

# HOUSE BILL REPORT

## SHB 1838

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**As Passed House:**  
March 1, 2017

**Title:** An act relating to the crossing of certain public roadways by wheeled all-terrain vehicles.

**Brief Description:** Concerning the crossing of certain public roadways by wheeled all-terrain vehicles.

**Sponsors:** House Committee on Transportation (originally sponsored by Representative Schmick).

**Brief History:**

**Committee Activity:**

Transportation: 2/21/17, 2/22/17 [DPS].

**Floor Activity:**

Passed House: 3/1/17, 98-0.

**Brief Summary of Substitute Bill**

- Clarifies the conditions under which an operator of wheeled all-terrain vehicle may cross a public road.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Shea, Stambaugh, Van Werven and Young.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Wylie, Vice Chair; Tarleton.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Fey, Vice Chair.

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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.*

**Staff:** Mark Matteson (786-7145).

**Background:**

A wheeled all-terrain vehicle (ATV) is a specific type of off-road vehicle. There are two types of ATVs that are eligible for travel on public roads under certain conditions. One is a motorized nonhighway vehicle with handlebars that are 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less. The second is a utility-type vehicle designed for and capable of travel over designated roads, that travels on four or more low-pressure tires of 20 pounds per square inch or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, and has a wheelbase of 110 inches or less. In addition, the latter category of ATV, to be eligible for travel on public roads, must have a minimum width of 50 inches, have a minimum weight of at least 900 pounds, or have a wheelbase of over 61 inches.

A person who operates an eligible ATV may operate it on certain public roads under certain conditions. A person may operate an eligible ATV on portions of a state highway, but only if the portion is within an incorporated jurisdiction and the speed limit of the portion is 35 miles per hour (mph) or less. A person operating an eligible ATV may cross a public road, but only if: the public road speed limit at the point of the intersection is 35 mph or less; the intersection is approximately at a 90-degree angle; and, with respect to state highways, the intersection is a controlled intersection. In counties of 15,000 persons or more, a person may only operate an eligible ATV on county roads with speed limits of 35 mph or less if the county has approved such operation of eligible ATVs by ordinance. In counties of less than 15,000 persons, a person may operate an eligible ATV on a county road with a speed limit of 35 mph or less, unless the county has prohibited such operation by ordinance. In cities and towns, a person may only operate an eligible ATV on city or town roads with speed limits of 35 mph or less if the city or town has approved such operation of eligible ATVs by ordinance. The restrictions for eligible ATVs with respect to travel on public roads do not apply if the ATV is used by an agency engaging in emergency management, search and rescue, or law enforcement.

The use of an eligible ATV in violation of the specified conditions is a traffic infraction.

**Summary of Substitute Bill:**

A person operating an eligible ATV may cross a public road with a speed limit of 60 mph or less, but greater than 35 mph, at an intersection of approximately 90 degrees, if the operation of the eligible ATV on the state highway, county, city, or town road that intersects the higher-speed public road is approved or otherwise authorized for eligible ATV use. This authority does not extend to operators of eligible ATVs at uncontrolled intersections with state highways.

A county, city, or town may by ordinance prohibit eligible ATVs from crossing public roads with speed limits in excess of 35 mph and 60 mph or less.

**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) The brief description in the bill analysis captures this bill very well. It is about crossing over a highway directly, and not getting on the highway, going down the road, or anything like that. That is all it is.

(Opposed) None.

**Persons Testifying:** Representative Schmick, prime sponsor.

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