

# SENATE BILL REPORT

## SHB 1838

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As Passed Senate, April 6, 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:** Passed House: 3/01/17, 98-0.

**Committee Activity:** Transportation: 3/20/17, 3/28/17 [DP, w/oRec].

**Floor Activity:**

Passed Senate: 4/06/17, 48-1.

### Brief Summary of Bill

- Clarifies conditions required for a wheeled all terrain vehicle operator to cross public roadways with a speed limit in excess of 35 miles per hour (mph).
- Authorizes local governments to prohibit wheeled all terrain vehicles from crossing public roadways with a speed limit between 35 mph and 60 mph.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Cleveland, Ericksen, Fortunato, Hawkins, O'Ban, Takko, Van De Wege and Wilson.

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

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

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

**Background:** In 2013, the Legislature established a new classification of vehicles known as wheeled all-terrain vehicles (WATVs) and authorized their use on public roadways, subject to

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certain conditions. WATVs 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. A person may operate a WATV on any public roadway, not including nonhighway roads and trails, with a speed of 35 mph or less subject to certain restrictions. A person generally may not operate a WATV on a state highway, unless the state highway is within the boundary of a city or town and has a speed limit of 35 mph or less.

A person using a WATV may not cross a public roadway with a speed in excess of 35 mph, unless the crossing begins and ends on a public roadway that has a speed limit of 35 mph or less, and the crossing occurs at an intersection of 90 degrees. However, a person using a WATV may not cross at an uncontrolled intersection of a numbered state highway.

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 adopted an ordinance approving 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.

Generally, the use of a WATV in violation of specified conditions is a traffic infraction.

**Summary of Bill:** A person operating a WATV may cross a public road with a speed limit of 35 mph or less.

A person operating a WATV may cross a public road with a speed limit of between 60 mph and 35 mph, at an intersection of approximately 90 degrees, if the operation of a WATV on the road that intersects the higher-speed public road is approved or otherwise authorized for WATV use. This authority does not extend to operators of WATVs at uncontrolled intersections with numbered state highways.

A county, city, or town may by ordinance prohibit eligible WATVs from crossing public roads with speed limits between 35 mph and 60 mph.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This is a simple bill. It clarifies when a WATV may cross another road.

**Persons Testifying:** PRO: Representative Joe Schmick, Prime Sponsor.

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