

SENATE BILL REPORT

SB 5411

As Reported by Senate Committee On:
Government Operations & Security, February 3, 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: Senators Roach, Rivers, Braun, Warnick, Dandel, Honeyford, Hatfield and Benton.

Brief History:

Committee Activity: Government Operations & Security: 2/02/15, 2/03/15 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: That Substitute Senate Bill No. 5411 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Liias, Ranking Minority Member; Habib and McCoy.

Staff: Curt Gavigan (786-7437)

Background: Wheeled All-Terrain Vehicles (WATVs) Generally. In 2013 the Legislature established a new classification of vehicles known as WATVs. These are motorized non-highway 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:

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- have a metal tag issued by 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 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: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): The standards for the declaration required for on-road WATV use are modified to:

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

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: Anything that promoted recreation is good for local communities. It is important to extend the immunity provided to the state also to the local governments, which will help to remove a barrier to the use of wheeled all-terrain vehicles.

Persons Testifying: PRO: Glenn Carter, Lewis County; Carolyn Eslick, Mayor of Sultan; Carl Schroeder, Assn. of WA Cities; Ted Jackson, citizen.