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## Transportation Committee

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### HB 2675

**Brief Description:** Modifying provisions applicable to off-road, nonhighway, and wheeled all-terrain vehicles and their drivers.

**Sponsors:** Representatives Shea, Blake, Moscoso, Reykdal, Sells, Condotta, Scott and Young.

#### Brief Summary of Bill

- Adds sponsoring organization to the list of entities where a volunteer emergency worker would be protected from liability for civil damages.
- Adds other vehicles as allowed by law into the definition of a "highway."
- Requires that titles are issued for all off-road vehicles (ORVs) for registration purposes.
- Adds that a person can operate an ORV or wheeled all-terrain vehicle on any public roadway, trail, nonhighway road, or highway providing a means of ingress or egress within or to a campground located in a state park or parkway administered by the State Parks and Recreation Commission.
- Adds that a person may operate a wheeled all-terrain vehicle upon any nonhighway road or trail if approved by the city, town, or county.
- Removes the 35 miles per hour or less speed limit restriction when counties, cities, or towns are designating public roadways, nonhighway roads, or trails for use by a wheeled all-terrain vehicles.
- Allows the legislative body of a city or town with a population of less than 3,000 or a county to designate roadways within its boundaries to include wheeled all-terrain vehicles.
- Increases the wheel base of a wheeled all-terrain vehicle from 110 inches to 130 inches.
- Adds a motor vehicle repair shop to the entities that can certify that the required equipment for an on-road wheeled all-terrain vehicle has been installed.
- Removes the requirement to leave a space at the bottom right corner of the metal tag for an on-road tab.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Hearing Date:** 2/3/14

**Staff:** Jerry Long (786-7306).

**Background:**

A wheeled all-terrain vehicle is any motorized nonhighway vehicle with handlebars 50 inches or less in width, seat height of at least 20 inches, weighs less than 1,500 pounds, and four low-pressure tires with a diameter less than 30 inches; or utility-type vehicle with four or more tires, maximum width less than 74 inches, maximum weight less than 2,000 pounds, a wheelbase of 110 inches or less, and that satisfies at least one of the following: (1) a minimum width of 50 inches; (2) a minimum weight of 900 pounds; or (3) a wheelbase of over 61 inches.

Wheeled all-terrain vehicles operated within this state, unless exempt, must obtain a metal tag from the Department of Licensing (DOL).

Wheeled all-terrain vehicles must pay:

- the annual cost to operate off-road of \$18 for registration or \$10.75 for a temporary use permit. The revenue is deposited into the ORV and Nonhighway Vehicle Account;
- the annual cost to operate on public roadways, which is \$12 for a "road legal decal" plus an \$18 licensing fee, equaling \$30. The \$12 is deposited to the Multiuse Roadway Safety Account and the \$18 is deposited to the ORV and Nonhighway Vehicle Account; and
- the metal tag must be replaced every seven years at a cost of \$2 and the revenue is deposited into the ORV and Nonhighway Vehicle Account.

The \$12 registration fee for wheeled all-terrain vehicles used on public roadways must be deposited into the Multiuse Roadway Safety Account. Funds from this account may be spent on: (1) safety engineering analysis; (2) signs to alert the motoring public that wheeled all-terrain vehicles may be present or crossing; or (3) law enforcement for purposes of defraying costs of enforcement involving wheeled all-terrain vehicles.

A person is required to have a valid driver's license to operate a wheeled all-terrain vehicle on a public roadway. A person who operates a wheeled all-terrain vehicle must follow the motorcycle rules except that wheeled all-terrain vehicles cannot be operated side by side in a single lane of traffic. The DOL has the authority to develop and implement, along with rules, an online training course for people that register wheeled all-terrain and utility type vehicles for use on a public roadway.

A person operating a wheeled all-terrain vehicle may not cross a public roadway, not including nonhighway roads and trails, with a speed limit in excess of 35 miles per hour, unless the crossing begins and ends on a public roadway, not including nonhighway roads and trails, or an ORV trail, with a speed limit of 35 miles per hour or less and which occurs at an intersection of approximately 90 degrees, except that the operator of a wheeled all-terrain vehicle may not cross at an uncontrolled intersection of a public highway listed in state statute.

Wheeled all-terrain vehicles are authorized to operate on a public roadway having a speed limit of 35 miles per hour or less, not including nonhighway roads and trails, under the following conditions:

- in a county with a population of 15,000 or more if the county by ordinance has approved the operation of wheeled all-terrain vehicles on the county roadways;
- in a county with less than 15,000 in population unless the county has designated roadways or highways within its boundaries to be unsuitable for use by wheeled all-terrain vehicles; and
- in a city or town providing that the city or town by ordinance has approved the operation of wheeled all-terrain vehicles on city or town roadways.

City, town, or county roadways authorized or deemed unsuitable for use by wheeled all-terrain vehicles must be listed publicly and be accessible from the county's, city's, or town's webpage.

A person may operate a wheeled all-terrain vehicle on a public roadway, trail, nonhighway road, or highway in the state while being used under the authority of direction of an appropriate agency that engages in emergency management.

The bill provides equipment requirements for a wheeled all-terrain vehicle including: (1) headlights; (2) a one tail lamp, except that utility-type vehicles must have two tail lamps; (3) a stop lamp; (4) reflectors; (5) turn signals if operating during hours of darkness; (6) a mirror attached to either the right or left handlebar, except that a utility-type vehicle must have two mirrors; (7) a windshield (unless the operator is wearing eye protection); (8) a horn or warning device; (9) brakes in working order; (10) a spark arrestor and muffler; and (11) seatbelts for utility-type vehicles. The equipment requirements do not apply to emergency service vehicles or vehicles used for agricultural or timber products.

A person who operates a wheeled all-terrain vehicle upon a roadway must provide a declaration that includes the following:

- documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or repair shop certified under oath that all wheeled all-terrain vehicle required equipment is installed. A false statement will commit a gross misdemeanor;
- documentation that the dealer or repair shop did not charge more than \$50 for the inspection; and
- a signed release that releases Washington from any liability.

Any city, town, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. However, the legislative body of a city or town with a population of less than 3,000 persons may, by ordinance, designate a street or highway within its boundaries to be suitable for use by ORVs. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by ORVs. This does not apply to wheeled all-terrain vehicles.

### **Summary of Bill:**

The bill:

- adds sponsoring organization to the list of entities where a volunteer emergency worker would be protected from liability for civil damages;

- adds other vehicles as allowed by law into the definition of a "highway;"
- increases the wheel base of a "wheeled all-terrain vehicle" from 110 inches to 130 inches;
- requires that titles are issued for all ORVs are issued a title for registration purposes;
- removes the requirement to leave a space at the bottom right corner of the wheeled all-terrain vehicle tag for an on-road tab;
- adds that a person may operate an ORV or wheeled all-terrain vehicle on any public roadway, trail, nonhighway road, or highway providing a means of ingress or egress within or to a campground located in a state park or parkway administered by the State Parks and Recreation Commission;
- removes the 35 miles per hour or less speed limit restriction when counties, cities or towns are designating public roadways, nonhighway roads, or trails for use by wheeled all-terrain vehicles;
- adds that a person may operate a wheeled all-terrain vehicle upon any nonhighway road or trail of the State of Washington in addition to any public roadway of the state with the following restrictions and requirements:
  - adds that a person may operate a wheeled all-terrain vehicle upon any nonhighway road or trail of the state if the state highway is within the limits of a city or town and has been designated by the legislative authority of the city or town;
  - adds that a person operating a wheeled all-terrain vehicle may not cross a nonhighway road or trail with a speed limit in excess of 35 miles per hour, unless the crossing begins and ends on a public roadway, nonhighway roads or trails, or an ORV trail, with a speed limit of 35 miles per hour or less;
  - adds that a person in a county of 15,000 that has approved operating a wheeled all-terrain vehicle on a public roadway, may also operate the vehicle on a nonhighway road or trail;
  - adds that a person in a county of fewer than 15,000 in population may also operate a wheeled all-terrain vehicle on nonhighway roads and trails unless the county has designated these roads and trails to be unsuitable for use by wheeled all-terrain vehicles; and
- allows the legislative body of a city or town with a population of less than 3,000 or a county to regulate wheeled all-terrain vehicles and designate roadways within it its boundaries to be suitable for use by wheeled all-terrain vehicles; and
- changes the entity from documenting the equipment required on a "licensed wheeled all-terrain vehicle dealer or repair shop" to "licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop."

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed