

# SENATE BILL REPORT

## HB 1918

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As Reported by Senate Committee On:  
Transportation, April 7, 2015

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

**Committee Activity:** Transportation: 4/01/15, 4/07/15 [DPA, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators King, Chair; Benton, Vice Chair; Fain, Vice Chair; Hobbs, Ranking Minority Member; Baumgartner, Ericksen, Miloscia and Sheldon.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Lias, Assistant Ranking Minority Member; Cleveland and Habib.

**Staff:** Kim Johnson (786-7472)

**Background:** Wheeled All-Terrain Vehicles. 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, with 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

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prohibited from operating a WATV within the boundary of a city or town unless the city or town approves 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.

Emergency Management Exemptions. A person may operate a WATV on any road, trail, or highway when under the authority of an appropriate agency that engages in emergency management, search and rescue, or official law enforcement activities. Under current law, no act or omission by a covered volunteer emergency worker while engaged in a covered activity imposes any liability for civil damages resulting from that action for a list of entities, including the employer of the covered volunteer emergency worker.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Recommended Amendments):** No act or omission by a covered volunteer emergency worker while engaged in a covered activity while using a WATV, nonhighway vehicle, or off-road vehicle imposes any liability for civil damages resulting from the act or omission for a sponsoring organization of the worker.

Titling of a WATV is modified to allow the use of an engine serial number if a vehicle identification number is not present. Additional information about the WATV, such as make, model, type of body, and model year must also be included on the title application. The title application must be signed by the applicant and sworn to under penalty of perjury.

A safety inspection to certify that the WATV has all of the required equipment for on-road use may be performed by motor vehicle repair shops in Washington.

In order to operate on Washington roads, WATVs registered and licensed in another state do not need to register in Washington if the other state has similar reciprocal exemptions for

Washington registered WATVs and equipment standards for on-road use that meet or exceed the equipment standards for WATVs in Washington.

DOL may publish on its website the names of any states that meet the requirements for reciprocity for WATV on-road use in Washington.

A WATV that is owned by a resident of another state must have a valid off-road vehicle use permit from that state in order to operate off-road in Washington without having to register the WATV in Washington.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments):** Authorizes, but does not require DOL to publish on its website the names of any states that meet the requirements for reciprocity for WATV on-road use in Washington.

Narrows the liability exemption for a sponsoring organization to those acts or omissions by a covered volunteer emergency worker while engaged in a covered activity while using a WATV, off-road vehicle, or nonhighway vehicle.

Clarifies that off-road operation of WATVs that are owned by out-of-state residents may be operated in Washington if they have a valid off-road vehicle use permit from their home state.

**Appropriation:** None.

**Fiscal Note:** Available.

**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: I support the changes proposed by the Senate, but hope that you will clarify the language regarding off-road reciprocity and license plates versus metal tags or decals. HB 1632 was a monumental bill. However it is dwarfed by the Transpacific discussions occurring right now in Seattle. There are a number of different communities that have adopted ordinances authorizing WATV use of public roads. This is an economic development opportunity. We think you may need to address the use of the term WATV and change it to road legal modified ATVs and UTVs. As the largest Polaris ORV dealer in the state, we thank you for hearing this bill. This bill represents some simple fixes. We think we need on-road and off-road reciprocity.

**OTHER:** Washington State Patrol is neutral on this bill. We favor the clarification to exemptions for out-of-state operators provided in the striking amendment. The in-state WATV license provisions are still being implemented by DOL. Off-road vehicle reciprocity is already allowed under current law for off-road vehicles.

**Persons Testifying:** PRO: Representative Shea, prime sponsor; Linda Driscoll, Premier Polaris in Monroe; Ted Jackson, citizen.

OTHER: Rob Huss, WA State Patrol.

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