

# SENATE BILL REPORT

## SB 5391

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As of February 6, 2013

**Title:** An act relating to an exemption from discover pass requirements for off-road vehicles.

**Brief Description:** Concerning an exemption from discover pass requirements for off-road vehicles.

**Sponsors:** Senators Bailey, Benton, Carrell, Holmquist Newbry, Sheldon, Delvin, Fain and Padden.

**Brief History:**

**Committee Activity:** Natural Resources & Parks: 2/05/13.

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### SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

**Staff:** Curt Gavigan (786-7437)

**Background:** Discover Pass Requirement. In general, a Discover Pass is required for any motor vehicle to park or operate on state-managed recreation sites or lands. For purposes of the Discover Pass, the term motor vehicle means those vehicles required to be registered with the Department of Licensing (DOL). The term does not include those motor vehicles exempt from the motor vehicle registration requirement.

Motor Vehicle Registration. A person may not operate a vehicle on a public highway of this state without having a current and proper vehicle registration from DOL and displaying license plates under chapter 46.16A RCW. Registration as a motor vehicle is not required for off-road vehicles (ORVs) operated as allowed by certain small cities and counties and on nonhighway roads.

Off-road motorcycles may be operated on a public road with both the filing of a declaration with DOL as well as registration of the motorcycle as an ORV.

ORV Registration. Generally, a person may not operate an ORV within the state unless it is registered with DOL as required under chapter 46.09 RCW. For purposes of transportation and licensing statutes, the term ORV means a non-street registered vehicle when used for recreational purposes on nonhighway roads, trails, or other natural terrain. This includes vehicles such as ATVs, motorcycles, four wheel drive vehicles, and dune buggies.

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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.*

**Summary of Bill:** A vehicle that has a valid off-road vehicle permit and is located in an area where ORV activities are allowed is not considered a motor vehicle for purposes of the Discover Pass requirement. Therefore, a Discover Pass is not required in those circumstances.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This legislation provides needed clarification that will help the intent of current law, which is to not double-charge ORV users for both an ORV tag and a Discover Pass. We need to accommodate the Discover Pass change to our recent changes to the licensing laws.

CON: This legislation highly impacts revenue for funding. We cannot, without exceptions, make any more cuts to State Park's budget.

OTHER: The Department of Natural Resources's (DNR's) trail-based land provides recreation areas for ORVs; the agency has a need for this additional funding source.

**Persons Testifying:** PRO: Tod Petersen, WA Off Highway Vehicle Alliance, Northwest Motorcycle Assn; James King, Citizens for Parks and Recreation.

CON: Brian Yearout, WA Federation of State Employees.

OTHER: Mark Mauren, DNR.