCW 46.37.200;

30 (iv) Reflectors meeting the requirements of RCW 46.37.060;

31 (v) Turn signals meeting the requirements of RCW 46.37.200;

32 (vi) A mirror on the left handlebar, which must be located to give
33 the operator a complete view of the highway for a distance of at least
34 two hundred feet to the rear of the vehicle;

35 (vii) A windshield, unless the operator wears glasses, goggles, or
36 a face shield while operating the vehicle, of a type conforming to
37 rules adopted by the Washington state patrol;

1 (viii) A horn or warning device meeting the requirements of RCW
2 46.37.380;

3 (ix) Brakes in working order; and

4 (x) A spark arrester and muffling device meeting the requirements
5 of RCW 46.09.470.

6 (b) A person operating a four-wheel all-terrain vehicle must comply
7 with the following certification requirements:

8 (i) Certify under oath that the equipment listed in (a) of this
9 subsection has been installed on the four-wheel all-terrain vehicle and
10 that the equipment is operable and meets the requirements of this
11 section. A person who makes a false statement regarding the
12 installation of the equipment listed in (a) of this subsection is
13 guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040; or

14 (ii) Provide a declaration that includes the following:

15 (A) Documentation of a safety inspection to be completed by a
16 licensed four-wheel all-terrain vehicle dealer or repair shop in the
17 state of Washington that must outline the vehicle information and
18 certify under oath that all four-wheel all-terrain vehicle equipment as
19 required under this section meets the requirements outlined in state
20 and federal law. A person who makes a false statement regarding the
21 inspection of equipment required under this section is guilty of false
22 swearing, a gross misdemeanor, under RCW 9A.72.040;

23 (B) Documentation that the licensed four-wheel all-terrain vehicle
24 dealer or repair shop did not charge more than one hundred dollars per
25 safety inspection and that the entire safety inspection fee is paid
26 directly and only to the licensed four-wheel all-terrain dealer or
27 repair shop;

28 (C) A statement that the licensed four-wheel all-terrain vehicle
29 dealer or repair shop is entitled to the full amount charged for the
30 safety inspection;

31 (D) A vehicle identification number verification that must be
32 completed by a licensed four-wheel all-terrain vehicle dealer or repair
33 shop in the state of Washington; and

34 (E) A release signed by the owner of the four-wheel all-terrain
35 vehicle and verified by the department, county auditor or other agent,
36 or subagent appointed by the director that releases the state from any
37 liability and outlines that the owner understands that the original

1 four-wheel all-terrain vehicle was not manufactured for on-road use and
2 that it has been modified for use on public roads.

3 (4) This section does not apply to emergency services vehicles or
4 vehicles used to transport agricultural and timber products on and
5 across lands owned, leased, or managed by the owner or operator of the
6 four-wheel all-terrain vehicle or the operator's employer.

7 **Sec. 5.** RCW 46.09.310 and 2010 c 161 s 213 are each amended to
8 read as follows:

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

11 (1) "Advisory committee" means the nonhighway and off-road vehicle
12 activities advisory committee established in RCW 46.09.340.

13 (2) "Board" means the recreation and conservation funding board
14 established in RCW 79A.25.110.

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

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

24 (5) "Nonhighway road" means any road owned or managed by a public
25 agency, a primitive road, or any private road for which the owner has
26 granted an easement for public use for which appropriations from the
27 motor vehicle fund were not used for (a) original construction or
28 reconstruction in the last twenty-five years; or (b) maintenance in the
29 last four years.

30 (6) "Nonhighway road recreation facilities" means recreational
31 facilities that are adjacent to, or accessed by, a nonhighway road and
32 intended primarily for nonhighway road recreational users.

33 (7) "Nonhighway road recreational user" means a person whose
34 purpose for consuming fuel on a nonhighway road or off-road is
35 primarily for nonhighway road recreational purposes, including, but not
36 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,

1 picnicking, driving for pleasure, kayaking/canoeing, and gathering
2 berries, firewood, mushrooms, and other natural products.

3 (8) "Nonhighway vehicle" means any motorized vehicle including an
4 ORV when used for recreational purposes on nonhighway roads, trails, or
5 a variety of other natural terrain.

6 Nonhighway vehicle does not include:

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

9 (b) Snowmobiles or any military vehicles; or

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

14 (9) "Nonmotorized recreational facilities" means recreational
15 trails and facilities that are adjacent to, or accessed by, a
16 nonhighway road and intended primarily for nonmotorized recreational
17 users.

18 (10) "Nonmotorized recreational user" means a person whose purpose
19 for consuming fuel on a nonhighway road or off-road is primarily for
20 nonmotorized recreational purposes including, but not limited to,
21 walking, hiking, backpacking, climbing, cross-country skiing,
22 snowshoeing, mountain biking, horseback riding, and pack animal
23 activities.

24 (11) "Organized competitive event" means any competition,
25 advertised in advance through written notice to organized clubs or
26 published in local newspapers, sponsored by recognized clubs, and
27 conducted at a predetermined time and place.

28 (12) "ORV recreation facilities" include, but are not limited to,
29 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
30 areas, designated for ORV use by the managing authority (~~that are~~
31 ~~intended primarily for ORV recreational users~~)).

32 (13) "ORV recreational user" means a person whose purpose for
33 consuming fuel on nonhighway roads or off-road is primarily for ORV
34 recreational purposes, including but not limited to riding an all-
35 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
36 dune buggy.

37 (14) "ORV sports park" means a facility designed to accommodate

1 competitive ORV recreational uses including, but not limited to,
2 motocross racing, four-wheel drive competitions, and flat track racing.
3 Use of ORV sports parks can be competitive or noncompetitive in nature.

4 (15) "ORV trail" means a multiple-use corridor designated by the
5 managing authority and maintained for recreational use by motorized
6 vehicles.

7 (16) "Direct supervision" means that the supervising adult must be
8 in a position, on another all-terrain vehicle, utility terrain vehicle,
9 or specialty off-highway vehicle or motorbike or, if on the ground,
10 within three hundred feet of the unlicensed operator, to provide close
11 support, assistance, or direction to the unlicensed operator.

12 (17) "Emergency management" means the preparation for and the
13 carrying out of all emergency functions to mitigate, prepare for,
14 respond to, and recover from emergencies and disasters, and to aid
15 victims suffering from injury or damage, resulting from disasters
16 caused by all hazards, whether natural, technological, or human caused,
17 and to provide support for search and rescue operations for persons and
18 property in distress.

19 (18) "Primitive roads" means a linear route managed for use by
20 four-wheel drive or high-clearance vehicles that is generally not
21 maintained or paved, a road designated by a county as primitive under
22 RCW 36.75.300, or a road designated by a city as primitive under a
23 local ordinance.

24 **Sec. 6.** RCW 46.09.360 and 2006 c 212 s 4 are each amended to read
25 as follows:

26 (1) Notwithstanding any of the provisions of this chapter, any
27 city, county, or other political subdivision of this state, or any
28 state agency, may regulate the operation of nonhighway vehicles on
29 public lands, waters, and other properties under its jurisdiction, and
30 on streets, roads, or highways within its boundaries as outlined in
31 this section, by adopting regulations or ordinances of its governing
32 body, provided such regulations are not less stringent than the
33 provisions of this chapter. However, the legislative body of:

34 (a) A city with a population of (~~less~~) fewer than three thousand
35 persons or a county with a population of no more than five thousand
36 persons may, by ordinance, designate a street, road, nonhighway road,

1 or highway within its boundaries to be suitable for use by off-road
2 vehicles(~~(. The legislative body of))~~; and

3 (b) A county with a population of more than five thousand persons
4 may, by ordinance, designate a road or highway within its boundaries to
5 be suitable for use by off-road vehicles if the road or highway is a
6 direct connection between a city with a population of (~~less~~) fewer
7 than three thousand persons and an off-road vehicle recreation
8 facility.

9 (2) The legislative body of a city or county may, by ordinance,
10 designate a nonhighway road within its boundaries to be suitable or
11 unsuitable for use by off-road vehicles.

12 (3) Any roadways authorized by a legislative body of a city or
13 county under this section must be listed publicly and made accessible
14 from the main page of the city or county web site.

15 (4) For purposes of this section, "off-road vehicles" does not
16 include four-wheel all-terrain vehicles as defined in section 2 of this
17 act.

18 **Sec. 7.** RCW 46.09.400 and 2011 c 171 s 25 are each amended to read
19 as follows:

- 20 The department shall:
- 21 (1) Issue registrations and temporary ORV use permits for off-road
22 vehicles and four-wheel all-terrain vehicles;
 - 23 (2) Issue decals for off-road vehicles. The decals serve the same
24 function as license plates for vehicles registered under chapter 46.16A
25 RCW; and
 - 26 (3) Charge a fee for each decal covering the actual cost of the
27 decal.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.17 RCW
29 to read as follows:

30 The department, county auditor or other agent, or subagent
31 appointed by the director shall charge an annual fee of eighteen
32 dollars for a four-wheel all-terrain vehicle metal tag issued under
33 section 3 of this act. Fee proceeds must be deposited into the
34 nonhighway and off-road vehicle activities program account.

1 **Sec. 9.** RCW 46.09.420 and 2011 c 171 s 26 are each amended to read
2 as follows:

3 ORV registrations and decals are required under this chapter except
4 for the following:

5 (1) Off-road vehicles owned and operated by the United States,
6 another state, or a political subdivision of the United States or
7 another state.

8 (2) Off-road vehicles owned and operated by this state, a
9 municipality, or a political subdivision of this state or the
10 municipality.

11 (3) Off-road vehicles operated on and across agricultural and
12 timber lands owned (~~((or))~~), leased, or managed by the off-road vehicle
13 owner or operator or operator's employer.

14 (4) Off-road vehicles owned by a resident of another state that
15 have a valid ORV use permit or vehicle registration issued in
16 accordance with the laws of the other state. This exemption applies
17 only to the extent that a similar exemption or privilege is granted
18 under the laws of that state.

19 (5) Off-road vehicles while being used for (~~((search and rescue))~~)
20 emergency management purposes under the authority or direction of an
21 appropriate search and rescue, emergency management, or law enforcement
22 agency.

23 (6) Vehicles registered under chapter 46.16A RCW except for four-
24 wheel all-terrain vehicles registered for use under section 4 of this
25 act, or, in the case of nonresidents, vehicles validly registered for
26 operation over public highways in the jurisdiction of the owner's
27 residence.

28 (7) Off-road vehicles operated by persons who, in good faith,
29 render emergency care, assistance, or advice with respect to an
30 incident involving off-road vehicles. Persons who operate off-road
31 vehicles to render such care, assistance, or advice are not liable for
32 civil damages resulting from any act or omission in the rendering of
33 such care, assistance, or advice, other than acts or omissions
34 constituting gross negligence or willful or wanton misconduct.

35 **Sec. 10.** RCW 46.09.450 and 2011 c 171 s 27 are each amended to
36 read as follows:

1 (1) Except as otherwise provided in this section, it is lawful to
2 operate an off-road vehicle upon:

3 (a) A nonhighway road and in parking areas serving designated off-
4 road vehicle areas if the state, federal, local, or private authority
5 responsible for the management of the nonhighway road authorizes the
6 use of off-road vehicles; (~~and~~)

7 (b) A street, road, or highway as authorized under RCW 46.09.360;
8 and

9 (c) Any trail, nonhighway road, or highway within the state while
10 being used under the authority or direction of an appropriate emergency
11 management, search and rescue, or law enforcement agency within the
12 scope of the agency's official duties.

13 (2) (~~Operations of~~) An off-road vehicle operated on a nonhighway
14 road(~~or~~) or on a street, road, or highway as authorized under RCW
15 46.09.360(~~or under~~) and this section is exempt from both registration
16 requirements of chapter 46.16A RCW and vehicle lighting and equipment
17 requirements of chapter 46.37 RCW.

18 (3) It is unlawful to operate an off-road vehicle upon a private
19 nonhighway road if the road owner has not authorized the use of off-
20 road vehicles.

21 (4) Nothing in this section authorizes trespass on private
22 property.

23 (5) The provisions of RCW 4.24.210(5) (~~shall~~) apply to public and
24 private landowners who allow members of the public to use public
25 facilities accessed by a highway, street, or nonhighway road for
26 recreational off-road vehicle use.

27 (6) This section does not apply to four-wheel all-terrain vehicles
28 as defined in section 2 of this act.

29 **Sec. 11.** RCW 46.09.460 and 2005 c 213 s 5 are each amended to read
30 as follows:

31 (1) Except as specified in subsection (2) of this section, no
32 person under (~~thirteen~~) sixteen years of age may operate an off-road
33 vehicle on or across a highway or nonhighway road in this state. This
34 prohibition does not apply when a person under sixteen years of age is
35 acting in accordance with RCW 46.09.420 (5) and (7).

36 (2) Persons under (~~thirteen~~) sixteen years of age may operate an
37 off-road vehicle (~~on~~) across a highway or on a nonhighway road or

1 trail designated for off-road vehicle use under the direct supervision
2 of a person eighteen years of age or older possessing a valid license
3 to operate a motor vehicle under chapter 46.20 RCW.

4 **Sec. 12.** RCW 46.09.530 and 2010 c 161 s 223 are each amended to
5 read as follows:

6 (1) After deducting administrative expenses and the expense of any
7 programs conducted under this chapter, the board shall, at least once
8 each year, distribute the funds it receives under RCW 46.68.045 and
9 46.09.520 to state agencies, counties, municipalities, federal
10 agencies, nonprofit off-road vehicle organizations, and Indian tribes.
11 Funds distributed under this section to nonprofit off-road vehicle
12 organizations may be spent only on projects or activities that benefit
13 off-road vehicle recreation on publicly owned lands or lands once
14 publicly owned that come into private ownership in a federally approved
15 land exchange completed between January 1, 1998, and January 1, 2005.

16 (2) The board shall adopt rules governing applications for funds
17 administered by the recreation and conservation office under this
18 chapter and shall determine the amount of money distributed to each
19 applicant. Agencies receiving funds under this chapter for capital
20 purposes shall consider the possibility of contracting with the state
21 parks and recreation commission, the department of natural resources,
22 or other federal, state, and local agencies to employ the youth
23 development and conservation corps or other youth crews in completing
24 the project.

25 (3) The board shall require each applicant for acquisition or
26 development funds under this section to comply with the requirements of
27 either the state environmental policy act, chapter 43.21C RCW, or the
28 national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

29 **Sec. 13.** RCW 46.17.350 and 2010 c 161 s 531 are each amended to
30 read as follows:

31 (1) Before accepting an application for a vehicle registration, the
32 department, county auditor or other agent, or subagent appointed by the
33 director shall require the applicant, unless specifically exempt, to
34 pay the following vehicle license fee by vehicle type:

1	VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
2	(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
3	(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
4	(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
5	(d) For hire vehicle, six seats	\$ 30.00	\$ 30.00	RCW 46.68.030
6	or less			
7	(e) <u>Four-wheel all-terrain</u>	<u>\$ 30.00</u>	<u>\$ 30.00</u>	<u>Section 20 of this act</u>
8	<u>vehicle</u>			
9	(f) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
10	((f)) (g) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
11	((g)) (h) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
12	((h)) (i) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
13	((i)) (j) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
14	((j)) (k) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
15	((k)) (l) Private use single-	\$ 15.00	\$ 15.00	RCW 46.68.035(2)
16	axle trailer			
17	((l)) (m) Snowmobile	\$ 30.00	\$ 30.00	RCW 46.68.350
18	((m)) (n) Snowmobile,	\$ 12.00	\$ 12.00	RCW 46.68.350
19	vintage			
20	((n)) (o) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
21	((o)) (p) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
22	((p)) (q) Trailer, over 2000	\$ 30.00	\$ 30.00	RCW 46.68.030
23	pounds			
24	((q)) (r) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030

25 (2) The vehicle license fee required in subsection (1) of this
26 section is in addition to the filing fee required under RCW 46.17.005,
27 and any other fee or tax required by law.

28 **Sec. 14.** RCW 46.30.020 and 2011 c 171 s 76 are each amended to
29 read as follows:

30 (1)(a) No person may operate a motor vehicle subject to
31 registration under chapter 46.16A RCW in this state unless the person
32 is insured under a motor vehicle liability policy with liability limits
33 of at least the amounts provided in RCW 46.29.090, is self-insured as
34 provided in RCW 46.29.630, is covered by a certificate of deposit in

1 conformance with RCW 46.29.550, or is covered by a liability bond of at
2 least the amounts provided in RCW 46.29.090. Written proof of
3 financial responsibility for motor vehicle operation must be provided
4 on the request of a law enforcement officer in the format specified
5 under RCW 46.30.030.

6 (b) A person who drives a motor vehicle that is required to be
7 registered in another state that requires drivers and owners of
8 vehicles in that state to maintain insurance or financial
9 responsibility shall, when requested by a law enforcement officer,
10 provide evidence of financial responsibility or insurance as is
11 required by the laws of the state in which the vehicle is registered.

12 (c) When asked to do so by a law enforcement officer, failure to
13 display an insurance identification card as specified under RCW
14 46.30.030 creates a presumption that the person does not have motor
15 vehicle insurance.

16 (d) Failure to provide proof of motor vehicle insurance is a
17 traffic infraction and is subject to penalties as set by the supreme
18 court under RCW 46.63.110 or community restitution.

19 (2) If a person cited for a violation of subsection (1) of this
20 section appears in person before the court or a violations bureau and
21 provides written evidence that at the time the person was cited, he or
22 she was in compliance with the financial responsibility requirements of
23 subsection (1) of this section, the citation shall be dismissed and the
24 court or violations bureau may assess court administrative costs of
25 twenty-five dollars at the time of dismissal. In lieu of personal
26 appearance, a person cited for a violation of subsection (1) of this
27 section may, before the date scheduled for the person's appearance
28 before the court or violations bureau, submit by mail to the court or
29 violations bureau written evidence that at the time the person was
30 cited, he or she was in compliance with the financial responsibility
31 requirements of subsection (1) of this section, in which case the
32 citation shall be dismissed without cost, except that the court or
33 violations bureau may assess court administrative costs of twenty-five
34 dollars at the time of dismissal.

35 (3) The provisions of this chapter shall not govern:

36 (a) The operation of a motor vehicle registered under RCW
37 46.18.255, governed by RCW 46.16A.170, or registered with the

1 Washington utilities and transportation commission as common or
2 contract carriers; or

3 (b) The operation of a motorcycle as defined in RCW 46.04.330, a
4 motor-driven cycle as defined in RCW 46.04.332, (~~(or)~~) a moped as
5 defined in RCW 46.04.304, or an off-road vehicle as defined in RCW
6 46.04.365.

7 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle
8 liability policies required by this chapter but only those certified
9 for the purposes stated in chapter 46.29 RCW.

10 **Sec. 15.** RCW 79A.80.010 and 2011 c 320 s 2 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Agency" or "agencies" means the department of fish and
15 wildlife, the department of natural resources, and the parks and
16 recreation commission.

17 (2) "Annual natural investment permit" means the annual permit
18 issued by the parks and recreation commission for the purpose of
19 launching boats from the designated state parks boat launch sites.

20 (3) "Camper registration" means proof of payment of a camping fee
21 on recreational lands managed by the parks and recreation commission.

22 (4) "Day-use permit" means the permit created in RCW 79A.80.030.

23 (5) "Discover pass" means the annual pass created in RCW
24 79A.80.020.

25 (6) "Motor vehicle" has the same meaning as defined in RCW
26 46.04.320 and which are required to be registered under chapter 46.16A
27 RCW. "Motor vehicle" does not include those motor vehicles exempt from
28 registration under RCW 46.16A.080, four-wheel all-terrain vehicles
29 registered for use under section 4 of this act, and state and publicly
30 owned motor vehicles as provided in RCW 46.16A.170.

31 (7) "Recreation site or lands" means a state park or fish and
32 wildlife conservation sites including water access areas, boat ramps,
33 wildlife areas, parking areas, roads, and trailheads, or department of
34 natural resources developed or designated recreation areas, sites,
35 trailheads, and parking areas.

36 (8) "Sno-park seasonal permit" means the seasonal permit issued by

1 the parks and recreation commission for providing access to winter
2 recreational facilities for the period of November 1st through March
3 31st.

4 (9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

5 NEW SECTION. **Sec. 16.** A new section is added to chapter 46.09 RCW
6 to read as follows:

7 (1) A person operating a four-wheel all-terrain vehicle upon public
8 lands must do so consistent with the local land management requirements
9 or the emergency exceptions under section 4 of this act and RCW
10 46.09.420.

11 (2) A violation of this section is a traffic infraction with a
12 penalty of up to five hundred dollars.

13 (3) Any law enforcement officer may issue a notice of traffic
14 infraction for a violation of subsection (1) of this section whether or
15 not the infraction was committed in the officer's presence, as long as
16 there is reasonable evidence presented that the operator of the off-
17 road vehicle committed a violation of subsection (1) of this section.
18 At a minimum, the evidence must include information relating to the
19 time and location at which the violation occurred, and the off-road
20 vehicle license plate number or a description of the vehicle involved
21 in the violation. If, after an investigation of a reported violation
22 of subsection (1) of this section, the law enforcement officer is able
23 to identify the operator and has reasonable cause to believe a
24 violation of subsection (1) of this section has occurred, the law
25 enforcement officer shall prepare a notice of traffic infraction and
26 have it served upon the operator of the off-road vehicle.

27 **Sec. 17.** RCW 46.63.030 and 2011 c 375 s 5 are each amended to read
28 as follows:

29 (1) A law enforcement officer has the authority to issue a notice
30 of traffic infraction:

31 (a) When the infraction is committed in the officer's presence,
32 except as provided in section 16 of this act;

33 (b) When the officer is acting upon the request of a law
34 enforcement officer in whose presence the traffic infraction was
35 committed;

1 (c) If an officer investigating at the scene of a motor vehicle
2 accident has reasonable cause to believe that the driver of a motor
3 vehicle involved in the accident has committed a traffic infraction;

4 (d) When the infraction is detected through the use of an automated
5 traffic safety camera under RCW 46.63.170; or

6 (e) When the infraction is detected through the use of an automated
7 school bus safety camera under RCW 46.63.180.

8 (2) A court may issue a notice of traffic infraction upon receipt
9 of a written statement of the officer that there is reasonable cause to
10 believe that an infraction was committed.

11 (3) If any motor vehicle without a driver is found parked,
12 standing, or stopped in violation of this title or an equivalent
13 administrative regulation or local law, ordinance, regulation, or
14 resolution, the officer finding the vehicle shall take its registration
15 number and may take any other information displayed on the vehicle
16 which may identify its user, and shall conspicuously affix to the
17 vehicle a notice of traffic infraction.

18 (4) In the case of failure to redeem an abandoned vehicle under RCW
19 46.55.120, upon receiving a complaint by a registered tow truck
20 operator that has incurred costs in removing, storing, and disposing of
21 an abandoned vehicle, an officer of the law enforcement agency
22 responsible for directing the removal of the vehicle shall send a
23 notice of infraction by certified mail to the last known address of the
24 person responsible under RCW 46.55.105. The notice must be entitled
25 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
26 The officer shall append to the notice of infraction, on a form
27 prescribed by the department of licensing, a notice indicating the
28 amount of costs incurred as a result of removing, storing, and
29 disposing of the abandoned vehicle, less any amount realized at
30 auction, and a statement that monetary penalties for the infraction
31 will not be considered as having been paid until the monetary penalty
32 payable under this chapter has been paid and the court is satisfied
33 that the person has made restitution in the amount of the deficiency
34 remaining after disposal of the vehicle.

35 **Sec. 18.** RCW 46.09.470 and 2011 c 171 s 28 and 2011 c 121 s 4 are
36 each reenacted and amended to read as follows:

1 (1) Except as provided in subsection (4) of this section, it is a
2 traffic infraction for any person to operate any nonhighway vehicle:

3 (a) In such a manner as to endanger the property of another;

4 (b) On lands not owned by the operator or owner of the nonhighway
5 vehicle without a lighted headlight and taillight between the hours of
6 dusk and dawn, or when otherwise required for the safety of others
7 regardless of ownership;

8 (c) On lands not owned by the operator or owner of the nonhighway
9 vehicle without an adequate braking device or when otherwise required
10 for the safety of others regardless of ownership;

11 (d) Without a spark arrester approved by the department of natural
12 resources;

13 (e) Without an adequate, and operating, muffling device which
14 effectively limits vehicle noise to no more than eighty-six decibels on
15 the "A" scale at fifty feet as measured by the Society of Automotive
16 Engineers (SAE) test procedure J 331a, except that a maximum noise
17 level of one hundred and five decibels on the "A" scale at a distance
18 of twenty inches from the exhaust outlet shall be an acceptable
19 substitute in lieu of the Society of Automotive Engineers test
20 procedure J 331a when measured:

21 (i) At a forty-five degree angle at a distance of twenty inches
22 from the exhaust outlet;

23 (ii) With the vehicle stationary and the engine running at a steady
24 speed equal to one-half of the manufacturer's maximum allowable ("red
25 line") engine speed or where the manufacturer's maximum allowable
26 engine speed is not known the test speed in revolutions per minute
27 calculated as sixty percent of the speed at which maximum horsepower is
28 developed; and

29 (iii) With the microphone placed ten inches from the side of the
30 vehicle, one-half way between the lowest part of the vehicle body and
31 the ground plane, and in the same lateral plane as the rearmost exhaust
32 outlet where the outlet of the exhaust pipe is under the vehicle;

33 (f) On lands not owned by the operator or owner of the nonhighway
34 vehicle upon the shoulder or inside bank or slope of any nonhighway
35 road or highway, or upon the median of any divided highway;

36 (g) On lands not owned by the operator or owner of the nonhighway
37 vehicle in any area or in such a manner so as to unreasonably expose

1 the underlying soil, or to create an erosion condition, or to injure,
2 damage, or destroy trees, growing crops, or other vegetation;

3 (h) On lands not owned by the operator or owner of the nonhighway
4 vehicle or on any nonhighway road or trail, when these are restricted
5 to pedestrian or animal travel;

6 (i) On any public lands in violation of rules and regulations of
7 the agency administering such lands; and

8 (j) On a private nonhighway road in violation of RCW 46.09.450(3).

9 (2) It is a misdemeanor for any person to operate any nonhighway
10 vehicle while under the influence of intoxicating liquor or a
11 controlled substance.

12 (3)(a) Except for an off-road vehicle equipped with seat belts and
13 roll bars or an enclosed passenger compartment, it is a traffic
14 infraction for any person to operate or ride an off-road vehicle on a
15 nonhighway road without wearing upon his or her head a motorcycle
16 helmet fastened securely while in motion. For purposes of this
17 section, "motorcycle helmet" has the same meaning as provided in RCW
18 46.37.530.

19 (b) Subsection (3)(a) of this section does not apply to an off-road
20 vehicle operator operating on his or her own land.

21 (c) Subsection (3)(a) of this section does not apply to an off-road
22 vehicle (~~(operator operating on agricultural lands owned or leased by~~
23 ~~the off-road vehicle operator or the operator's employer)) used in
24 production of agricultural and timber products on and across lands
25 owned, leased, or managed by the owner or operator of the off-road
26 vehicle or the operator's employer.~~

27 (4) It is not a traffic infraction to operate an off-road vehicle
28 on a street, road, or highway as authorized under RCW 46.09.360 (~~(or)~~),
29 46.61.705, or section 4 of this act.

30 **Sec. 19.** RCW 46.63.020 and 2010 c 252 s 3, 2010 c 161 s 1125, and
31 2010 c 8 s 9077 are each reenacted and amended to read as follows:

32 Failure to perform any act required or the performance of any act
33 prohibited by this title or an equivalent administrative regulation or
34 local law, ordinance, regulation, or resolution relating to traffic
35 including parking, standing, stopping, and pedestrian offenses, is
36 designated as a traffic infraction and may not be classified as a

1 criminal offense, except for an offense contained in the following
2 provisions of this title or a violation of an equivalent administrative
3 regulation or local law, ordinance, regulation, or resolution:

4 (1) RCW 46.09.470(2) relating to the operation of a nonhighway
5 vehicle while under the influence of intoxicating liquor or a
6 controlled substance;

7 (2) RCW 46.09.480 relating to operation of nonhighway vehicles;

8 (3) RCW 46.10.490(2) relating to the operation of a snowmobile
9 while under the influence of intoxicating liquor or narcotics or habit-
10 forming drugs or in a manner endangering the person of another;

11 (4) RCW 46.10.495 relating to the operation of snowmobiles;

12 (5) Chapter 46.12 RCW relating to certificates of title,
13 registration certificates, and markings indicating that a vehicle has
14 been destroyed or declared a total loss;

15 (6) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of
16 taxes and fees by failure to register a vehicle and falsifying
17 residency when registering a motor vehicle;

18 (7) RCW 46.16A.520 relating to permitting unauthorized persons to
19 drive;

20 (8) RCW 46.16A.320 relating to vehicle trip permits;

21 (9) RCW 46.19.050 relating to knowingly providing false information
22 in conjunction with an application for a special placard or license
23 plate for disabled persons' parking;

24 (10) RCW 46.20.005 relating to driving without a valid driver's
25 license;

26 (11) RCW 46.20.091 relating to false statements regarding a
27 driver's license or instruction permit;

28 (12) RCW 46.20.0921 relating to the unlawful possession and use of
29 a driver's license;

30 (13) RCW 46.20.342 relating to driving with a suspended or revoked
31 license or status;

32 (14) RCW 46.20.345 relating to the operation of a motor vehicle
33 with a suspended or revoked license;

34 (15) RCW 46.20.410 relating to the violation of restrictions of an
35 occupational driver's license, temporary restricted driver's license,
36 or ignition interlock driver's license;

37 (16) RCW 46.20.740 relating to operation of a motor vehicle without

1 an ignition interlock device in violation of a license notation that
2 the device is required;

3 (17) RCW 46.20.750 relating to circumventing an ignition interlock
4 device;

5 (18) RCW 46.25.170 relating to commercial driver's licenses;

6 (19) Chapter 46.29 RCW relating to financial responsibility;

7 (20) RCW 46.30.040 relating to providing false evidence of
8 financial responsibility;

9 (21) RCW 46.35.030 relating to recording device information;

10 (22) RCW 46.37.435 relating to wrongful installation of
11 sunscreening material;

12 (23) RCW 46.37.650 relating to the sale, resale, distribution, or
13 installation of a previously deployed air bag;

14 (24) RCW 46.37.671 through 46.37.675 relating to signal preemption
15 devices;

16 (25) RCW 46.44.180 relating to operation of mobile home pilot
17 vehicles;

18 (26) RCW 46.48.175 relating to the transportation of dangerous
19 articles;

20 (27) RCW 46.52.010 relating to duty on striking an unattended car
21 or other property;

22 (28) RCW 46.52.020 relating to duty in case of injury to or death
23 of a person or damage to an attended vehicle;

24 (29) RCW 46.52.090 relating to reports by repairers, storage
25 persons, and appraisers;

26 (30) RCW 46.52.130 relating to confidentiality of the driving
27 record to be furnished to an insurance company, an employer, and an
28 alcohol/drug assessment or treatment agency;

29 (31) RCW 46.55.020 relating to engaging in the activities of a
30 registered tow truck operator without a registration certificate;

31 (32) RCW 46.55.035 relating to prohibited practices by tow truck
32 operators;

33 (33) RCW 46.55.300 relating to vehicle immobilization;

34 (34) RCW 46.61.015 relating to obedience to police officers,
35 flaggers, or firefighters;

36 (35) RCW 46.61.020 relating to refusal to give information to or
37 cooperate with an officer;

1 (36) RCW 46.61.022 relating to failure to stop and give
2 identification to an officer;

3 (37) RCW 46.61.024 relating to attempting to elude pursuing police
4 vehicles;

5 (38) RCW 46.61.212(4) relating to reckless endangerment of
6 emergency zone workers;

7 (39) RCW 46.61.500 relating to reckless driving;

8 (40) RCW 46.61.502 and 46.61.504 relating to persons under the
9 influence of intoxicating liquor or drugs;

10 (41) RCW 46.61.503 relating to a person under age twenty- one
11 driving a motor vehicle after consuming alcohol;

12 (42) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

13 (43) RCW 46.61.522 relating to vehicular assault;

14 (44) RCW 46.61.5249 relating to first degree negligent driving;

15 (45) RCW 46.61.527(4) relating to reckless endangerment of roadway
16 workers;

17 (46) RCW 46.61.530 relating to racing of vehicles on highways;

18 (47) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
19 load;

20 (48) RCW 46.61.685 relating to leaving children in an unattended
21 vehicle with the motor running;

22 (49) Section 4(3) of this act relating to a false statement
23 regarding the inspection of and installation of equipment on four-wheel
24 all-terrain vehicles;

25 (50) RCW 46.61.740 relating to theft of motor vehicle fuel;

26 ~~((+50+))~~ (51) RCW 46.64.010 relating to unlawful cancellation of or
27 attempt to cancel a traffic citation;

28 ~~((+51+))~~ (52) RCW 46.64.048 relating to attempting, aiding,
29 abetting, coercing, and committing crimes;

30 ~~((+52+))~~ (53) Chapter 46.65 RCW relating to habitual traffic
31 offenders;

32 ~~((+53+))~~ (54) RCW 46.68.010 relating to false statements made to
33 obtain a refund;

34 ~~((+54+))~~ (55) Chapter 46.70 RCW relating to unfair motor vehicle
35 business practices, except where that chapter provides for the
36 assessment of monetary penalties of a civil nature;

37 ~~((+55+))~~ (56) Chapter 46.72 RCW relating to the transportation of
38 passengers in for hire vehicles;

1 (~~(+56+)~~) (57) RCW 46.72A.060 relating to limousine carrier
2 insurance;
3 (~~(+57+)~~) (58) RCW 46.72A.070 relating to operation of a limousine
4 without a vehicle certificate;
5 (~~(+58+)~~) (59) RCW 46.72A.080 relating to false advertising by a
6 limousine carrier;
7 (~~(+59+)~~) (60) Chapter 46.80 RCW relating to motor vehicle wreckers;
8 (~~(+60+)~~) (61) Chapter 46.82 RCW relating to driver's training
9 schools;
10 (~~(+61+)~~) (62) RCW 46.87.260 relating to alteration or forgery of a
11 cab card, letter of authority, or other temporary authority issued
12 under chapter 46.87 RCW;
13 (~~(+62+)~~) (63) RCW 46.87.290 relating to operation of an
14 unregistered or unlicensed vehicle under chapter 46.87 RCW.

15 NEW SECTION. **Sec. 20.** A new section is added to chapter 46.68 RCW
16 to read as follows:

17 The multiuse roadway safety account is created in the motor vehicle
18 fund. All receipts from vehicle license fees under RCW 46.17.350(1)(e)
19 must be deposited into the account. Moneys in the account may be spent
20 only after appropriation. Expenditures from the account may be used
21 only for grants administered by the department of transportation to:
22 (1) Counties to perform safety engineering analysis of mixed vehicle
23 use on any road within a county; (2) local governments to provide
24 funding to erect signs providing notice to the motoring public that
25 four-wheel all-terrain vehicles are present; and (3) local governments
26 to provide funding to erect signs providing notice of a four-wheel all-
27 terrain vehicle crossing.

28 **Sec. 21.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s.
29 c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s
30 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to
31 read as follows:

32 (1) All earnings of investments of surplus balances in the state
33 treasury shall be deposited to the treasury income account, which
34 account is hereby established in the state treasury.

35 (2) The treasury income account shall be utilized to pay or receive
36 funds associated with federal programs as required by the federal cash

1 management improvement act of 1990. The treasury income account is
2 subject in all respects to chapter 43.88 RCW, but no appropriation is
3 required for refunds or allocations of interest earnings required by
4 the cash management improvement act. Refunds of interest to the
5 federal treasury required under the cash management improvement act
6 fall under RCW 43.88.180 and shall not require appropriation. The
7 office of financial management shall determine the amounts due to or
8 from the federal government pursuant to the cash management improvement
9 act. The office of financial management may direct transfers of funds
10 between accounts as deemed necessary to implement the provisions of the
11 cash management improvement act, and this subsection. Refunds or
12 allocations shall occur prior to the distributions of earnings set
13 forth in subsection (4) of this section.

14 (3) Except for the provisions of RCW 43.84.160, the treasury income
15 account may be utilized for the payment of purchased banking services
16 on behalf of treasury funds including, but not limited to, depository,
17 safekeeping, and disbursement functions for the state treasury and
18 affected state agencies. The treasury income account is subject in all
19 respects to chapter 43.88 RCW, but no appropriation is required for
20 payments to financial institutions. Payments shall occur prior to
21 distribution of earnings set forth in subsection (4) of this section.

22 (4) Monthly, the state treasurer shall distribute the earnings
23 credited to the treasury income account. The state treasurer shall
24 credit the general fund with all the earnings credited to the treasury
25 income account except:

26 (a) The following accounts and funds shall receive their
27 proportionate share of earnings based upon each account's and fund's
28 average daily balance for the period: The aeronautics account, the
29 aircraft search and rescue account, the budget stabilization account,
30 the capital vessel replacement account, the capitol building
31 construction account, the Cedar River channel construction and
32 operation account, the Central Washington University capital projects
33 account, the charitable, educational, penal and reformatory
34 institutions account, the cleanup settlement account, the Columbia
35 river basin water supply development account, the Columbia river basin
36 taxable bond water supply development account, the Columbia river basin
37 water supply revenue recovery account, the common school construction
38 fund, the county arterial preservation account, the county criminal

1 justice assistance account, the county sales and use tax equalization
2 account, the deferred compensation administrative account, the deferred
3 compensation principal account, the department of licensing services
4 account, the department of retirement systems expense account, the
5 developmental disabilities community trust account, the drinking water
6 assistance account, the drinking water assistance administrative
7 account, the drinking water assistance repayment account, the Eastern
8 Washington University capital projects account, the Interstate 405
9 express toll lanes operations account, the education construction fund,
10 the education legacy trust account, the election account, the energy
11 freedom account, the energy recovery act account, the essential rail
12 assistance account, The Evergreen State College capital projects
13 account, the federal forest revolving account, the ferry bond
14 retirement fund, the freight congestion relief account, the freight
15 mobility investment account, the freight mobility multimodal account,
16 the grade crossing protective fund, the public health services account,
17 the health system capacity account, the high capacity transportation
18 account, the state higher education construction account, the higher
19 education construction account, the highway bond retirement fund, the
20 highway infrastructure account, the highway safety account, the high
21 occupancy toll lanes operations account, the hospital safety net
22 assessment fund, the industrial insurance premium refund account, the
23 judges' retirement account, the judicial retirement administrative
24 account, the judicial retirement principal account, the local leasehold
25 excise tax account, the local real estate excise tax account, the local
26 sales and use tax account, the marine resources stewardship trust
27 account, the medical aid account, the mobile home park relocation fund,
28 the motor vehicle fund, the motorcycle safety education account, the
29 multiagency permitting team account, the multimodal transportation
30 account, the multiuse roadway safety account, the municipal criminal
31 justice assistance account, the municipal sales and use tax
32 equalization account, the natural resources deposit account, the oyster
33 reserve land account, the pension funding stabilization account, the
34 perpetual surveillance and maintenance account, the public employees'
35 retirement system plan 1 account, the public employees' retirement
36 system combined plan 2 and plan 3 account, the public facilities
37 construction loan revolving account beginning July 1, 2004, the public
38 health supplemental account, the public transportation systems account,

1 the public works assistance account, the Puget Sound capital
2 construction account, the Puget Sound ferry operations account, the
3 Puyallup tribal settlement account, the real estate appraiser
4 commission account, the recreational vehicle account, the regional
5 mobility grant program account, the resource management cost account,
6 the rural arterial trust account, the rural mobility grant program
7 account, the rural Washington loan fund, the site closure account, the
8 skilled nursing facility safety net trust fund, the small city pavement
9 and sidewalk account, the special category C account, the special
10 wildlife account, the state employees' insurance account, the state
11 employees' insurance reserve account, the state investment board
12 expense account, the state investment board commingled trust fund
13 accounts, the state patrol highway account, the state route number 520
14 civil penalties account, the state route number 520 corridor account,
15 the state wildlife account, the supplemental pension account, the
16 Tacoma Narrows toll bridge account, the teachers' retirement system
17 plan 1 account, the teachers' retirement system combined plan 2 and
18 plan 3 account, the tobacco prevention and control account, the tobacco
19 settlement account, the transportation 2003 account (nickel account),
20 the transportation equipment fund, the transportation fund, the
21 transportation improvement account, the transportation improvement
22 board bond retirement account, the transportation infrastructure
23 account, the transportation partnership account, the traumatic brain
24 injury account, the tuition recovery trust fund, the University of
25 Washington bond retirement fund, the University of Washington building
26 account, the volunteer firefighters' and reserve officers' relief and
27 pension principal fund, the volunteer firefighters' and reserve
28 officers' administrative fund, the Washington judicial retirement
29 system account, the Washington law enforcement officers' and
30 firefighters' system plan 1 retirement account, the Washington law
31 enforcement officers' and firefighters' system plan 2 retirement
32 account, the Washington public safety employees' plan 2 retirement
33 account, the Washington school employees' retirement system combined
34 plan 2 and 3 account, the Washington state economic development
35 commission account, the Washington state health insurance pool account,
36 the Washington state patrol retirement account, the Washington State
37 University building account, the Washington State University bond
38 retirement fund, the water pollution control revolving fund, and the

1 Western Washington University capital projects account. Earnings
2 derived from investing balances of the agricultural permanent fund, the
3 normal school permanent fund, the permanent common school fund, the
4 scientific permanent fund, and the state university permanent fund
5 shall be allocated to their respective beneficiary accounts.

6 (b) Any state agency that has independent authority over accounts
7 or funds not statutorily required to be held in the state treasury that
8 deposits funds into a fund or account in the state treasury pursuant to
9 an agreement with the office of the state treasurer shall receive its
10 proportionate share of earnings based upon each account's or fund's
11 average daily balance for the period.

12 (5) In conformance with Article II, section 37 of the state
13 Constitution, no treasury accounts or funds shall be allocated earnings
14 without the specific affirmative directive of this section.

15 NEW SECTION. **Sec. 22.** This act takes effect March 1, 2013."

16 Correct the title.

EFFECT: (1) Adds an intent section.

(2) Includes a "utility-type vehicle" within the definition of
"four-wheel all-terrain vehicle."

(3) Provides that all four-wheel all-terrain vehicles must be
registered and carry a metal identification tag.

(4)(a) Modifies the equipment required on four-wheel all-terrain
vehicles as follows: (i) Requires the tail lamp to comply with
motorcycle tail lamp requirements instead of motor vehicle tail lamp
requirements; (ii) eliminates the requirement that there be a right
handlebar mirror, but retains the left handlebar mirror requirement;
and (iii) removes the fender requirement.

(b) In addition to the self-certification process for providing
proof that the all-terrain vehicle meets the equipment requirements, an
additional declaration process through a four-wheel all-terrain vehicle
dealer or repair shop is provided. Persons using the declaration
process must also sign a liability waiver releasing the state from
liability.

(c) Provides that a person may operate a four-wheel all-terrain
vehicle upon a trail, nonhighway road, or highway when under the
direction of emergency management, search and rescue, or a law
enforcement agency in conducting its official duties.

(d) Provides that any four-wheel all-terrain vehicle operated on a
public road must affix a decal to the metal tag identifying the vehicle
as being road legal.

(e) Provides that the registration, metal tag, and equipment requirements do not apply to four-wheel all-terrain vehicles used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the four-wheel all-terrain vehicle or the operator's employer.

(5) Provides that "nonhighway road" includes a primitive road. Provides definitions for "primitive road," "emergency management," and "direct supervision."

(6)(a) Authorizes a city with a population less than 3,000, or a county with a population of more than 5,000, to, by ordinance, designate a nonhighway road as suitable for off-road vehicle use.

(b) Authorizes a city with a population less than 3,000, or a county with a population of more than 5,000, to, by ordinance, designate a road, highway, or nonhighway road to be unsuitable for off-road vehicle use.

(c) Requires cities and counties to publicly list, and make accessible on their web sites, a list of roadways authorized for off-road vehicle use.

(7) Requires the department of licensing to design and issue a metal tag for use on all four-wheel all-terrain vehicles that must be affixed to the rear of the vehicle. The metal tags must be issued at a cost of \$18, to be deposited into the nonhighway and off-road vehicle activities program (NOVA) account.

(8) Clarifies that the off-road vehicle registration and decal requirements do not apply to the following vehicles: (a) Off-road vehicles operated on and across agricultural and timber lands owned, leased, or managed by the off-road vehicle owner or operator, or operator's employer; (b) while being used for emergency management purposes; or (c) operated by persons who render assistance in the case of an emergency; these people will also not be liable for damages other than for gross negligence or willful misconduct.

(9)(a) Provides that it is lawful to operate an off-road vehicle upon any road, trail, nonhighway road, or highway while used under the direction of an appropriate emergency management, search and rescue, or law enforcement agency within the scope of the agency's official duties.

(b) Extends the provisions of RCW 4.24.210(5) to private landowners.

(c) Provides that section 11 of the bill does not apply to four-wheel all-terrain vehicles.

(10) Increases the age of a person that may operate an off-road vehicle in this state from 13 years to 16 years of age. Provides that a person under 16 years of age may operate on a public roadway under the direction of emergency management personnel or when rendering assistance in the case of an emergency. Provides that persons under 16 years of age may operate an off-road vehicle across a highway or on a nonhighway road or trail under the direct supervision of a person 18 years or older.

(11) Authorizes certain NOVA funds to be expended on projects or activities that benefit off-road vehicle recreation on publicly owned lands instead of just lands once publicly owned and now privately owned in a federally approved land exchange.

(12) Removes language requiring four-wheel all-terrain vehicle owners to purchase, display, and replace a license plate.

(13) Clarifies that off-road vehicles are not required to carry liability insurance like four-wheel all-terrain vehicles used on public roads.

(14) Clarifies that a person operating a four-wheel all-terrain vehicle upon public lands must operate consistent with the local land management requirements or the emergency exceptions created under the bill. Provides that officer presence is not required to issue a notice of infraction under this section if there is reasonable evidence that a person committed an infraction.

(15) Clarifies that seat belts, roll bars, and helmets are not required for off-road vehicles used in production of agricultural and timber on and across lands owned, leased, or managed by the off-road vehicle owner or operator, or operator's employer.

(16) Clarifies that only the revenue generated from the registration of the four-wheel all-terrain vehicle may be deposited into the multiuse roadway safety account.

(17) Strikes language providing for when a person has committed a traffic infraction so that it is clear that four-wheel all-terrain vehicles must comply with the equipment requirements in section 4 of this act.

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