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HOUSE BILL 1533

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Condotta, Blake, Ross, Hinkle, Taylor, Johnson, Kristiansen, Armstrong, Kretz, Haler, Warnick, McCune, and Smith

Read first time 01/25/11. Referred to Committee on Transportation.

1 AN ACT Relating to the limited use of off-road motorcycles on  
2 highways; amending RCW 46.09.470; adding a new section to chapter 46.04  
3 RCW; adding a new section to chapter 46.61 RCW; and providing an  
4 effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW  
7 to read as follows:

8 "Off-road motorcycle" means a motorcycle as defined in RCW  
9 46.04.330 that is labeled by the manufacturer's statement or  
10 certificate of origin as intended for "off-road use only" or a similar  
11 message stamped into the frame of the motorcycle, contained in the  
12 owner's manual, or affixed to any part of the motorcycle.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW  
14 to read as follows:

15 (1) Except as provided in subsection (4) of this section, a person  
16 may operate an off-road motorcycle upon a highway of this state having  
17 a speed limit of thirty-five miles per hour or less, or forty-five

1 miles per hour or less as provided in subsection (5) of this section,  
2 if:

3 (a) The person does not operate an off-road motorcycle upon state  
4 highways that are listed in chapter 47.17 RCW;

5 (b) The person does not operate an off-road motorcycle upon a  
6 highway of this state without first having obtained and having in full  
7 force and effect a current and proper ORV registration or temporary ORV  
8 use permit under chapter 46.09 RCW. The department must track off-road  
9 motorcycles in a separate registration category for reporting purposes;

10 (c) The person does not operate an off-road motorcycle upon a  
11 highway of this state without first obtaining a valid driver's license  
12 issued to Washington residents in compliance with chapter 46.20 RCW;

13 (d) The person operating an off-road motorcycle does not cross a  
14 roadway with a speed limit in excess of thirty-five miles per hour, or  
15 forty-five miles per hour as provided in subsection (5) of this  
16 section, unless the crossing begins and ends on a roadway with a speed  
17 limit of thirty-five miles per hour or less, or forty-five miles per  
18 hour or less as provided in subsection (5) of this section, and occurs  
19 at an intersection of approximately ninety degrees, except that the  
20 operator of an off-road motorcycle must not cross an uncontrolled  
21 intersection of streets and highways that are part of the state highway  
22 system subject to Title 47 RCW unless that intersection has been  
23 authorized by local authorities under subsection (4) of this section.

24 (2) Any off-road motorcycle operated under this section must have  
25 a headlight, taillight, and brake light, and a mirror on both the left  
26 and right handlebar.

27 (3) Any person who violates this section commits a traffic  
28 infraction.

29 (4) This section does not prevent local authorities, with respect  
30 to streets and highways under their jurisdiction and within the  
31 reasonable exercise of their police power, from regulating the  
32 operation of off-road motorcycles on streets and highways under their  
33 jurisdiction by resolution or ordinance of the governing body, if the  
34 resolution or ordinance is consistent with this title, except that:

35 (a) Local authorities may not authorize the operation of off-road  
36 motorcycles on streets and highways that are part of the state highway  
37 system subject to Title 47 RCW;

1 (b) Local authorities may not prohibit the operation of off-road  
2 motorcycles upon highways of this state having a speed limit of  
3 thirty-five miles per hour or less; and

4 (c) Local authorities may not establish requirements for the  
5 registration of off-road motorcycles.

6 (5) In counties consisting of islands whose only connection to the  
7 mainland are ferry routes, a person may operate an off-road motorcycle  
8 upon a highway of this state having a speed limit of forty-five miles  
9 per hour or less. A person operating an off-road motorcycle as  
10 authorized under this subsection must not cross a roadway with a speed  
11 limit in excess of forty-five miles per hour, unless the crossing  
12 begins and ends on a roadway with a speed limit of forty-five miles per  
13 hour or less and occurs at an intersection of approximately ninety  
14 degrees, except that the operator of a off-road motorcycle must not  
15 cross an uncontrolled intersection of streets and highways that are  
16 part of the state highway system subject to Title 47 RCW unless that  
17 intersection has been authorized by local authorities under subsection  
18 (4) of this section.

19 (6) Accidents must be recorded and tracked in compliance with  
20 chapter 46.52 RCW. An accident report must indicate and be tracked  
21 separately when any of the vehicles involved are an off-road  
22 motorcycle.

23 **Sec. 3.** RCW 46.09.470 and 2006 c 212 s 3 are each amended to read  
24 as follows:

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

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

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

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

35 (d) Without a spark arrester approved by the department of natural  
36 resources;

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

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

11 (ii) With the vehicle stationary and the engine running at a steady  
12 speed equal to one-half of the manufacturer's maximum allowable ("red  
13 line") engine speed or where the manufacturer's maximum allowable  
14 engine speed is not known the test speed in revolutions per minute  
15 calculated as sixty percent of the speed at which maximum horsepower is  
16 developed; and

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

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

24 (g) On lands not owned by the operator or owner of the nonhighway  
25 vehicle in any area or in such a manner so as to unreasonably expose  
26 the underlying soil, or to create an erosion condition, or to injure,  
27 damage, or destroy trees, growing crops, or other vegetation;

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

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

33 (j) On a private nonhighway road in violation of RCW  
34 (~~(46.09.115(3))~~) 46.09.450(3).

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

1           (3)(a) Except for an off-road vehicle equipped with seat belts and  
2 roll bars or an enclosed passenger compartment, it is a traffic  
3 infraction for any person to operate or ride an off-road vehicle on a  
4 nonhighway road without wearing upon his or her head a motorcycle  
5 helmet fastened securely while in motion. For purposes of this  
6 section, "motorcycle helmet" has the same meaning as provided in RCW  
7 46.37.530.

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

10           (c) Subsection (3)(a) of this section does not apply to an off-road  
11 vehicle operator operating on agricultural lands owned or leased by the  
12 off-road vehicle operator or the operator's employer.

13           (4) It is not a traffic infraction to operate an off-road vehicle  
14 on a street, road, or highway as authorized under RCW ((~~46.09.180~~))  
15 46.09.360 or section 2 of this act.

16           NEW SECTION. **Sec. 4.** This act takes effect August 1, 2011.

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