

EHB 1918 - S COMM AMD
By Committee on Transportation

ADOPTED 03/03/2016

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

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

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

19 (a) The covered volunteer emergency worker;

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

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

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

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

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

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

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

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

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

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

38 (5) For purposes of this section:

39 (a) "Covered volunteer emergency worker" means an emergency
40 worker as defined in RCW 38.52.010 who (i) is not receiving or

1 expecting compensation as an emergency worker from the state or local
2 government, or (ii) is not a state or local government employee
3 unless on leave without pay status.

4 (b) "Covered activity" means:

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

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

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

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

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

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

33 ~~((The department shall issue a certificate of title to the owner~~
34 ~~of an off-road vehicle. The owner shall pay the fee established under~~
35 ~~RCW 46.17.100. Issuance of the certificate of title does not qualify~~
36 ~~the vehicle for registration under chapter 46.16A RCW.)) (1) The~~
37 application for a certificate of title of an off-road vehicle must be
38 made by the owner or owner's representative to the department, county

1 auditor or other agent, or subagent appointed by the director on a
2 form furnished or approved by the department and must contain:

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

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

11 (c) Other information the department may require.

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

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

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

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

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

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

30 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
31 tag;

32 (c) Contain designated identification through a combination of
33 letters and numbers;

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

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

38 (2) Except as provided in subsection (6)(b) of this section, a
39 person who operates a wheeled all-terrain vehicle must have a current

1 and proper off-road vehicle registration, with the appropriate off-
2 road tab, and pay the annual vehicle license fee as provided in RCW
3 46.17.350(1)(s), which must be deposited into the nonhighway and off-
4 road vehicle activities program account. The off-road tab must be
5 issued annually by the department upon payment of initial and renewal
6 vehicle license fees under RCW 46.17.350(1)(s).

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

15 (4) Beginning July 1, 2017, for purposes of subsection (3) of
16 this section, a special year tab issued pursuant to chapter 46.19 RCW
17 to a person with a disability may be displayed on a wheeled all-
18 terrain vehicle in lieu of an on-road tab.

19 (5) A wheeled all-terrain vehicle may not be registered for
20 commercial use.

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

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

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

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

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

7 (i) Headlights meeting the requirements of RCW 46.37.030 and
8 46.37.040 and used at all times when the vehicle is in motion upon a
9 highway;

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

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

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

18 (v) During hours of darkness, as defined in RCW 46.04.200, turn
19 signals meeting the requirements of RCW 46.37.200. Outside of hours
20 of darkness, the operator must comply with RCW 46.37.200 or
21 46.61.310;

22 (vi) A mirror attached to either the right or left handlebar,
23 which must be located to give the operator a complete view of the
24 highway for a distance of at least two hundred feet to the rear of
25 the vehicle; however, a utility-type vehicle, as described under RCW
26 46.09.310(19), must have two mirrors meeting the requirements of RCW
27 46.37.400;

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

32 (viii) A horn or warning device meeting the requirements of RCW
33 46.37.380;

34 (ix) Brakes in working order;

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

37 (xi) For utility-type vehicles, as described under RCW
38 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

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

4 (i) Documentation of a safety inspection to be completed by a
5 licensed wheeled all-terrain vehicle dealer or motor vehicle repair
6 shop in the state of Washington that must outline the vehicle
7 information and certify under oath that all wheeled all-terrain
8 vehicle equipment as required under this section meets the
9 requirements outlined in state and federal law. A person who makes a
10 false statement regarding the inspection of equipment required under
11 this section is guilty of false swearing, a gross misdemeanor, under
12 RCW 9A.72.040;

13 (ii) Documentation that the licensed wheeled all-terrain vehicle
14 dealer or motor vehicle repair shop did not charge more than fifty
15 dollars per safety inspection and that the entire safety inspection
16 fee is paid directly and only to the licensed wheeled all-terrain
17 vehicle dealer or motor vehicle repair shop;

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

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

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

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

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

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

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

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

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

11 (4) Parking placards must be displayed when the motor vehicle is
12 parked by suspending it from the rearview mirror. In the absence of a
13 rearview mirror, the parking placard must be displayed on the
14 dashboard. The parking placard must be displayed in a manner that
15 allows for the entire placard to be viewed through the vehicle
16 windshield.

17 (5) Special year tabs for persons with disabilities must be
18 displayed on license plates or metal tags issued pursuant to RCW
19 46.09.442, in a manner as defined by the department.

20 (6) Persons who have been issued special license plates for
21 persons with disabilities, parking placards, or special license
22 plates with a special year tab for persons with disabilities may park
23 in places reserved for persons with physical disabilities.

24 NEW SECTION. **Sec. 6.** Sections 2 and 5 of this act take effect
25 July 1, 2017."

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26 On page 1, line 2 of the title, after "drivers;" strike the
27 remainder of the title and insert "amending RCW 38.52.180, 46.09.320,
28 46.09.442, 46.09.457, and 46.19.030; and providing an effective
29 date."

EFFECT: (1) 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.

(2) Delays the effective date for the changes to the title process and ability of a WATV to display a disabled parking registration tab until July 1, 2017.

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