

# SENATE BILL REPORT

## SB 5666

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As Reported by Senate Committee On:  
Local Government, 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:** Senators Sheldon, Fortunato, Warnick, Becker, Short, Takko, Van De Wege and Wilson, L..

**Brief History:**

**Committee Activity:** Local Government: 2/14/19, 2/14/19 [DP].

**Brief Summary of Bill**

- Allows cities and towns with a population under 3,000 and counties to designate roads and highways as suitable for wheeled all-terrain vehicle use, in addition to currently provided authority for off-road vehicle use.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

**Staff:** Greg Vogel (786-7413)

**Background:** An off-road vehicle (ORV) is a vehicle 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.

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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.*

A wheeled all-terrain vehicle (WATV) is a specific category of an ORV regulated separately under some aspects of a state law first enacted in 2013. There are two types of WATVs regulated with respect to travel on public roads. One is a motorized nonhighway vehicle having handlebars 50 inches or less in width, having a seat height of at least 20 inches, weighing less than 1,500 pounds, and having four tires with a diameter of 30 inches or less. The second is a utility-type vehicle (UTV) designed for and capable of travel over designated roads, traveling on four or more low-pressure tires of 20 pounds per square inch or less, having a maximum width less than 74 inches, a maximum weight of less than 2,000 pounds, and 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 or town 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 vehicles is allowed on public roadways with a posted speed limit of 35 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 Bill:** Cities and towns with a population under 3,000 and counties may designate roads and highways suitable for wheeled all-terrain vehicle use, in addition to currently provided authority for designating roads and highways for off-road vehicle use.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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: WATV owners are bumping into a disconnect in defined tourism loops because of the 35 mph limitation in areas. Prior to 2013, travel was approved for off-road vehicles on specific roadways that took riders from a small town to a highway road and created a looping type recreational property. The 2013 legislation

separated WATVs as a subset of ORVs and eliminated WATV owners' ability to ride on existing routes. The intent of the legislation was to allow them to ride on existing routes.

**Persons Testifying:** PRO: Ted Jackson, Washington ATV Association.

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