

SENATE BILL REPORT

HB 1817

As of March 23, 2015

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

Brief History: Passed House: 3/10/15, 96-2.

Committee Activity: Law & Justice: 3/19/15.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: Wheeled All-Terrain Vehicles (WATVs) Generally. In 2013 the Legislature established a new classification of vehicles known as WATVs. These are motorized nonhighway vehicles and utility vehicles that meet certain height, width, weight, and wheel requirements.

The WATV designation allows off-road and, in certain circumstances, on-road use. In general, local governments have the option to open public roads with a speed limit of 35 miles per hour or less for WATV use. Specifically:

- a county with a population of 15,000 or more may approve the operation of WATVs on county roads;
- a county with less than 15,000 in population may designate roads or highways within its boundaries to be unsuitable for use by WATVs; and
- a city or town may approve the operation of WATVs on city or town roadways.

Operational Requirements Generally. 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 the required declaration.

Declaration Requirements Specifically. In addition to equipment and registration requirements, a person must submit 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 of Bill: A person may operate a WATV on any public roadway, not including nonhighway roads and trails, subject to the statutorily authorized and prohibited uses for WATVs.

The declaration required for on-road WATV use are modified to:

- specify that the release is on a form to be supplied by DOL; and
- add counties, cities, and towns to the release of liability, in addition to the state.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is to fix an oversight by the Legislature. The liability release forms provide that the state is immune from any liability for ATV vehicles. We thought that local governments were covered by immunity from liability when the Legislature enacted the ATV law in 2013, but they are not. Some counties are economically distressed by the turndown of the timber industry. We are looking for new economic opportunities and jobs by developing the tourism industry. We want safe family-friendly motorized recreation. Bring back the common sense attitude of being responsible for yourself instead of being litigious.

Persons Testifying: PRO: Representative Shea, prime sponsor; Glenn Carter, Lewis County; Chris Marsh, city of Granite Falls; Debbie Copple, Sky Valley Chamber of Commerce.

Persons Signed in to Testify But Not Testifying: No one.