

FINAL BILL REPORT

EHB 1918

C 84 L 16
Synopsis as Enacted

Brief Description: Modifying provisions applicable to off-road, nonhighway, and wheeled all-terrain vehicles and their drivers.

Sponsors: Representatives Shea, Orcutt, Hayes and Scott.

House Committee on Transportation
Senate Committee on Transportation

Background:

Wheeled all-terrain vehicles may operate on a public roadway having a speed limit of 35 miles per hour or less, not including non-highway roads and trails, under the following conditions:

- in a county with a population of 15,000 or more if the county by ordinance has approved the operation of wheeled all-terrain vehicles on the county roadways;
- in a county with a population of less than 15,000 unless the county has designated roadways or highways within its boundaries to be unsuitable for use by wheeled all-terrain vehicles; and
- in a city or town providing that the city or town by ordinance has approved the operation of wheeled all-terrain vehicles on city or town roadways.

A wheeled all-terrain vehicle is any motorized non-highway vehicle with handlebars 50 inches or less in width, seat height of at least 20 inches, weight of less than 1,500 pounds, and four low-pressure tires with a diameter less than 30 inches; or a utility-type vehicle with four or more tires, maximum width less than 74 inches, maximum weight less than 2,000 pounds, a wheelbase of 110 inches or less, and that satisfies at least one of the following: (1) a minimum width of 50 inches; (2) a minimum weight of 900 pounds; or (3) a wheelbase of over 61 inches. Wheeled all-terrain vehicles operated within this state, unless exempt, must obtain a metal tag from the Department of Licensing (DOL).

Equipment requirements for a wheeled all-terrain vehicle authorized to operate on a public roadway include: (1) headlights; (2) one tail lamp, except that utility-type vehicles must have two tail lamps; (3) a stop lamp; (4) reflectors; (5) turn signals if operating during hours of darkness; (6) a mirror attached to either the right or left handlebar, except that a utility-type vehicle must have two mirrors; (7) a windshield (unless the operator is wearing eye

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protection); (8) a horn or warning device; (9) brakes in working order; (10) a spark arrestor and muffler; and (11) seatbelts for utility-type vehicles. The equipment requirements do not apply to emergency service vehicles or vehicles used for agricultural or timber products.

A person must have a valid driver's license to operate a wheeled all-terrain vehicle on a public roadway. The operator is granted all rights and is subject to all duties applicable to a motorcycle operator, except that all-terrain vehicles may not be operated side-by-side in a single lane.

A person who operates a wheeled all-terrain vehicle upon a roadway must provide a declaration that includes the following:

- documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or repair shop certified under oath that all wheeled all-terrain vehicle required equipment is installed;
- documentation that the dealer or repair shop did not charge more than \$50 for the inspection; and
- a signed release that releases the State of Washington from any liability.

A person may operate a wheeled all-terrain vehicle on a public roadway, trail, non-highway road, or highway in the state while being used under the authority or direction of an appropriate agency that engages in emergency management.

A covered volunteer emergency worker and the employer of the worker while engaged in a covered activity will not incur any liability for civil damages resulting from an act or omission by the volunteer emergency worker.

Summary:

A sponsoring organization is added to the list of entities where a volunteer emergency worker would be protected from liability for civil damages. 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, non-highway vehicle, or wheeled all-terrain vehicle. All off-road vehicles (ORV) may be issued a title for registration purposes. If the ORV does not have a vehicle identification number, the DOL must use the engine serial number;

Wheeled all-terrain vehicles owned by a resident of another state are exempt from Washington registration requirements if the vehicle is lawfully registered in the other state with a valid off-road vehicle use permit with the same requirements as Washington and the other state provides reciprocal exemption privileges. To be eligible for reciprocity the equipment requirements for on-road use must meet or exceed the equipment requirements in Washington.

The entity responsible for documenting the required equipment is changed from "licensed wheeled all-terrain vehicle dealer or repair shop" to "licensed wheeled all- terrain vehicle dealer or motor vehicle repair shop;"

The DOL may publish a list of states that meet the registration exemption requirements related to wheeled all-terrain vehicles on its web site.

A wheeled all-terrain vehicle to display a special disabled parking registration year tab, which allows the qualified operator of the wheeled all-terrain vehicle to park in spots reserved for persons with disabilities.

Votes on Final Passage:

2015 Regular Session

House 94 3

2015 Second Special Session

House 86 3

Senate 29 14 (Senate amended)

2016 Regular Session

House 92 5

Senate 39 10 (Senate amended)

House 91 5 (House concurred)

Effective: June 9, 2016

July 1, 2017 (Sections 2 and 5)