

# SENATE BILL REPORT

## EHB 1918

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As Reported by Senate Committee On:  
Transportation, February 25, 2016

**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; 6/11/15, 86-3; 2/10/16, 92-5.

**Committee Activity:** Transportation: 4/01/15, 4/07/15 [DPA, w/oRec]; 6/24/15, 6/24/15 [DPA, DNP, w/oRec]; 2/22/16, 2/25/16 [DPA, DNP, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

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

Signed by Senators King, Chair; Fain, Vice Chair, Budget; Hobbs, Ranking Minority Member; Litzow, Miloscia, Rivers, Sheldon and Takko.

**Minority Report:** Do not pass.

Signed by Senators Lias, Assistant Ranking Minority Member; Jayapal.

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

Signed by Senators Carlyle and Cleveland.

**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

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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 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 (Recommended Amendments):** No act or omission by a covered volunteer emergency worker while operating an off-road vehicle, nonhighway vehicle, or wheeled all-terrain 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.

A WATV metal tag may display a disabled parking registration tab in lieu of an on-road registration tab which will allow a person with a disability operating the WATV to park in spaces reserved for persons with a disability.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments):** Clarifies that the liability protection for a sponsoring organization are limited to while the covered volunteer worker is operating an off-road vehicle, nonhighway vehicle, or wheeled all-terrain vehicle.

Delays the effective date for the changes to the titling process and ability of a WATV to display a disabled parking registration tab until July 1, 2017.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains several effective dates. Please refer to the bill.

**Staff Summary of Public Testimony:** PRO: This bill will allow people from Idaho to come operate their off road vehicles in Washington. Idaho has similar laws to Washington and this will help with cross-border riders and make sure that they abide by our safety standards. This bill will provide some liability protections for search and rescue being performed by people on an off-road vehicle. Finally, the safety inspections for WATVs, we should expand the kinds of shops that can perform these inspections to meet the needs of our rural areas where there are not WATV dealers located nearby to perform the inspection. There are a lot of retirees that want to get out there and recreate and appreciate the opportunity to do so using a WATV.

**Persons Testifying:** PRO: Representative Shea, Prime Sponsor; Ted Jackson, IBEW LU46 & Cowlitz Basin ORV Club.

**Persons Signed In To Testify But Not Testifying:** No one.