
HOUSE BILL 2675

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Shea, Blake, Moscoso, Reykdal, Sells, Condotta, Scott, and Young

Read first time 01/24/14. Referred to Committee on Transportation.

1 AN ACT Relating to provisions applicable to off-road, nonhighway,
2 and wheeled all-terrain vehicles and their drivers; amending RCW
3 38.52.180, 46.09.320, 46.09.360, 46.09.442, 46.09.450, 46.09.455, and
4 46.09.457; reenacting and amending RCW 46.09.310 and 46.09.310;
5 providing an effective date; and providing an expiration date.

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

7 **Sec. 1.** RCW 38.52.180 and 2011 c 336 s 791 are each amended to
8 read as follows:

9 (1) There shall be no liability on the part of anyone including any
10 person, partnership, corporation, the state of Washington or any
11 political subdivision thereof who owns or maintains any building or
12 premises which have been designated by a local organization for
13 emergency management as a shelter from destructive operations or
14 attacks by enemies of the United States for any injuries sustained by
15 any person while in or upon said building or premises, as a result of
16 the condition of said building or premises or as a result of any act or
17 omission, or in any way arising from the designation of such premises
18 as a shelter, when such person has entered or gone upon or into said
19 building or premises for the purpose of seeking refuge therein during

1 destructive operations or attacks by enemies of the United States or
2 during tests ordered by lawful authority, except for an act of willful
3 negligence by such owner or occupant or his or her servants, agents, or
4 employees.

5 (2) All legal liability for damage to property or injury or death
6 to persons (except an emergency worker, regularly enrolled and acting
7 as such), caused by acts done or attempted during or while traveling to
8 or from an emergency or disaster, search and rescue, or training or
9 exercise authorized by the department in preparation for an emergency
10 or disaster or search and rescue, under the color of this chapter in a
11 bona fide attempt to comply therewith, except as provided in
12 subsections (3), (4), and (5) of this section regarding covered
13 volunteer emergency workers, shall be the obligation of the state of
14 Washington. Suits may be instituted and maintained against the state
15 for the enforcement of such liability, or for the indemnification of
16 persons appointed and regularly enrolled as emergency workers while
17 actually engaged in emergency management duties, or as members of any
18 agency of the state or political subdivision thereof engaged in
19 emergency management activity, or their dependents, for damage done to
20 their private property, or for any judgment against them for acts done
21 in good faith in compliance with this chapter: PROVIDED, That the
22 foregoing shall not be construed to result in indemnification in any
23 case of willful misconduct, gross negligence, or bad faith on the part
24 of any agent of emergency management: PROVIDED, That should the United
25 States or any agency thereof, in accordance with any federal statute,
26 rule, or regulation, provide for the payment of damages to property
27 and/or for death or injury as provided for in this section, then and in
28 that event there shall be no liability or obligation whatsoever upon
29 the part of the state of Washington for any such damage, death, or
30 injury for which the United States government assumes liability.

31 (3) No act or omission by a covered volunteer emergency worker
32 while engaged in a covered activity shall impose any liability for
33 civil damages resulting from such an act or omission upon:

- 34 (a) The covered volunteer emergency worker;
- 35 (b) The supervisor or supervisors of the covered volunteer
36 emergency worker;
- 37 (c) Any facility or their officers or employees;

1 (d) The employer or sponsoring organization of the covered
2 volunteer emergency worker;

3 (e) The owner of the property or vehicle where the act or omission
4 may have occurred during the covered activity;

5 (f) Any local organization that registered the covered volunteer
6 emergency worker; and

7 (g) The state or any state or local governmental entity.

8 (4) The immunity in subsection (3) of this section applies only
9 when the covered volunteer emergency worker was engaged in a covered
10 activity:

11 (a) Within the scope of his or her assigned duties;

12 (b) Under the direction of a local emergency management
13 organization or the department, or a local law enforcement agency for
14 search and rescue; and

15 (c) The act or omission does not constitute gross negligence or
16 willful or wanton misconduct.

17 (5) For purposes of this section:

18 (a) "Covered volunteer emergency worker" means an emergency worker
19 as defined in RCW 38.52.010 who (i) is not receiving or expecting
20 compensation as an emergency worker from the state or local government,
21 or (ii) is not a state or local government employee unless on leave
22 without pay status.

23 (b) "Covered activity" means:

24 (i) Providing assistance or transportation authorized by the
25 department during an emergency or disaster or search and rescue as
26 defined in RCW 38.52.010, whether such assistance or transportation is
27 provided at the scene of the emergency or disaster or search and
28 rescue, at an alternative care site, at a hospital, or while in route
29 to or from such sites or between sites; or

30 (ii) Participating in training or exercise authorized by the
31 department in preparation for an emergency or disaster or search and
32 rescue.

33 (6) Any requirement for a license to practice any professional,
34 mechanical, or other skill shall not apply to any authorized emergency
35 worker who shall, in the course of performing his or her duties as
36 such, practice such professional, mechanical, or other skill during an
37 emergency described in this chapter.

1 (7) The provisions of this section shall not affect the right of
2 any person to receive benefits to which he or she would otherwise be
3 entitled under this chapter, or under the workers' compensation law, or
4 under any pension or retirement law, nor the right of any such person
5 to receive any benefits or compensation under any act of congress.

6 **Sec. 2.** RCW 46.09.310 and 2013 2nd sp.s. c 23 s 2 are each
7 reenacted and amended to read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Advisory committee" means the nonhighway and off-road vehicle
11 activities advisory committee established in RCW 46.09.340.

12 (2) "Board" means the recreation and conservation funding board
13 established in RCW 79A.25.110.

14 (3) "Dealer" means a person, partnership, association, or
15 corporation engaged in the business of selling off-road vehicles at
16 wholesale or retail in this state.

17 (4) "Direct supervision" means that the supervising adult must be
18 in a position, on another wheeled all-terrain vehicle or specialty off-
19 highway vehicle or motorbike or, if on the ground, within a reasonable
20 distance of the unlicensed operator, to provide close support,
21 assistance, or direction to the unlicensed operator.

22 (5) "Emergency management" means the carrying out of emergency
23 functions related to responding and recovering from emergencies and
24 disasters, and to aid victims suffering from injury or damage,
25 resulting from disasters caused by all hazards, whether natural,
26 technological, or human caused, and to provide support for search and
27 rescue operations for persons and property in distress.

28 (6) "Highway," for the purpose of this chapter only, means the
29 entire width between the boundary lines of every roadway publicly
30 maintained by the state department of transportation or any county or
31 city with funding from the motor vehicle fund. A highway is generally
32 capable of travel by a conventional two-wheel drive passenger
33 automobile or other vehicles as allowed by law during most of the year
34 and in use by such vehicles.

35 (7) "Nonhighway road" means any road owned or managed by a public
36 agency, a primitive road, or any private road for which the owner has
37 granted an easement for public use for which appropriations from the

1 motor vehicle fund were not used for (a) original construction or
2 reconstruction in the last twenty-five years; or (b) maintenance in the
3 last four years.

4 (8) "Nonhighway road recreation facilities" means recreational
5 facilities that are adjacent to, or accessed by, a nonhighway road and
6 intended primarily for nonhighway road recreational users.

7 (9) "Nonhighway road recreational user" means a person whose
8 purpose for consuming fuel on a nonhighway road or off-road is
9 primarily for nonhighway road recreational purposes, including, but not
10 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
11 picnicking, driving for pleasure, kayaking/canoeing, and gathering
12 berries, firewood, mushrooms, and other natural products.

13 (10) "Nonhighway vehicle" means any motorized vehicle including an
14 ORV when used for recreational purposes on nonhighway roads, trails, or
15 a variety of other natural terrain.

16 Nonhighway vehicle does not include:

17 (a) Any vehicle designed primarily for travel on, over, or in the
18 water;

19 (b) Snowmobiles or any military vehicles; or

20 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
21 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
22 This exemption includes but is not limited to farm, construction, and
23 logging vehicles.

24 (11) "Nonmotorized recreational facilities" means recreational
25 trails and facilities that are adjacent to, or accessed by, a
26 nonhighway road and intended primarily for nonmotorized recreational
27 users.

28 (12) "Nonmotorized recreational user" means a person whose purpose
29 for consuming fuel on a nonhighway road or off-road is primarily for
30 nonmotorized recreational purposes including, but not limited to,
31 walking, hiking, backpacking, climbing, cross-country skiing,
32 snowshoeing, mountain biking, horseback riding, and pack animal
33 activities.

34 (13) "Organized competitive event" means any competition,
35 advertised in advance through written notice to organized clubs or
36 published in local newspapers, sponsored by recognized clubs, and
37 conducted at a predetermined time and place.

1 (14) "ORV recreation facilities" include, but are not limited to,
2 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
3 areas, designated for ORV use by the managing authority.

4 (15) "ORV recreational user" means a person whose purpose for
5 consuming fuel on nonhighway roads or off-road is primarily for ORV
6 recreational purposes, including but not limited to riding an all-
7 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
8 dune buggy.

9 (16) "ORV sports park" means a facility designed to accommodate
10 competitive ORV recreational uses including, but not limited to,
11 motocross racing, four-wheel drive competitions, and flat track racing.
12 Use of ORV sports parks can be competitive or noncompetitive in nature.

13 (17) "ORV trail" means a multiple-use corridor designated by the
14 managing authority and maintained for recreational use by motorized
15 vehicles.

16 (18) "Primitive road" means a linear route managed for use by four-
17 wheel drive or high-clearance vehicles that is generally not maintained
18 or paved, a road designated by a county as primitive under RCW
19 36.75.300, or a road designated by a city or town as primitive under a
20 local ordinance.

21 (19) "Wheeled all-terrain vehicle" means (a) any motorized
22 nonhighway vehicle with handlebars that is fifty inches or less in
23 width, has a seat height of at least twenty inches, weighs less than
24 one thousand five hundred pounds, and has four tires having a diameter
25 of thirty inches or less, or (b) a utility-type vehicle designed for
26 and capable of travel over designated roads that travels on four or
27 more low-pressure tires of twenty psi or less, has a maximum width less
28 than seventy-four inches, has a maximum weight less than two thousand
29 pounds, has a wheelbase of one hundred (~~ten~~) thirty inches or less,
30 and satisfies at least one of the following: (i) Has a minimum width
31 of fifty inches; (ii) has a minimum weight of at least nine hundred
32 pounds; or (iii) has a wheelbase of over sixty-one inches.

33 **Sec. 3.** RCW 46.09.310 and 2013 2nd sp.s. c 23 s 3 are each
34 reenacted and amended to read as follows:

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

1 (1) "Advisory committee" means the nonhighway and off-road vehicle
2 activities advisory committee established in RCW 46.09.340.

3 (2) "Board" means the recreation and conservation funding board
4 established in RCW 79A.25.110.

5 (3) "Dealer" means a person, partnership, association, or
6 corporation engaged in the business of selling off-road vehicles at
7 wholesale or retail in this state.

8 (4) "Direct supervision" means that the supervising adult must be
9 in a position, on another wheeled all-terrain vehicle or specialty off-
10 highway vehicle or motorbike or, if on the ground, within a reasonable
11 distance of the unlicensed operator, to provide close support,
12 assistance, or direction to the unlicensed operator.

13 (5) "Emergency management" means the carrying out of emergency
14 functions related to responding and recovering from emergencies and
15 disasters, and to aid victims suffering from injury or damage,
16 resulting from disasters caused by all hazards, whether natural,
17 technological, or human caused, and to provide support for search and
18 rescue operations for persons and property in distress.

19 (6) "Highway," for the purpose of this chapter only, means the
20 entire width between the boundary lines of every roadway publicly
21 maintained by the state department of transportation or any county or
22 city with funding from the motor vehicle fund. A highway is generally
23 capable of travel by a conventional two-wheel drive passenger
24 automobile or other vehicles as allowed by law during most of the year
25 and in use by such vehicles.

26 (7) "Nonhighway road" means any road owned or managed by a public
27 agency, a primitive road, or any private road for which the owner has
28 granted an easement for public use for which appropriations from the
29 motor vehicle fund were not used for (a) original construction or
30 reconstruction in the last twenty-five years; or (b) maintenance in the
31 last four years.

32 (8) "Nonhighway road recreation facilities" means recreational
33 facilities that are adjacent to, or accessed by, a nonhighway road and
34 intended primarily for nonhighway road recreational users.

35 (9) "Nonhighway road recreational user" means a person whose
36 purpose for consuming fuel on a nonhighway road or off-road is
37 primarily for nonhighway road recreational purposes, including, but not

1 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
2 picnicking, driving for pleasure, kayaking/canoeing, and gathering
3 berries, firewood, mushrooms, and other natural products.

4 (10) "Nonhighway vehicle" means any motorized vehicle including an
5 ORV when used for recreational purposes on nonhighway roads, trails, or
6 a variety of other natural terrain.

7 Nonhighway vehicle does not include:

8 (a) Any vehicle designed primarily for travel on, over, or in the
9 water;

10 (b) Snowmobiles or any military vehicles; or

11 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
12 rebate under chapter 82.38 RCW while an exemption or rebate is claimed.
13 This exemption includes but is not limited to farm, construction, and
14 logging vehicles.

15 (11) "Nonmotorized recreational facilities" means recreational
16 trails and facilities that are adjacent to, or accessed by, a
17 nonhighway road and intended primarily for nonmotorized recreational
18 users.

19 (12) "Nonmotorized recreational user" means a person whose purpose
20 for consuming fuel on a nonhighway road or off-road is primarily for
21 nonmotorized recreational purposes including, but not limited to,
22 walking, hiking, backpacking, climbing, cross-country skiing,
23 snowshoeing, mountain biking, horseback riding, and pack animal
24 activities.

25 (13) "Organized competitive event" means any competition,
26 advertised in advance through written notice to organized clubs or
27 published in local newspapers, sponsored by recognized clubs, and
28 conducted at a predetermined time and place.

29 (14) "ORV recreation facilities" include, but are not limited to,
30 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
31 areas, designated for ORV use by the managing authority.

32 (15) "ORV recreational user" means a person whose purpose for
33 consuming fuel on nonhighway roads or off-road is primarily for ORV
34 recreational purposes, including but not limited to riding an all-
35 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
36 dune buggy.

37 (16) "ORV sports park" means a facility designed to accommodate

1 competitive ORV recreational uses including, but not limited to,
2 motocross racing, four-wheel drive competitions, and flat track racing.
3 Use of ORV sports parks can be competitive or noncompetitive in nature.

4 (17) "ORV trail" means a multiple-use corridor designated by the
5 managing authority and maintained for recreational use by motorized
6 vehicles.

7 (18) "Primitive road" means a linear route managed for use by four-
8 wheel drive or high-clearance vehicles that is generally not maintained
9 or paved, a road designated by a county as primitive under RCW
10 36.75.300, or a road designated by a city or town as primitive under a
11 local ordinance.

12 (19) "Wheeled all-terrain vehicle" means (a) any motorized
13 nonhighway vehicle with handlebars that is fifty inches or less in
14 width, has a seat height of at least twenty inches, weighs less than
15 one thousand five hundred pounds, and has four tires having a diameter
16 of thirty inches or less, or (b) a utility-type vehicle designed for
17 and capable of travel over designated roads that travels on four or
18 more low-pressure tires of twenty psi or less, has a maximum width less
19 than seventy-four inches, has a maximum weight less than two thousand
20 pounds, has a wheelbase of one hundred (~~ten~~) thirty inches or less,
21 and satisfies at least one of the following: (i) Has a minimum width
22 of fifty inches; (ii) has a minimum weight of at least nine hundred
23 pounds; or (iii) has a wheelbase of over sixty-one inches.

24 **Sec. 4.** RCW 46.09.320 and 2011 c 171 s 24 are each amended to read
25 as follows:

26 (~~The department shall issue a certificate of title to the owner of~~
27 ~~an off-road vehicle. The owner shall pay the fee established under RCW~~
28 ~~46.17.100. Issuance of the certificate of title does not qualify the~~
29 ~~vehicle for registration under chapter 46.16A RCW.)) (1) The
30 application for a certificate of title of an off-road vehicle must be
31 made by the owner or owner's representative to the department, county
32 auditor or other agent, or subagent appointed by the director on a form
33 furnished or approved by the department and must contain:~~

34 (a) A description of the off-road vehicle, including make, model,
35 vehicle identification number, type of body, and model year of the
36 vehicle;

1 (b) The name and address of the person who is the registered owner
2 of the off-road vehicle and, if the off-road vehicle is subject to a
3 security interest, the name and address of the secured party; and

4 (c) Other information the department may require.

5 (2) The application for a certificate of title must be signed by
6 the person applying to be the registered owner and be sworn to by that
7 person in the manner described under RCW 9A.72.085.

8 (3) The owner must pay the fee established under RCW 46.17.100.

9 (4) Issuance of the certificate of title does not qualify the off-
10 road vehicle for registration under chapter 46.16A RCW.

11 **Sec. 5.** RCW 46.09.360 and 2013 2nd sp.s. c 23 s 11 are each
12 amended to read as follows:

13 ~~((1))~~ Notwithstanding any of the provisions of this chapter, any
14 city, town, county, or other political subdivision of this state, or
15 any state agency, may regulate the operation of nonhighway vehicles on
16 public lands, waters, and other properties under its jurisdiction, and
17 on streets, roads, or highways within its boundaries by adopting
18 regulations or ordinances of its governing body, provided such
19 regulations are not less stringent than the provisions of this chapter.
20 However, the legislative body of a city or town with a population of
21 less than three thousand persons may, by ordinance, designate a street
22 or highway within its boundaries to be suitable for use by off-road
23 vehicles. The legislative body of a county may, by ordinance,
24 designate a road or highway within its boundaries to be suitable for
25 use by off-road vehicles.

26 ~~((2) For purposes of this section, "off road vehicles" does not~~
27 ~~include wheeled all-terrain vehicles.))~~

28 **Sec. 6.** RCW 46.09.442 and 2013 2nd sp.s. c 23 s 4 are each amended
29 to read as follows:

30 (1) Any wheeled all-terrain vehicle operated within this state must
31 display a metal tag to be affixed to the rear of the wheeled all-
32 terrain vehicle. The initial metal tag must be issued with an original
33 off-road vehicle registration and upon payment of the initial vehicle
34 license fee under RCW 46.17.350(1)(s). The metal tag must be replaced
35 every seven years at a cost of two dollars. Revenue from replacement

1 metal tags must be deposited into the nonhighway and off-road vehicle
2 activities program account. The department must design the metal tag,
3 which must:

4 (a) Be the same size as a motorcycle license plate;

5 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
6 tag;

7 (c) Contain designated identification through a combination of
8 letters and numbers; and

9 (d) Leave space at the bottom left corner of the tag for an off-
10 road tab issued under subsection (2) of this section(~~(; and~~

11 ~~(e) Leave space at the bottom right corner of the tag for an on-
12 road tab, when required, issued under subsection (3) of this section)).~~

13 (2) A person who operates a wheeled all-terrain vehicle must have
14 a current and proper off-road vehicle registration, with the
15 appropriate off-road tab, and pay the annual vehicle license fee as
16 provided in RCW 46.17.350(1)(s), which must be deposited into the
17 nonhighway and off-road vehicle activities program account. The off-
18 road tab must be issued annually by the department upon payment of
19 initial and renewal vehicle license fees under RCW 46.17.350(1)(s).

20 (3) A person who operates a wheeled all-terrain vehicle upon a
21 public roadway must have a current and proper on-road vehicle
22 registration, with the appropriate on-road tab, which must be of a
23 bright color that can be seen from a reasonable distance, and pay the
24 annual vehicle license fee as provided in RCW 46.17.350(1)(r). The on-
25 road tab must be issued annually by the department upon payment of
26 initial and renewal vehicle license fees under RCW 46.17.350(1)(r).

27 (4) A wheeled all-terrain vehicle may not be registered for
28 commercial use.

29 **Sec. 7.** RCW 46.09.450 and 2013 2nd sp.s. c 23 s 15 are each
30 amended to read as follows:

31 (1) Except as otherwise provided in this section, it is lawful to
32 operate an off-road vehicle upon:

33 (a) A nonhighway road and in parking areas serving designated off-
34 road vehicle areas if the state, federal, local, or private authority
35 responsible for the management of the nonhighway road authorizes the
36 use of off-road vehicles;

1 (b) A street, road, or highway as authorized under RCW 46.09.360;
2 (~~and~~)

3 (c) Any trail, nonhighway road, or highway within the state while
4 being used under the authority or direction of an appropriate agency
5 that engages in emergency management, as defined in RCW 46.09.310, or
6 search and rescue, as defined in RCW 38.52.010, or a law enforcement
7 agency, as defined in RCW 16.52.011, within the scope of the agency's
8 official duties; and

9 (d) Any public roadway, trail, nonhighway road, or highway
10 providing a means of ingress or egress within or to a campground
11 located in a state park or parkway administered by the state parks and
12 recreation commission pursuant to chapter 79A.05 RCW.

13 (2) An off-road vehicle operated on a nonhighway road or on a
14 street, road, or highway as authorized under RCW 46.09.360 and this
15 section is exempt from both registration requirements of chapter 46.16A
16 RCW and vehicle lighting and equipment requirements of chapter 46.37
17 RCW.

18 (3) It is unlawful to operate an off-road vehicle upon a private
19 nonhighway road if the road owner has not authorized the use of off-
20 road vehicles.

21 (4) Nothing in this section authorizes trespass on private
22 property.

23 (5) The provisions of RCW 4.24.210(5) apply to public and private
24 landowners who allow members of the public to use public facilities
25 accessed by a highway, street, or nonhighway road for recreational off-
26 road vehicle use.

27 **Sec. 8.** RCW 46.09.455 and 2013 2nd sp.s. c 23 s 6 are each amended
28 to read as follows:

29 (1) A person may operate a wheeled all-terrain vehicle upon any
30 public roadway of this state, (~~not including~~) nonhighway road(~~s~~
31 ~~and~~), or trail(~~s~~), (~~having a speed limit of thirty five miles per~~
32 ~~hour or less~~) subject to the following restrictions and requirements:

33 (a) A person may not operate a wheeled all-terrain vehicle upon
34 state highways that are listed in chapter 47.17 RCW; however, a person
35 may operate a wheeled all-terrain vehicle upon a segment of a state
36 highway listed in chapter 47.17 RCW if the segment is within the limits

1 of a city or town (~~and the speed limit on the segment is thirty-five~~
2 ~~miles per hour or less~~) as designated by the legislative authority of
3 the city or town;

4 (b) A person operating a wheeled all-terrain vehicle may not cross
5 a public roadway, (~~not including~~) nonhighway road(~~s and~~), or
6 trail(s), with a speed limit in excess of thirty-five miles per hour,
7 unless the crossing begins and ends on a public roadway, (~~not~~
8 ~~including~~) nonhighway road(~~s and~~), or trail(~~s~~), or an ORV trail,
9 with a speed limit of thirty-five miles per hour or less and occurs at
10 an intersection of approximately ninety degrees, except that the
11 operator of a wheeled all-terrain vehicle may not cross at an
12 uncontrolled intersection of a public highway listed under chapter
13 47.17 RCW;

14 (c)(i) A person may not operate a wheeled all-terrain vehicle on a
15 public roadway, nonhighway road, or trail within the boundaries of a
16 county(~~, not including nonhighway roads and trails,~~) with a
17 population of fifteen thousand or more unless the county by ordinance
18 has approved the operation of wheeled all-terrain vehicles on county
19 roadways, (~~not including~~) nonhighway roads, and trails.

20 (ii) The legislative body of a county with a population of fewer
21 than fifteen thousand may, by ordinance, designate roadways or highways
22 within its boundaries to be unsuitable for use by wheeled all-terrain
23 vehicles.

24 (iii) Any public roadways, (~~not including~~) nonhighway roads
25 (~~and~~), or trails(~~,~~) authorized by a legislative body of a county
26 under (c)(i) of this subsection or designated as unsuitable under
27 (c)(ii) of this subsection must be listed publicly and made accessible
28 from the main page of the county web site.

29 (iv) This subsection (1)(c) does not affect any roadway that was
30 designated as open or closed as of January 1, 2013;

31 (d)(i) A person may not operate a wheeled all-terrain vehicle on a
32 public roadway, nonhighway road, or trail within the boundaries of a
33 city or town(~~, not including nonhighway roads and trails,~~) unless the
34 city or town by ordinance has approved the operation of wheeled all-
35 terrain vehicles on city or town roadways, (~~not including~~) nonhighway
36 roads, and trails.

37 (ii) Any public roadways, (~~not including~~) nonhighway roads

1 ((and)), or trails((~~r~~)) authorized by a legislative body of a city or
2 town under (d)(i) of this subsection must be listed publicly and made
3 accessible from the main page of the city or town web site.

4 (iii) This subsection (1)(d) does not affect any roadway that was
5 designated as open or closed as of January 1, 2013;

6 (e) Any person who violates this subsection commits a traffic
7 infraction.

8 (2) Local authorities may not establish requirements for the
9 registration of wheeled all-terrain vehicles.

10 (3)(a) A person may operate a wheeled all-terrain vehicle upon any
11 public roadway, trail, nonhighway road, or highway within the state
12 while being used under the authority or direction of an appropriate
13 agency that engages in emergency management, as defined in RCW
14 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law
15 enforcement agency, as defined in RCW 16.52.011, within the scope of
16 the agency's official duties.

17 (b) A person may operate a wheeled all-terrain vehicle upon any
18 public roadway, trail, nonhighway road, or highway providing a means of
19 ingress or egress within or to a campground located in a state park or
20 parkway administered by the state parks and recreation commission
21 pursuant to chapter 79A.05 RCW.

22 (4) A wheeled all-terrain vehicle is an off-road vehicle for the
23 purposes of chapter 4.24 RCW.

24 **Sec. 9.** RCW 46.09.457 and 2013 2nd sp.s. c 23 s 7 are each amended
25 to read as follows:

26 (1) A person may operate a wheeled all-terrain vehicle upon any
27 public roadway of this state, ((not including)) nonhighway road((~~s~~
28 and)), or trail((~~s~~)), subject to the following equipment and
29 declaration requirements:

30 (a) A person who operates a wheeled all-terrain vehicle must comply
31 with the following equipment requirements:

32 (i) Headlights meeting the requirements of RCW 46.37.030 and
33 46.37.040 and used at all times when the vehicle is in motion upon a
34 highway;

35 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and
36 used at all times when the vehicle is in motion upon a highway;

1 however, a utility-type vehicle, as described under RCW 46.09.310, must
2 have two tail lamps meeting the requirements of RCW 46.37.070(1) and to
3 be used at all times when the vehicle is in motion upon a highway;

- 4 (iii) A stop lamp meeting the requirements of RCW 46.37.200;
- 5 (iv) Reflectors meeting the requirements of RCW 46.37.060;
- 6 (v) During hours of darkness, as defined in RCW 46.04.200, turn
7 signals meeting the requirements of RCW 46.37.200. Outside of hours of
8 darkness, the operator must comply with RCW 46.37.200 or 46.61.310;
- 9 (vi) A mirror attached to either the right or left handlebar, which
10 must be located to give the operator a complete view of the highway for
11 a distance of at least two hundred feet to the rear of the vehicle;
12 however, a utility-type vehicle, as described under RCW 46.09.310(19),
13 must have two mirrors meeting the requirements of RCW 46.37.400;
- 14 (vii) A windshield meeting the requirements of RCW 46.37.430,
15 unless the operator wears glasses, goggles, or a face shield while
16 operating the vehicle, of a type conforming to rules adopted by the
17 Washington state patrol;
- 18 (viii) A horn or warning device meeting the requirements of RCW
19 46.37.380;
- 20 (ix) Brakes in working order;
- 21 (x) A spark arrester and muffling device meeting the requirements
22 of RCW 46.09.470; and
- 23 (xi) For utility-type vehicles, as described under RCW
24 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

25 (b) A person who operates a wheeled all-terrain vehicle upon a
26 public roadway must provide a declaration that includes the following:

- 27 (i) Documentation of a safety inspection to be completed by a
28 licensed wheeled all-terrain vehicle dealer or motor vehicle repair
29 shop in the state of Washington that must outline the vehicle
30 information and certify under oath that all wheeled all-terrain vehicle
31 equipment as required under this section meets the requirements
32 outlined in state and federal law. A person who makes a false
33 statement regarding the inspection of equipment required under this
34 section is guilty of false swearing, a gross misdemeanor, under RCW
35 9A.72.040;
- 36 (ii) Documentation that the licensed wheeled all-terrain vehicle
37 dealer or motor vehicle repair shop did not charge more than fifty

1 dollars per safety inspection and that the entire safety inspection fee
2 is paid directly and only to the licensed wheeled all-terrain vehicle
3 dealer or motor vehicle repair shop;

4 (iii) A statement that the licensed wheeled all-terrain vehicle
5 dealer or motor vehicle repair shop is entitled to the full amount
6 charged for the safety inspection;

7 (iv) A vehicle identification number verification that must be
8 completed by a licensed wheeled all-terrain vehicle dealer or motor
9 vehicle repair shop in the state of Washington; and

10 (v) A release signed by the owner of the wheeled all-terrain
11 vehicle and verified by the department, county auditor or other agent,
12 or subagent appointed by the director that releases the state from any
13 liability and outlines that the owner understands that the original
14 wheeled all-terrain vehicle was not manufactured for on-road use and
15 that it has been modified for use on public roadways.

16 (2) This section does not apply to emergency services vehicles,
17 vehicles used for emergency management purposes, or vehicles used in
18 the production of agricultural and timber products on and across lands
19 owned, leased, or managed by the owner or operator of the wheeled all-
20 terrain vehicle or the operator's employer.

21 NEW SECTION. **Sec. 10.** Section 2 of this act expires July 1, 2015.

22 NEW SECTION. **Sec. 11.** Section 3 of this act takes effect July 1,
23 2015.

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