
HOUSE BILL 1837

State of Washington 65th Legislature 2017 Regular Session

By Representative Schmick

Read first time 01/31/17. Referred to Committee on Transportation.

1 AN ACT Relating to the operation of wheeled all-terrain vehicles
2 in less populated counties; and amending RCW 46.09.455.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.09.455 and 2013 2nd sp.s. c 23 s 6 are each
5 amended to read as follows:

6 (1) Except as authorized in subsection (2) of this section, a
7 person may operate a wheeled all-terrain vehicle upon any public
8 roadway of this state, not including nonhighway roads and trails,
9 having a speed limit of thirty-five miles per hour or less subject to
10 the following restrictions and requirements:

11 (a) A person may not operate a wheeled all-terrain vehicle upon
12 state highways that are listed in chapter 47.17 RCW; however, a
13 person may operate a wheeled all-terrain vehicle upon a segment of a
14 state highway listed in chapter 47.17 RCW if the segment is within
15 the limits of a city or town and the speed limit on the segment is
16 thirty-five miles per hour or less;

17 (b) A person operating a wheeled all-terrain vehicle may not
18 cross a public roadway, not including nonhighway roads and trails,
19 with a speed limit in excess of thirty-five miles per hour, unless
20 the crossing begins and ends on a public roadway, not including
21 nonhighway roads and trails, or an ORV trail, with a speed limit of

1 thirty-five miles per hour or less and occurs at an intersection of
2 approximately ninety degrees, except that the operator of a wheeled
3 all-terrain vehicle may not cross at an uncontrolled intersection of
4 a public highway listed under chapter 47.17 RCW;

5 (c)(i) A person may not operate a wheeled all-terrain vehicle on
6 a public roadway within the boundaries of a county, not including
7 nonhighway roads and trails, with a population of fifteen thousand or
8 more unless the county by ordinance has approved the operation of
9 wheeled all-terrain vehicles on county roadways, not including
10 nonhighway roads and trails.

11 (ii) The legislative body of a county with a population of fewer
12 than fifteen thousand may, by ordinance, designate roadways or
13 highways within its boundaries to be unsuitable for use by wheeled
14 all-terrain vehicles.

15 (iii) Any public roadways, not including nonhighway roads and
16 trails, authorized by a legislative body of a county under (c)(i) of
17 this subsection or designated as unsuitable under (c)(ii) of this
18 subsection must be listed publicly and made accessible from the main
19 page of the county web site.

20 (iv) This subsection (1)(c) does not affect any roadway that was
21 designated as open or closed as of January 1, 2013;

22 (d)(i) A person may not operate a wheeled all-terrain vehicle on
23 a public roadway within the boundaries of a city or town, not
24 including nonhighway roads and trails, unless the city or town by
25 ordinance has approved the operation of wheeled all-terrain vehicles
26 on city or town roadways, not including nonhighway roads and trails.

27 (ii) Any public roadways, not including nonhighway roads and
28 trails, authorized by a legislative body of a city or town under
29 (d)(i) of this subsection must be listed publicly and made accessible
30 from the main page of the city or town web site.

31 (iii) This subsection (1)(d) does not affect any roadway that was
32 designated as open or closed as of January 1, 2013;

33 (e) Any person who violates this subsection commits a traffic
34 infraction.

35 (2) A person may operate a wheeled all-terrain vehicle upon any
36 public roadway of this state within a county located east of the
37 summit of the Cascade mountains with a population of fifty thousand
38 or less, not including nonhighway roads and trails, having a speed
39 limit not exceeding the established county road speed limit subject
40 to the following restrictions and requirements:

1 (a) A person may not operate a wheeled all-terrain vehicle upon
2 state highways that are listed in chapter 47.17 RCW; however, a
3 person may operate a wheeled all-terrain vehicle upon a segment of a
4 state highway listed in chapter 47.17 RCW if the segment is within
5 the limits of a city or town and the speed limit on the segment is
6 the established county road speed limit or less.

7 (b) A person operating a wheeled all-terrain vehicle may not
8 cross a public roadway, not including nonhighway roads and trails,
9 with a speed limit in excess of the established county road speed
10 limit, unless the crossing begins and ends on a public roadway, not
11 including nonhighway roads and trails, or an ORV trail, with a speed
12 limit not exceeding the established county road speed limit and
13 occurs at an intersection of approximately ninety degrees, except
14 that the operator of a wheeled all-terrain vehicle may not cross at
15 an uncontrolled intersection of a public highway listed under chapter
16 47.17 RCW.

17 (c) The legislative body of the county may, by ordinance,
18 designate roadways or highways within its boundaries to be unsuitable
19 for use by wheeled all-terrain vehicles. Any public roadways
20 designated as unsuitable must be listed publicly and the list made
21 accessible from the main page of the county web site.

22 (3) Local authorities may not establish requirements for the
23 registration of wheeled all-terrain vehicles.

24 ~~((3))~~ (4) A person may operate a wheeled all-terrain vehicle
25 upon any public roadway, trail, nonhighway road, or highway within
26 the state while being used under the authority or direction of an
27 appropriate agency that engages in emergency management, as defined
28 in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010,
29 or a law enforcement agency, as defined in RCW 16.52.011, within the
30 scope of the agency's official duties.

31 ~~((4))~~ (5) A wheeled all-terrain vehicle is an off-road vehicle
32 for the purposes of chapter 4.24 RCW.

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