

HB 1918 - S COMM AMD

By Committee on Transportation

ADOPTED 6/27/2015

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

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

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

18 (a) The covered volunteer emergency worker;

19 (b) The supervisor or supervisors of the covered volunteer  
20 emergency worker;

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

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

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

25 (f) Any local organization that registered the covered volunteer  
26 emergency worker; and

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

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

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

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

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

37 (5) For purposes of this section:

38 (a) "Covered volunteer emergency worker" means an emergency  
39 worker as defined in RCW 38.52.010 who (i) is not receiving or  
40 expecting compensation as an emergency worker from the state or local

1 government, or (ii) is not a state or local government employee  
2 unless on leave without pay status.

3 (b) "Covered activity" means:

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

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

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

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

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

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

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

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

1 (a) A description of the off-road vehicle, including make, model,  
2 vehicle identification number or engine serial number if no vehicle  
3 identification number exists, type of body, and model year of the  
4 vehicle;

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

9 (c) Other information the department may require.

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

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

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

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

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

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

28 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the  
29 tag;

30 (c) Contain designated identification through a combination of  
31 letters and numbers;

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

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

36 (2) Except as provided in subsection (5)(b) of this section, a  
37 person who operates a wheeled all-terrain vehicle must have a current  
38 and proper off-road vehicle registration, with the appropriate off-  
39 road tab, and pay the annual vehicle license fee as provided in RCW

1 46.17.350(1)(s), which must be deposited into the nonhighway and off-  
2 road vehicle activities program account. The off-road tab must be  
3 issued annually by the department upon payment of initial and renewal  
4 vehicle license fees under RCW 46.17.350(1)(s).

5 (3) Except as provided in subsection (5)(a) of this section, a  
6 person who operates a wheeled all-terrain vehicle upon a public  
7 roadway must have a current and proper on-road vehicle registration,  
8 with the appropriate on-road tab, which must be of a bright color  
9 that can be seen from a reasonable distance, and pay the annual  
10 vehicle license fee as provided in RCW 46.17.350(1)(r). The on-road  
11 tab must be issued annually by the department upon payment of initial  
12 and renewal vehicle license fees under RCW 46.17.350(1)(r). For  
13 purposes of this subsection, a special year tab issued pursuant to  
14 chapter 46.19 RCW to a person with a disability may be displayed on a  
15 wheeled all-terrain vehicle in lieu of an on-road tab.

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

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

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

33 **Sec. 4.** RCW 46.09.457 and 2015 c 160 s 1 are each amended to  
34 read as follows:

35 (1) A person may operate a wheeled all-terrain vehicle upon any  
36 public roadway of this state, not including nonhighway roads and  
37 trails, subject to RCW 46.09.455 and the following equipment and  
38 declaration requirements:

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

3 (i) Headlights meeting the requirements of RCW 46.37.030 and  
4 46.37.040 and used at all times when the vehicle is in motion upon a  
5 highway;

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

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

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

14 (v) During hours of darkness, as defined in RCW 46.04.200, turn  
15 signals meeting the requirements of RCW 46.37.200. Outside of hours  
16 of darkness, the operator must comply with RCW 46.37.200 or  
17 46.61.310;

18 (vi) A mirror attached to either the right or left handlebar,  
19 which must be located to give the operator a complete view of the  
20 highway for a distance of at least two hundred feet to the rear of  
21 the vehicle; however, a utility-type vehicle, as described under RCW  
22 46.09.310(19), must have two mirrors meeting the requirements of RCW  
23 46.37.400;

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

28 (viii) A horn or warning device meeting the requirements of RCW  
29 46.37.380;

30 (ix) Brakes in working order;

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

33 (xi) For utility-type vehicles, as described under RCW  
34 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

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

38 (i) Documentation of a safety inspection to be completed by a  
39 licensed wheeled all-terrain vehicle dealer or motor vehicle repair  
40 shop in the state of Washington that must outline the vehicle

1 information and certify under oath that all wheeled all-terrain  
2 vehicle equipment as required under this section meets the  
3 requirements outlined in state and federal law. A person who makes a  
4 false statement regarding the inspection of equipment required under  
5 this section is guilty of false swearing, a gross misdemeanor, under  
6 RCW 9A.72.040;

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

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

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

18 (v) A release, on a form to be supplied by the department, signed  
19 by the owner of the wheeled all-terrain vehicle and verified by the  
20 department, county auditor or other agent, or subagent appointed by  
21 the director that releases the state, counties, cities, and towns  
22 from any liability; and

23 (vi) A statement that outlines that the owner understands that  
24 the original wheeled all-terrain vehicle was not manufactured for on-  
25 road use and that it has been modified for use on public roadways.

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

31 **Sec. 5.** RCW 46.19.030 and 2014 c 124 s 4 are each amended to  
32 read as follows:

33 (1) The department shall design special license plates for  
34 persons with disabilities, parking placards, and year tabs displaying  
35 the international symbol of access.

36 (2) Special license plates for persons with disabilities must be  
37 displayed on the motor vehicle as standard issue license plates as  
38 described in RCW 46.16A.200.

1 (3) Parking placards must include both a serial number and the  
2 expiration date on the face of the placard. The expiration date and  
3 serial number must be of a sufficient size as to be easily visible  
4 from a distance of ten feet from where the placard is displayed.

5 (4) Parking placards must be displayed when the motor vehicle is  
6 parked by suspending it from the rearview mirror. In the absence of a  
7 rearview mirror, the parking placard must be displayed on the  
8 dashboard. The parking placard must be displayed in a manner that  
9 allows for the entire placard to be viewed through the vehicle  
10 windshield.

11 (5) Special year tabs for persons with disabilities must be  
12 displayed on license plates or metal tags issued pursuant to RCW  
13 46.09.442, in a manner as defined by the department.

14 (6) Persons who have been issued special license plates for  
15 persons with disabilities, parking placards, or special license  
16 plates with a special year tab for persons with disabilities may park  
17 in places reserved for persons with physical disabilities."

**HB 1918** - S COMM AMD

By Committee on Transportation

**ADOPTED 6/27/2015**

18 On page 1, line 2 of the title, after "drivers;" strike the  
19 remainder of the title and insert "and amending RCW 38.52.180,  
20 46.09.320, 46.09.442, 46.09.457, and 46.19.030."

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. Authorizes a wheeled all-terrain vehicle to display a special disabled parking registration year tab that allows the qualified



operator of the wheeled all-terrain vehicle to park in spots reserved for persons with disabilities.

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