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HOUSE BILL 2220

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State of Washington                      65th Legislature      2017 2nd Special Session

By Representatives Orcutt, Clibborn, and Shea

Read first time 05/29/17. Referred to Committee on Transportation.

1            AN ACT Relating to temporary ORV use permits for wheeled all-  
2 terrain vehicles; and amending RCW 46.09.400, 46.09.442, and  
3 46.09.430.

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

5            **Sec. 1.** RCW 46.09.400 and 2013 2nd sp.s. c 23 s 12 are each  
6 amended to read as follows:

7            The department shall:

8            (1) Issue registrations (~~(and temporary ORV use permits)~~) for  
9 off-road vehicles, excluding wheeled all-terrain vehicles subject to  
10 subsection (4) of this section;

11            (2) Issue decals for off-road vehicles, excluding wheeled all-  
12 terrain vehicles subject to subsection (4) of this section. The  
13 decals serve the same function as license plates for vehicles  
14 registered under chapter 46.16A RCW;

15            (3) Charge a fee for each decal covering the actual cost of the  
16 decal; (~~and~~)

17            (4) Issue metal tags, off-road vehicle registrations, and on-road  
18 vehicle registrations for wheeled all-terrain vehicles; and

19            (5) Issue temporary ORV use permits for off-road vehicles as  
20 provided in RCW 46.09.430.

1       **Sec. 2.** RCW 46.09.442 and 2016 c 84 s 3 are each amended to read  
2 as follows:

3       (1) Any wheeled all-terrain vehicle operated within this state  
4 must display a metal tag to be affixed to the rear of the wheeled  
5 all-terrain vehicle. The initial metal tag must be issued with an  
6 original off-road vehicle registration and upon payment of the  
7 initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag  
8 must be replaced every seven years at a cost of two dollars. Revenue  
9 from replacement metal tags must be deposited into the nonhighway and  
10 off-road vehicle activities program account. The department must  
11 design the metal tag, which must:

12       (a) Be the same size as a motorcycle license plate;

13       (b) Have the words "RESTRICTED VEHICLE" listed at the top of the  
14 tag;

15       (c) Contain designated identification through a combination of  
16 letters and numbers;

17       (d) Leave space at the bottom left corner of the tag for an off-  
18 road tab issued under subsection (2) of this section; and

19       (e) Leave space at the bottom right corner of the tag for an on-  
20 road tab, when required, issued under subsection (3) of this section.

21       (2) Except as provided in subsection (6)(b) of this section, a  
22 person who operates a wheeled all-terrain vehicle must have:

23       (a) A current and proper off-road vehicle registration, with the  
24 appropriate off-road tab, and pay the annual vehicle license fee as  
25 provided in RCW 46.17.350(1)(s), which must be deposited into the  
26 nonhighway and off-road vehicle activities program account. The off-  
27 road tab must be issued annually by the department upon payment of  
28 initial and renewal vehicle license fees under RCW 46.17.350(1)(s);  
29 or

30       (b) A current temporary ORV use permit as provided in RCW  
31 46.09.430.

32       (3) Except as provided in subsection (6)(a) of this section, a  
33 person who operates a wheeled all-terrain vehicle upon a public  
34 roadway must have a current and proper on-road vehicle registration,  
35 with the appropriate on-road tab, which must be of a bright color  
36 that can be seen from a reasonable distance, and pay the annual  
37 vehicle license fee as provided in RCW 46.17.350(1)(r). The on-road  
38 tab must be issued annually by the department upon payment of initial  
39 and renewal vehicle license fees under RCW 46.17.350(1)(r).

1 (4) Beginning July 1, 2017, for purposes of subsection (3) of  
2 this section, a special year tab issued pursuant to chapter 46.19 RCW  
3 to a person with a disability may be displayed on a wheeled all-  
4 terrain vehicle in lieu of an on-road tab.

5 (5) A wheeled all-terrain vehicle may not be registered for  
6 commercial use.

7 (6)(a) A wheeled all-terrain vehicle registration and a metal tag  
8 are not required under this chapter for a wheeled all-terrain vehicle  
9 that meets the definition in RCW 46.09.310(19), is owned by a  
10 resident of another state, and has a vehicle registration and metal  
11 tag or license plate issued in accordance with the laws of the other  
12 state allowing for on-road travel in that state. This exemption  
13 applies only to the extent that: (i) A similar exemption or privilege  
14 is granted under the laws of that state for wheeled all-terrain  
15 vehicles registered in Washington, and (ii) the other state has  
16 equipment requirements for on-road use that meet or exceed the  
17 requirements listed in RCW 46.09.457. The department may publish on  
18 its web site a list of states that meet the exemption requirements  
19 under this subsection.

20 (b) Off-road operation in Washington state of a wheeled all-  
21 terrain vehicle owned by a resident of another state and meeting the  
22 definition in RCW 46.09.310(19) is governed by RCW 46.09.420(4).

23 **Sec. 3.** RCW 46.09.430 and 2010 c 161 s 219 are each amended to  
24 read as follows:

25 (1) The application for a temporary ORV use permit must be made  
26 by the owner or the owner's authorized representative to the  
27 department, county auditor or other agent, or subagent appointed by  
28 the director on a form furnished or approved by the department. The  
29 application must contain:

30 (a) The name and address of each owner of the off-road vehicle or  
31 wheeled all-terrain vehicle; and

32 (b) Other information that the department may require.

33 (2) The owner or the owner's authorized representative shall sign  
34 the application for a temporary ORV use permit.

35 (3) The application for a temporary ORV use permit must be  
36 accompanied by the temporary ORV use permit fee required under RCW  
37 46.17.400, in addition to any other fees or taxes due for the  
38 application.

39 (4) A temporary ORV use permit:

- 1 (a) Is valid for sixty days; and
- 2 (b) Must be carried on the vehicle for which it was issued at all
- 3 times during its operation in this state.

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