

# HOUSE BILL REPORT

## SSB 5411

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to liability immunity for local jurisdictions when wheeled all-terrain vehicles are operated on public roadways.

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

**Sponsors:** Senate Committee on Government Operations & Security (originally sponsored by Senators Roach, Rivers, Braun, Warnick, Dinsel, Honeyford, Hatfield and Benton).

**Brief History:**

**Committee Activity:**

Judiciary: 3/24/15, 4/1/15 [DP].

**Brief Summary of Substitute Bill**

- Requires any person who operates a wheeled all-terrain vehicle on a public roadway to also release counties, cities, and towns from any liability.
- Provides that the release of liability required to operate a wheeled all-terrain vehicle on public roads must be on a form supplied by the Department of Licensing.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

**Staff:** Brent Campbell (786-7152).

**Background:**

Wheeled All-Terrain Vehicles.

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*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.*

In 2013 the Legislature established a new classification of vehicles known as wheeled all-terrain vehicles (WATVs). These are motorized nonhighway 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:

- 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.

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**Summary of Bill:**

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.

A person who operates a WATV on a public roadway must provide a release of liability on a form supplied by the DOL. This release must be signed by the owner of the WATV and be verified by the DOL, county auditor, or other agent appointed by the Director of the DOL to release the state, counties, cities, and towns from any liability.

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**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 a good and fun bill. It allows more people to use wheeled all-terrain vehicles with the long term goal of getting additional recreation revenue.

We need to broaden the current waiver to include counties, cities, and towns. There has been a timid reaction from community leaders for allowing the use of wheeled all-terrain vehicles on public roadways due to the fear of liability. This bill mirrors what the state is already doing by releasing cities and counties from liability. These communities should not be held responsible for the actions of others.

(Opposed) None.

**Persons Testifying:** Senator Roach, prime sponsor; Ted Jackson; Linda Driscoll, Premier Polaris; Glen Carter; and Chris Marsh.

**Persons Signed In To Testify But Not Testifying:** None.