

HOUSE BILL REPORT

EHB 1918

As Amended by the Senate

Title: An act relating to provisions applicable to off-road, nonhighway, and wheeled all-terrain vehicles and their drivers.

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

Sponsors: Representatives Shea, Orcutt, Hayes and Scott.

Brief History:

Committee Activity:

Transportation: 2/11/15, 2/24/15 [DP].

Floor Activity:

Passed House: 3/10/15, 94-3.

Second Special Session

Floor Activity:

Passed House: 6/11/15, 86-3.

Senate Amended.

Passed Senate: 6/27/15, 29-14.

Floor Activity:

Passed House: 2/10/16, 92-5.

Senate Amended.

Passed Senate: 3/3/16, 39-10.

Brief Summary of Engrossed Bill

- Adds sponsoring organization to the list of entities where a volunteer emergency worker would be protected from liability for civil damages.
- Requires that all off-road vehicles (ORV) are issued a title for registration purposes and, if the ORV does not have a vehicle identification number, then the Department of Licensing must use the engine serial number.
- Exempts wheeled all-terrain vehicles owned by a resident of another state from Washington registration requirements, if the vehicle is lawfully registered and have a valid off-road use permit in the other state with the same requirements as the State of Washington, and if the other state provides reciprocal exemption privileges.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Requires that to be eligible for reciprocity the equipment requirements for on-road use must meet or exceed the equipment requirements in Washington in order for a wheeled all-terrain vehicle from another state.
- Changes the entity from documenting the equipment required on a "licensed wheeled all-terrain vehicle dealer or repair shop" to "licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop."
- 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.
- Authorizes a wheeled all-terrain vehicle to display a special disabled parking registration year tab.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 20 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes, Kochmar, McBride, Moeller, Morris, Ortiz-Self, Pike, Rodne, Sells, Shea, Takko, Wilson, Young and Zeiger.

Minority Report: Do not pass. Signed by 2 members: Representatives Bergquist and Tarleton.

Staff: Jerry Long (786-7306).

Background:

Wheeled all-terrain vehicles are authorized to 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).

There are equipment requirements for a wheeled all-terrain vehicle authorized to operate on a public roadway including: (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 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 is required to 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. A false statement will commit a gross misdemeanor;
- 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.

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

Summary of Engrossed Bill:

The engrossed bill:

- adds sponsoring organization 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;
- requires that all off-road vehicles (ORV) are issued a title for registration purposes and, if the ORV does not have a vehicle identification number, then the DOL must use the engine serial number;
- exempts wheeled all-terrain vehicles owned by a resident of another state 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 the State

of Washington, and if 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 in order for a wheeled all-terrain vehicle from another state;

- changes the entity from documenting the equipment required on a "licensed wheeled all-terrain vehicle dealer or repair shop" to "licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop;"
- authorizes the DOL to publish a list of states that meet the registration exemption requirements related to wheeled all-terrain vehicles on its web site; and
- authorizes a wheeled all-terrain vehicle to display a special disabled parking registration year tab. This allows the qualified operator of the wheeled all-terrain vehicle to park in spots reserved for persons with disabilities.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment:

- 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 on an ORV, non-highway vehicle, or wheeled all-terrain vehicle; and
- delays the effective date for the change to the title process and ability of a wheeled all-terrain vehicle to display a disabled parking registration tab until July 1, 2017.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is the same bill that passed out of the House of Representatives last year. Idaho has the same regulations as Washington, so both states will have reciprocal exemption privileges to promote tourism. The bill requires the DOL to issue titles to all ORVs and, if there is no VIN, then the DOL is to use the engine serial number. This is a cleanup bill for House Bill 1632 that passed in 2013. It was appreciated that control was placed at the local level. The bill will greatly help reduce the costs for title processing. It is recommended that \$2 of the fee go to county sheriff's departments for enforcement. It would also be great to have Americans with Disabilities Act stickers for the wheeled all-terrain vehicles for parking since the hanging tags are easily stolen.

(Opposed) None.

Persons Testifying: Representative Shea, prime sponsor; and Ted Jackson.

Persons Signed In To Testify But Not Testifying: None.