
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 two or four-wheel, all-
2 terrain vehicles on public roadways under certain conditions; adding a
3 new section to chapter 46.09 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.09 RCW
6 to read as follows:

7 (1) Except as provided in subsection (4) of this section, a person
8 may operate a two or four-wheel, all-terrain vehicle upon a roadway of
9 this state having a speed limit of thirty-five miles per hour or less
10 if:

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

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

18 (c) The person does not operate a two or four-wheel, all-terrain
19 vehicle upon a roadway of this state without (i) first obtaining a

1 valid driver's license issued to Washington residents in compliance
2 with chapter 46.20 RCW, or (ii) possessing a valid driver's license
3 issued by the state of the person's residence if the person is a
4 nonresident;

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

9 (e) The person operating a two or four-wheel, all-terrain vehicle
10 does not cross a roadway with a speed limit in excess of thirty-five
11 miles per hour, unless the crossing begins and ends on a roadway with
12 a speed limit of thirty-five miles per hour or less and occurs at an
13 intersection of approximately ninety degrees, except that the operator
14 of a two or four-wheel, all-terrain vehicle must not cross an
15 uncontrolled intersection of streets and highways that are part of the
16 state highway system subject to Title 47 RCW unless that intersection
17 has been authorized by local authorities under subsection (4) of this
18 section; and

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

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

25 (3) Any person who violates this section commits a traffic
26 infraction.

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

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

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

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