
HOUSE BILL 2447

State of Washington **66th Legislature** **2020 Regular Session**

By Representatives Schmick, Barkis, and Shea

Read first time 01/14/20. Referred to Committee on Transportation.

1 AN ACT Relating to categorizing certain new entrants to the
2 vehicle market as wheeled all-terrain vehicles; reenacting and
3 amending RCW 46.09.310; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** There is a continuous flow of new and
6 innovative types of alternative off-road vehicles of a variety of
7 shapes and sizes that are slightly different from existing
8 definitions. This act provides increased flexibility so that new
9 models can be registered under the existing statutes.

10 **Sec. 2.** RCW 46.09.310 and 2013 2nd sp.s. c 23 s 3 are each
11 reenacted and amended to read as follows:

12 The definitions in this section apply throughout this chapter
13 unless the context clearly requires otherwise.

14 (1) "Advisory committee" means the nonhighway and off-road
15 vehicle activities advisory committee established in RCW 46.09.340.

16 (2) "Board" means the recreation and conservation funding board
17 established in RCW 79A.25.110.

18 (3) "Dealer" means a person, partnership, association, or
19 corporation engaged in the business of selling off-road vehicles at
20 wholesale or retail in this state.

1 (4) "Direct supervision" means that the supervising adult must be
2 in a position, on another wheeled all-terrain vehicle or specialty
3 off-highway vehicle or motorbike or, if on the ground, within a
4 reasonable distance of the unlicensed operator, to provide close
5 support, assistance, or direction to the unlicensed operator.

6 (5) "Emergency management" means the carrying out of emergency
7 functions related to responding and recovering from emergencies and
8 disasters, and to aid victims suffering from injury or damage,
9 resulting from disasters caused by all hazards, whether natural,
10 technological, or human caused, and to provide support for search and
11 rescue operations for persons and property in distress.

12 (6) "Highway," for the purpose of this chapter only, means the
13 entire width between the boundary lines of every roadway publicly
14 maintained by the state department of transportation or any county or
15 city with funding from the motor vehicle fund. A highway is generally
16 capable of travel by a conventional two-wheel drive passenger
17 automobile during most of the year and in use by such vehicles.

18 (7) "Nonhighway road" means any road owned or managed by a public
19 agency, a primitive road, or any private road for which the owner has
20 granted an easement for public use for which appropriations from the
21 motor vehicle fund were not used for (a) original construction or
22 reconstruction in the last twenty-five years; or (b) maintenance in
23 the last four years.

24 (8) "Nonhighway road recreation facilities" means recreational
25 facilities that are adjacent to, or accessed by, a nonhighway road
26 and intended primarily for nonhighway road recreational users.

27 (9) "Nonhighway road recreational user" means a person whose
28 purpose for consuming fuel on a nonhighway road or off-road is
29 primarily for nonhighway road recreational purposes, including, but
30 not limited to, hunting, fishing, camping, sightseeing, wildlife
31 viewing, picnicking, driving for pleasure, kayaking/canoeing, and
32 gathering berries, firewood, mushrooms, and other natural products.

33 (10) "Nonhighway vehicle" means any motorized vehicle including
34 an ORV when used for recreational purposes on nonhighway roads,
35 trails, or a variety of other natural terrain.

36 Nonhighway vehicle does not include:

37 (a) Any vehicle designed primarily for travel on, over, or in the
38 water;

39 (b) Snowmobiles or any military vehicles; or

1 (c) Any vehicle eligible for a motor vehicle fuel tax exemption
2 or rebate under chapter 82.38 RCW while an exemption or rebate is
3 claimed. This exemption includes but is not limited to farm,
4 construction, and logging vehicles.

5 (11) "Nonmotorized recreational facilities" means recreational
6 trails and facilities that are adjacent to, or accessed by, a
7 nonhighway road and intended primarily for nonmotorized recreational
8 users.

9 (12) "Nonmotorized recreational user" means a person whose
10 purpose for consuming fuel on a nonhighway road or off-road is
11 primarily for nonmotorized recreational purposes including, but not
12 limited to, walking, hiking, backpacking, climbing, cross-country
13 skiing, snowshoeing, mountain biking, horseback riding, and pack
14 animal activities.

15 (13) "Organized competitive event" means any competition,
16 advertised in advance through written notice to organized clubs or
17 published in local newspapers, sponsored by recognized clubs, and
18 conducted at a predetermined time and place.

19 (14) "ORV recreation facilities" include, but are not limited to,
20 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
21 areas, designated for ORV use by the managing authority.

22 (15) "ORV recreational user" means a person whose purpose for
23 consuming fuel on nonhighway roads or off-road is primarily for ORV
24 recreational purposes, including but not limited to riding an all-
25 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle
26 or dune buggy.

27 (16) "ORV sports park" means a facility designed to accommodate
28 competitive ORV recreational uses including, but not limited to,
29 motocross racing, four-wheel drive competitions, and flat track
30 racing. Use of ORV sports parks can be competitive or noncompetitive
31 in nature.

32 (17) "ORV trail" means a multiple-use corridor designated by the
33 managing authority and maintained for recreational use by motorized
34 vehicles.

35 (18) "Primitive road" means a linear route managed for use by
36 four-wheel drive or high-clearance vehicles that is generally not
37 maintained or paved, a road designated by a county as primitive under
38 RCW 36.75.300, or a road designated by a city or town as primitive
39 under a local ordinance.

1 (19) "Wheeled all-terrain vehicle" means (a) any motorized
2 nonhighway vehicle with handlebars that is fifty inches or less in
3 width, has a seat height of at least twenty inches, weighs less than
4 one thousand five hundred pounds, and has four tires having a
5 diameter of thirty inches or less, or (b) a utility-type vehicle
6 designed for and capable of travel over designated roads that
7 (~~travels on four or more low-pressure tires of twenty psi or less,~~)
8 has a maximum width less than seventy-four inches, has a maximum
9 weight less than (~~two~~) four thousand pounds, has a wheelbase of one
10 hundred ten inches or less, and satisfies at least one of the
11 following: (i) Has a minimum width of fifty inches; (ii) has a
12 minimum weight of at least nine hundred pounds; or (iii) has a
13 wheelbase of over sixty-one inches.

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