

SENATE BILL REPORT

ESSB 5366

As Passed Senate, March 3, 2011

Title: An act relating to authorizing the use of off-road vehicles on public roadways under certain conditions or in certain areas.

Brief Description: Authorizing the use of off-road vehicles on public roadways under certain conditions or in certain areas.

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

Brief History:

Committee Activity: Transportation: 1/26/11, 2/02/11 [DPS, DNP].

Passed Senate: 3/03/11, 41-5.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; White, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Ericksen, Hill, Hobbs, Litzow, Ranker and Swecker.

Minority Report: Do not pass.

Signed by Senator Nelson.

Staff: Katherine Taylor (786-7434)

Background: A four-wheel, all-terrain vehicle 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.

Currently, ORVs generally may not be operated on public roadways or highways.

Summary of Engrossed Substitute Bill: A person may operate a two- or four-wheel, all-terrain vehicle upon a roadway having a speed limit of 35 mph or less if the driver does not do the following:

- generally operate the vehicle upon state highways;

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- operate the vehicle on a roadway without first having obtained a current and proper vehicle registration and license plates;
- operate the vehicle on a roadway without first obtaining a valid driver's license and motor vehicle liability policy;
- cross a roadway with a speed limit in excess of 35 mph, unless the crossing begins and ends on a roadway with a speed limit of 35 mph or less and occurs at an intersection of approximately 90 degrees;
- cross an uncontrolled intersection of streets and highways that are part of the state highway system unless that intersection has been authorized by local authorities; and
- operate on a roadway that is paved with concrete or asphalt, if the vehicle has a solid rear axle.

Further, any two- or four-wheel, all-terrain vehicle operated under this section must have a headlight, taillight, brake light, and a mirror both on the left and right handlebar.

A person who operates a two- or four-wheel, all-terrain vehicle under this section must pay a maximum of \$35 for the annual vehicle license fee for the all-terrain vehicle.

Any person who violates these proposed provisions commits a traffic infraction.

Local authorities are not prevented from exercising their own police power with respect to operation of two- or four-wheel, all-terrain vehicles on streets and highways under their jurisdiction by resolution or ordinance. Also, local authorities may not authorize the operation of two- or four-wheel, all-terrain vehicles on streets and highways that are part of the state highway system or establish requirements for the registration of two- or four-wheel, all-terrain vehicles.

The legislative body of a county with a population of no more than 5000 persons may designate by ordinance a street, road, or highway within its boundaries to be suitable for use by off-road vehicles.

Appropriation: None.

Fiscal Note: Available.

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

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on March 1, 2012.

Staff Summary of Public Testimony on Original Bill: PRO: The elderly like to use all-terrain vehicles to get to remote areas, expanded ORV use helps small businesses and ORV dealerships, helps ORV communities, and license plates help enforcement.

CON: All-terrain vehicles kill people, and are not safe on public roads. ORV riders are irresponsible, and hurt wildlife.

Persons Testifying: PRO: Chuck Foster, citizen; Dave Terry, Becky Terry, G & G ATV; Brian Wurts, WA Council of Police Sheriffs; Pat Halstead, WA State Motorsport Dealers Assoc., NW Motorcross Assoc.

CON: Greg Bafondu, Trout Unlimited; Seth Cool, Conservation NW; Steve Lind, WA Traffic Safety Commission; and Jason Berry, Washington State Patrol.