
ENGROSSED SUBSTITUTE SENATE BILL 5366

State of Washington

62nd Legislature

2011 Regular Session

By Senate Transportation (originally sponsored by Senators Delvin, Hewitt, and Stevens)

READ FIRST TIME 02/03/11.

1 AN ACT Relating to authorizing the use of off-road vehicles on
2 public roadways under certain conditions or in certain areas; amending
3 RCW 46.09.360; adding a new section to chapter 46.09 RCW; prescribing
4 penalties; and providing an 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 46.09 RCW
7 to read as follows:

8 (1) Except as provided in subsection (5) of this section, a person
9 may operate a two or four-wheel, all-terrain vehicle upon a roadway of
10 this state having a speed limit of thirty-five miles per hour or less
11 if:

12 (a) The person does not operate a two or four-wheel, all-terrain
13 vehicle upon state highways that are listed in chapter 47.17 RCW;

14 (b) The person does not operate a two or four-wheel, all-terrain
15 vehicle upon a roadway of this state without first having obtained and
16 having in full force and effect a current and proper vehicle
17 registration and display vehicle license plates in compliance with
18 chapter 46.16A RCW;

1 (c) The person does not operate a two or four-wheel, all-terrain
2 vehicle upon a roadway of this state without (i) first obtaining a
3 valid driver's license issued to Washington residents in compliance
4 with chapter 46.20 RCW, or (ii) possessing a valid driver's license
5 issued by the state of the person's residence if the person is a
6 nonresident;

7 (d) The person does not operate a two or four-wheel, all-terrain
8 vehicle subject to registration under chapter 46.16A RCW on a roadway
9 of this state unless the person is insured under a motor vehicle
10 liability policy in compliance with chapter 46.30 RCW;

11 (e) The person operating a two or four-wheel, all-terrain vehicle
12 does not cross a roadway with a speed limit in excess of thirty-five
13 miles per hour, unless the crossing begins and ends on a roadway with
14 a speed limit of thirty-five miles per hour or less and occurs at an
15 intersection of approximately ninety degrees, except that the operator
16 of a two or four-wheel, all-terrain vehicle must not cross an
17 uncontrolled intersection of streets and highways that are part of the
18 state highway system subject to Title 47 RCW unless that intersection
19 has been authorized by local authorities under subsection (5) of this
20 section; and

21 (f) The person operating a two or four-wheel, all-terrain vehicle
22 with a solid rear axle does not operate the vehicle on a roadway that
23 is paved with concrete or asphalt.

24 (2) A person who operates a two or four-wheel, all-terrain vehicle
25 under this section must pay a maximum of thirty-five dollars for the
26 annual vehicle license fee for the all-terrain vehicle.

27 (3) Any two or four-wheel, all-terrain vehicle operated under this
28 section must have a headlight, taillight, and brake light, and a mirror
29 both on the left and right handlebar.

30 (4) Any person who violates this section commits a traffic
31 infraction.

32 (5) This section does not prevent local authorities, with respect
33 to streets and highways under their jurisdiction and within the
34 reasonable exercise of their police power, from regulating the
35 operation of two or four-wheel, all-terrain vehicles on streets and
36 highways under their jurisdiction by resolution or ordinance of the
37 governing body, if the regulation is consistent with this title, except
38 that:

1 (a) Local authorities may not authorize the operation of two or
2 four-wheel, all-terrain vehicles on streets and highways that are part
3 of the state highway system subject to Title 47 RCW; and

4 (b) Local authorities may not establish requirements for the
5 registration of two or four-wheel, all-terrain vehicles.

6 **Sec. 2.** RCW 46.09.360 and 2006 c 212 s 4 are each amended to read
7 as follows:

8 Notwithstanding any of the provisions of this chapter, any city,
9 county, or other political subdivision of this state, or any state
10 agency, may regulate the operation of nonhighway vehicles on public
11 lands, waters, and other properties under its jurisdiction, and on
12 streets, roads, or highways within its boundaries by adopting
13 regulations or ordinances of its governing body, provided such
14 regulations are not less stringent than the provisions of this chapter.
15 However, the legislative body of a city with a population of (~~less~~)
16 fewer than three thousand persons, or the legislative body of a county
17 with a population of no more than five thousand persons, may, by
18 ordinance, designate a street, road, or highway within its boundaries
19 to be suitable for use by off-road vehicles. The legislative body of
20 a county with a population of more than five thousand persons may, by
21 ordinance, designate a road or highway within its boundaries to be
22 suitable for use by off-road vehicles if the road or highway is a
23 direct connection between a city with a population of (~~less~~) fewer
24 than three thousand persons and an off-road vehicle recreation
25 facility.

26 NEW SECTION. **Sec. 3.** This act takes effect March 1, 2012.

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