
Transportation Committee

E2SSB 5366

Brief Description: Regulating the use of off-road vehicles in certain areas.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Delvin, Hewitt and Stevens).

Brief Summary of Engrossed Second Substitute Bill

- Authorizes the operation of a four-wheel all-terrain vehicle on any roadway having a speed limit of 35 miles per hour or less providing that certain licensing, insurance, and equipment requirements are met.
- Designates roadways in which four-wheel all-terrain vehicles may be operated.
- Designates roadways in which non-highway vehicles may be operated.
- Creates the Multiuse Roadway Safety Account to be used for grants and roadway signing.

Hearing Date: 2/24/12

Staff: Jerry Long (786-7306).

Background:

A four-wheel, all-terrain vehicle (ATV) is a type of off-road vehicle (ORV) which is defined as any non-street licensed vehicle used for recreational purposes on non-highway roads, trails, or a variety of other natural terrain.

Generally, ORVs may not be operated on public roadways or highways. However, local governments and state agencies may currently regulate the operation of non-highway vehicles on public lands, streets, roads, or highways within its jurisdiction by adopting regulations and ordinances, so long as such regulations are not less stringent than state law. Additionally, the legislative body of a city with a population of less than 3,000 may, by ordinance, designate a street or highway within its boundaries to be suitable for use by off-road vehicles. The

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legislative body of a county may by ordinance designate a road or highway within its boundaries to be suitable for use by off-road vehicles if the road or highway is a direct connection between a city with a population of less than 3,000 people and an off-road facility.

Summary of Bill:

The bill defines a four-wheel all-terrain vehicle as any motorized non-highway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has tires having a diameter of 30 inches or less.

A person may operate a four-wheel all-terrain vehicle on any roadway having a speed limit of 35 miles per hour or less providing that:

- the person has a current and proper vehicle registration and license plate. The registration is \$30 for original, renewals and \$2 for replacement plates;
- the person must have a valid Washington driver's license or a valid driver's license issued by the state of the person's residence if a person is a nonresident;
- the all-terrain vehicle is not registered for commercial use; and
- the person must be insured under a motor vehicle liability policy;

A person may not operate a four-wheel all-terrain vehicle upon state highway routes that are listed in chapter 47.17 RCW; however, a person may operate a four-wheel all-terrain vehicle upon a segment of a state highway listed, if the segment is within the limits of a city and the speed limit on the segment is 35 miles per hour or less.

A person operating a four-wheel all terrain vehicle may not:

- cross a roadway with a speed limit in excess of 35 miles per hour, unless the crossing begins and ends on a roadway, or an ORV trail with a speed limit of 35 miles per hour or less and occurs at an intersection of approximately 90 degrees. The operator may not cross at an uncontrolled intersection of a state highway route listed in chapter 47.17 RCW;
- operate a four-wheel all-terrain vehicle on the roadways of a city with a population of 15,000 or more unless the city, by ordinance, has approved the operation on the city roadways;
- operate a four-wheel all-terrain vehicle on roads and highways within a city of less than 15,000 if that city has, by ordinance, designated those roads or highways within its boundaries to be unsuitable for use by the all-terrain vehicles; and
- a city must place on their city website the roads that are unsuitable.

The four-wheel all-terrain vehicle must have: headlights and tail lights used at all times while in motion; a stop lamp; reflectors; turn signals; a left and right handlebar mirrors with a view of at least 200 feet to the rear of the vehicle; a windshield unless operator has other eye protection; a horn or warning device; working brakes; spark arrester and muffling device; and fenders adequate for minimizing any water, rocks, or mud from roadway that are as wide as the tires and extend at least halfway to the center of the axle.

A person must certify under oath, on a form provided by Department of Licensing, that this equipment has been installed on the vehicle and everything is operable. A false statement is guilty of a gross misdemeanor.

A person riding the all-terrain vehicle must obey all of the laws as a motorcycle except they cannot be operated side-by-side in a single lane. Accidents involving the all-terrain vehicles must be tracked as a separate category. Local authorities may not establish requirements for the registration of four-wheel all-terrain vehicles.

The four-wheel all-terrain vehicle is subject to plate replacement and may retain its license plate number for the required fee of \$20.

The bill creates the Multiuse Roadway Safety Account (Account). The fees from the four-wheel all-terrain vehicles must be deposited into the Account. Funds may only be spent after appropriation and be used for grants administered by the Washington State Department of Transportation for counties to perform safety engineering analysis of mixed vehicle use on any road within a county, and local governments to provide funding to erect signs providing notice to the motoring public that four-wheel all-terrain vehicles are present. The Account will receive its proportionate share of investment earnings.

A person may not operate a non-highway vehicle on public lands unless the land manager has opened the area up for non-highway vehicle use or it is a traffic violation with a penalty of up to \$500.

A city with a population of fewer than 3,000, or of a county with a population of more than 5,000, may, by ordinance, designate a street, road or highway within its boundaries to be suitable for use by off-road vehicles. This does not include four-wheel all-terrain vehicles.

A county with a population of more than 5,000 may, by ordinance, designate a road or highway within its boundaries to be suitable for use by off-road vehicles if the road or highway is a direct connection between a city with a population of fewer than 3,000, and an off-road vehicle recreation facility for use by off-road vehicles. This does not include four-wheel all-terrain vehicles.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on March 1, 2013.