

FINAL BILL REPORT

HB 1817

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Synopsis as Enacted

Brief Description: Providing liability immunity for local jurisdictions when wheeled all-terrain vehicles are operated on public roadways.

Sponsors: Representatives Shea, Taylor, Holy, Scott, Griffey, Reykdal and Condotta.

House Committee on Judiciary
Senate Committee on Law & Justice

Background:

Wheeled All-Terrain Vehicles.

In 2013 a new classification of vehicles was established known as wheeled all-terrain vehicles (WATVs). These are motorized non-highway vehicles and utility vehicles that meet certain height, width, weight, and wheel requirements.

Authorized and Prohibited Uses.

The WATV designation allows off-road and, in certain circumstances, on-road use. A person may operate a WATV on any public roadway, not including nonhighway roads and trails, at a speed of 35 miles per hour or less subject to certain restrictions. A person may not operate a WATV on a state highway and may not cross a public roadway with a speed in excess of 35 miles per hour. A person also may not operate a WATV within the boundaries of a county with a population of 15,000 or more unless the county, by ordinance, has approved the operation of WATVs on roadways. A person is further prohibited from operating a WATV within the boundary of a city or town unless the city or town has approved operation of WATVs.

Operational Requirements.

In order to operate a WATV off road, a person must:

- have a metal tag issued by the Department of Licensing (DOL) of the same size as a motorcycle license plate; and
- have a current and proper WATV off-road vehicle registration and tab.

In addition to the above requirements, a person may also operate a WATV on certain public roads if:

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- the WATV meets certain equipment standards, such as headlight, taillight, stoplight, and reflector requirements;
- the person has a current and proper WATV on-road vehicle registration and tab; and
- the person provides a required declaration.

Declaration Requirements.

In addition to equipment and registration requirements, a person who operates a WATV on a public roadway must provide a declaration that includes the following:

- documentation of a safety inspection;
- a vehicle identification number; and
- a release signed by the owner that: (1) releases the state from liability and (2) outlines that the owner understands that the original WATV was not manufactured for on-road use and has been modified for use on public roads.

Summary:

A person who operates a WATV on any public roadway, not including nonhighway roads and trails, is subject to the statutorily authorized and prohibited uses for WATVs.

The release of liability signed by the WATV operator must be on a form supplied by the DOL. The list of governmental entities released from liability by the release is expanded to include counties, cities, and towns.

Votes on Final Passage:

House	96	2
Senate	47	0

Effective: July 24, 2015