

HB 1918 - S COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 38.52.180 and 2011 c 336 s 791 are each amended to
4 read as follows:

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

20 (2) All legal liability for damage to property or injury or death
21 to persons (except an emergency worker, regularly enrolled and acting
22 as such), caused by acts done or attempted during or while traveling
23 to or from an emergency or disaster, search and rescue, or training
24 or exercise authorized by the department in preparation for an
25 emergency or disaster or search and rescue, under the color of this
26 chapter in a bona fide attempt to comply therewith, except as
27 provided in subsections (3), (4), and (5) of this section regarding
28 covered volunteer emergency workers, shall be the obligation of the
29 state of Washington. Suits may be instituted and maintained against
30 the state for the enforcement of such liability, or for the
31 indemnification of persons appointed and regularly enrolled as
32 emergency workers while actually engaged in emergency management
33 duties, or as members of any agency of the state or political
34 subdivision thereof engaged in emergency management activity, or

1 their dependents, for damage done to their private property, or for
2 any judgment against them for acts done in good faith in compliance
3 with this chapter: PROVIDED, That the foregoing shall not be
4 construed to result in indemnification in any case of willful
5 misconduct, gross negligence, or bad faith on the part of any agent
6 of emergency management: PROVIDED, That should the United States or
7 any agency thereof, in accordance with any federal statute, rule, or
8 regulation, provide for the payment of damages to property and/or for
9 death or injury as provided for in this section, then and in that
10 event there shall be no liability or obligation whatsoever upon the
11 part of the state of Washington for any such damage, death, or injury
12 for which the United States government assumes liability.

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

16 (a) The covered volunteer emergency worker;

17 (b) The supervisor or supervisors of the covered volunteer
18 emergency worker;

19 (c) Any facility or their officers or employees;

20 (d) The employer of the covered volunteer emergency worker;

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

23 (f) Any local organization that registered the covered volunteer
24 emergency worker; and

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

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

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

30 (b) Under the direction of a local emergency management
31 organization or the department, or a local law enforcement agency for
32 search and rescue; and

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

35 (5) For purposes of this section:

36 (a) "Covered volunteer emergency worker" means an emergency
37 worker as defined in RCW 38.52.010 who (i) is not receiving or
38 expecting compensation as an emergency worker from the state or local
39 government, or (ii) is not a state or local government employee
40 unless on leave without pay status.

1 (b) "Covered activity" means:

2 (i) Providing assistance or transportation authorized by the
3 department during an emergency or disaster or search and rescue as
4 defined in RCW 38.52.010, whether such assistance or transportation
5 is provided at the scene of the emergency or disaster or search and
6 rescue, at an alternative care site, at a hospital, or while in route
7 to or from such sites or between sites; or

8 (ii) Participating in training or exercise authorized by the
9 department in preparation for an emergency or disaster or search and
10 rescue.

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

16 (7) The provisions of this section shall not affect the right of
17 any person to receive benefits to which he or she would otherwise be
18 entitled under this chapter, or under the workers' compensation law,
19 or under any pension or retirement law, nor the right of any such
20 person to receive any benefits or compensation under any act of
21 congress.

22 (8) Any act or omission by a covered volunteer emergency worker
23 while engaged in a covered activity using an off-road vehicle,
24 nonhighway vehicle, or wheeled all-terrain vehicle does not impose
25 any liability for civil damages resulting from such an act or
26 omission upon the covered volunteer emergency worker or the worker's
27 sponsoring organization.

28 **Sec. 2.** RCW 46.09.320 and 2011 c 171 s 24 are each amended to
29 read as follows:

30 ~~((The department shall issue a certificate of title to the owner~~
31 ~~of an off-road vehicle. The owner shall pay the fee established under~~
32 ~~RCW 46.17.100. Issuance of the certificate of title does not qualify~~
33 ~~the vehicle for registration under chapter 46.16A RCW.)) (1) The~~

34 application for a certificate of title of an off-road vehicle must be
35 made by the owner or owner's representative to the department, county
36 auditor or other agent, or subagent appointed by the director on a
37 form furnished or approved by the department and must contain:

38 (a) A description of the off-road vehicle, including make, model,
39 vehicle identification number or engine serial number if no vehicle

1 identification number exists, type of body, and model year of the
2 vehicle;

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

7 (c) Other information the department may require.

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

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

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

14 **Sec. 3.** RCW 46.09.442 and 2013 2nd sp.s. c 23 s 4 are each
15 amended to read as follows:

16 (1) Any wheeled all-terrain vehicle operated within this state
17 must display a metal tag to be affixed to the rear of the wheeled
18 all-terrain vehicle. The initial metal tag must be issued with an
19 original off-road vehicle registration and upon payment of the
20 initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag
21 must be replaced every seven years at a cost of two dollars. Revenue
22 from replacement metal tags must be deposited into the nonhighway and
23 off-road vehicle activities program account. The department must
24 design the metal tag, which must:

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

26 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
27 tag;

28 (c) Contain designated identification through a combination of
29 letters and numbers;

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

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

34 (2) Except as provided in subsection (5)(b) of this section, a
35 person who operates a wheeled all-terrain vehicle must have a current
36 and proper off-road vehicle registration, with the appropriate off-
37 road tab, and pay the annual vehicle license fee as provided in RCW
38 46.17.350(1)(s), which must be deposited into the nonhighway and off-
39 road vehicle activities program account. The off-road tab must be

1 issued annually by the department upon payment of initial and renewal
2 vehicle license fees under RCW 46.17.350(1)(s).

3 (3) Except as provided in subsection (5)(a) of this section, a
4 person who operates a wheeled all-terrain vehicle upon a public
5 roadway must have a current and proper on-road vehicle registration,
6 with the appropriate on-road tab, which must be of a bright color
7 that can be seen from a reasonable distance, and pay the annual
8 vehicle license fee as provided in RCW 46.17.350(1)(r). The on-road
9 tab must be issued annually by the department upon payment of initial
10 and renewal vehicle license fees under RCW 46.17.350(1)(r).

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

13 (5)(a) A wheeled all-terrain vehicle registration and a metal tag
14 are not required under this chapter for a wheeled all-terrain vehicle
15 that meets the definition in RCW 46.09.310(19), is owned by a
16 resident of another state, and has an on-road vehicle registration
17 and metal tag or license plate issued in accordance with the laws of
18 the other state. This exemption applies only to the extent that: (i)
19 A similar exemption or privilege is granted under the laws of that
20 state for wheeled all-terrain vehicles registered in Washington, and
21 (ii) the other state has equipment requirements for on-road use that
22 meet or exceed the requirements listed in RCW 46.09.457. The
23 department may publish on its web site a list of states that meet the
24 exemption requirements under this subsection.

25 (b) Off-road operation in Washington state of a wheeled all-
26 terrain vehicle owned by a resident of another state and meeting the
27 definition in RCW 46.09.310(19) is governed by RCW 46.09.420(4).

28 **Sec. 4.** RCW 46.09.457 and 2013 2nd sp.s. c 23 s 7 are each
29 amended to read as follows:

30 (1) A person may operate a wheeled all-terrain vehicle upon any
31 public roadway of this state, not including nonhighway roads and
32 trails, subject to the following equipment and declaration
33 requirements:

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

36 (i) Headlights meeting the requirements of RCW 46.37.030 and
37 46.37.040 and used at all times when the vehicle is in motion upon a
38 highway;

1 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and
2 used at all times when the vehicle is in motion upon a highway;
3 however, a utility-type vehicle, as described under RCW 46.09.310,
4 must have two tail lamps meeting the requirements of RCW 46.37.070(1)
5 and to be used at all times when the vehicle is in motion upon a
6 highway;

7 (iii) A stop lamp meeting the requirements of RCW 46.37.200;

8 (iv) Reflectors meeting the requirements of RCW 46.37.060;

9 (v) During hours of darkness, as defined in RCW 46.04.200, turn
10 signals meeting the requirements of RCW 46.37.200. Outside of hours
11 of darkness, the operator must comply with RCW 46.37.200 or
12 46.61.310;

13 (vi) A mirror attached to either the right or left handlebar,
14 which must be located to give the operator a complete view of the
15 highway for a distance of at least two hundred feet to the rear of
16 the vehicle; however, a utility-type vehicle, as described under RCW
17 46.09.310(19), must have two mirrors meeting the requirements of RCW
18 46.37.400;

19 (vii) A windshield meeting the requirements of RCW 46.37.430,
20 unless the operator wears glasses, goggles, or a face shield while
21 operating the vehicle, of a type conforming to rules adopted by the
22 Washington state patrol;

23 (viii) A horn or warning device meeting the requirements of RCW
24 46.37.380;

25 (ix) Brakes in working order;

26 (x) A spark arrester and muffling device meeting the requirements
27 of RCW 46.09.470; and

28 (xi) For utility-type vehicles, as described under RCW
29 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

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

33 (i) Documentation of a safety inspection to be completed by a
34 licensed wheeled all-terrain vehicle dealer or motor vehicle repair
35 shop in the state of Washington that must outline the vehicle
36 information and certify under oath that all wheeled all-terrain
37 vehicle equipment as required under this section meets the
38 requirements outlined in state and federal law. A person who makes a
39 false statement regarding the inspection of equipment required under

1 this section is guilty of false swearing, a gross misdemeanor, under
2 RCW 9A.72.040;

3 (ii) Documentation that the licensed wheeled all-terrain vehicle
4 dealer or motor vehicle repair shop did not charge more than fifty
5 dollars per safety inspection and that the entire safety inspection
6 fee is paid directly and only to the licensed wheeled all-terrain
7 vehicle dealer or motor vehicle repair shop;

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

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

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

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

HB 1918 - S COMM AMD

By Committee on Transportation

25 On page 1, line 2 of the title, after "drivers;" strike the
26 remainder of the title and insert "and amending RCW 38.52.180,
27 46.09.320, 46.09.442, and 46.09.457."

EFFECT: Provides that another state must have equipment requirements for on-road use that meet or exceed the equipment requirements in Washington in order for a wheeled all-terrain vehicle from another state to be eligible for reciprocity. Authorizes the department of licensing to publish a list of states that meet the registration exemption requirements related to wheeled all-terrain vehicles on its web site. Clarifies that the off-road operation of wheeled all-terrain vehicles owned by out-of-state residents may be operated in Washington if they have a valid off-road vehicle use permit from their home state. Clarifies that the liability protection for a sponsoring organization from acts or omissions of a covered

volunteer worker are limited to while the worker is operating an off-road vehicle, nonhighway vehicle, or wheeled all-terrain vehicle.

--- END ---