

# HOUSE BILL REPORT

## SHB 1028

---

**As Passed House:**  
February 14, 2019

**Title:** An act relating to modifying the types of off-road vehicles subject to local government regulation.

**Brief Description:** Modifying the types of off-road vehicles subject to local government regulation.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Shea, Kraft and Eslick).

**Brief History:**

**Committee Activity:**

Transportation: 1/21/19, 1/23/19 [DPS].

**Floor Activity:**

Passed House: 2/14/19, 96-0.

**Brief Summary of Substitute Bill**

- Clarifies that certain local governments may designate roads and highways within the jurisdiction as suitable both for off-road vehicle use, generally, and for wheeled all-terrain use, specifically.

---

### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Fey, Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Wylie, 1st Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Boehnke, Chambers, Chapman, Dent, Dufault, Eslick, Goehner, Irwin, Kloba, Lovick, McCaslin, Mead, Orcutt, Paul, Pellicciotti, Ramos, Riccelli, Shea, Shewmake and Van Werven.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Doglio, Entenman and Ortiz-Self.

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

---

*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.*

**Background:**

An off-road vehicle (ORV) is a vehicle that is used for recreational purposes on nonhighway roads, trails, and other natural terrain. Off-road vehicles include all-terrain vehicles, certain motorcycles, dune buggies, and certain four-wheel drive vehicles. Off-road vehicles are a subset of a broader category of vehicles regulated under state law called nonhighway vehicles, which includes any motorized vehicle, other than watercraft, snowmobiles, and certain agricultural and logging vehicles, when used for recreational purposes on nonhighway roads, trails, or other natural terrain.

A wheeled all-terrain vehicle (WATV) is a specific category of an ORV that is regulated separately under some aspects of a state law first enacted in 2013. There are two types of WATVs that are regulated with respect to travel on public roads. One is a motorized nonhighway vehicle that has 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 (UTV) 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 of less than 2,000 pounds, and has a wheelbase of 110 inches or less. In addition, to be eligible for travel on public roads, the latter category of WATV 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 nonhighway vehicle or an ORV, other than a WATV, may be used on streets, roads, or highways under certain conditions. A local government, including a city, town, county, or other political subdivision of the state, may regulate nonhighway vehicles other than WATVs on lands within its jurisdiction and on streets, roads, or highways within its boundaries through ordinance. Any such ordinance must be no less stringent than state law governing the use of nonhighway vehicles. Regarding ORVs other than WATVs, a county, or a city of less than 3,000 persons, may designate a road or highway within its boundaries to be suitable for use by ORVs.

Regarding WATVs, the operation of the two types of eligible vehicle is allowed on public roadways with a posted speed limit of 35 miles per hour (mph) or less, under certain conditions. Any city and any county of 15,000 persons or more must approve the operation of eligible vehicles on roads under its jurisdiction before such travel is allowed. Operation of an eligible WATV is allowed in a county of less than 15,000 persons on public roadways, unless the county designates its roadways to be unsuitable for use by WATVs. Any county or city road which was designated as of January 1, 2013, as either open or closed for WATV use is unaffected by the requirements pertaining to eligible WATV use. Operation of an eligible WATV on a state route is allowed only inside city limits where the posted speed limit is 35 mph or less.

**Summary of Substitute Bill:**

Changes are made to statutory provisions regarding ORVs, generally, and WATVs, specifically, to clarify that a county or a city of less than 3,000 persons that designates roads

or highways within its boundaries as suitable for use by ORVs may also do so for WATVs, subject to other requirements governing WATV use.

**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) This clarifies for counties and some cities that WATVs are authorized to use the same roads that the county or city has already designated for ORVs generally. Primarily this is going to be for users who are driving from one area that is dedicated for ORV users to another. A number of years ago, the Legislature enacted a registration bill for ORVs. The original authority allowed counties and some cities to authorize ORVs to travel from the cities to and from ORV areas. In 2013 advocates wanted to provide users of WATVs and UTVs a street-legal registration option. The authority enacted in 2013 provides a dual registration option for these vehicles, both on-road and off-road. The WATV and UTV users must maintain ORV-required registration components. These users just want consistent access to ORV areas like other ORVs. This bill would allow the dots to be connected for towns and ORV areas.

(Opposed) None.

**Persons Testifying:** Representative Shea, prime sponsor; and Ted Jackson, Washington All-Terrain Vehicle Association.

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