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**HOUSE BILL 2723**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representative Wylie

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

1 AN ACT Relating to off-road vehicle and snowmobile registration  
2 enforcement; amending RCW 46.09.420, 46.09.442, 46.10.410, 46.93.210,  
3 46.09.495, and 46.10.505; creating a new section; prescribing  
4 penalties; and providing an expiration date.

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

6 **Sec. 1.** RCW 46.09.420 and 2013 2nd sp.s. c 23 s 14 are each  
7 amended to read as follows:

8 ORV registrations and decals are required under this chapter  
9 except for the following:

10 (1) Off-road vehicles owned and operated by the United States,  
11 another state, or a political subdivision of the United States or  
12 another state.

13 (2) Off-road vehicles owned and operated by this state, a  
14 municipality, or a political subdivision of this state or the  
15 municipality.

16 (3) Off-road vehicles operated on and across agricultural and  
17 timberlands owned, leased, or managed by the off-road vehicle owner  
18 or operator or operator's employer.

19 (4) (a) Off-road vehicles owned by a resident of another state  
20 that have a valid ORV use permit or vehicle registration issued in  
21 accordance with the laws of the other state. This exemption applies

1 only to the extent that a similar exemption or privilege is granted  
2 under the laws of that state.

3 (b) The exemption in (a) of this subsection does not apply to an  
4 off-road vehicle owned by a resident of a state that borders  
5 Washington and that does not impose a retail sales and use tax on the  
6 sales or use of off-road vehicles.

7 (5) Off-road vehicles while being used for emergency management  
8 purposes under the authority or direction of an appropriate agency  
9 that engages in emergency management, as defined in RCW 46.09.310, or  
10 search and rescue, as defined in RCW 38.52.010, or a law enforcement  
11 agency as defined in RCW 16.52.011.

12 (6) Vehicles registered under chapter 46.16A RCW or, in the case  
13 of nonresidents, vehicles validly registered for operation over  
14 public highways in the jurisdiction of the owner's residence.

15 (7) Off-road vehicles operated by persons who, in good faith,  
16 render emergency care or assistance with respect to an incident  
17 involving off-road vehicles. Persons who operate off-road vehicles to  
18 render such care, assistance, or advice are not liable for civil  
19 damages resulting from any act or omission in the rendering of such  
20 care, assistance, or advice, other than acts or omissions  
21 constituting gross negligence or willful or wanton misconduct.

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

24 (1) Any wheeled all-terrain vehicle operated within this state  
25 must display a metal tag to be affixed to the rear of the wheeled  
26 all-terrain vehicle. The initial metal tag must be issued with an  
27 original off-road vehicle registration and upon payment of the  
28 initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag  
29 must be replaced every seven years at a cost of two dollars. Revenue  
30 from replacement metal tags must be deposited into the nonhighway and  
31 off-road vehicle activities program account. The department must  
32 design the metal tag, which must:

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

34 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the  
35 tag;

36 (c) Contain designated identification through a combination of  
37 letters and numbers;

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

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

3 (2) Except as provided in subsection (6)(b) of this section, a  
4 person who operates a wheeled all-terrain vehicle must have a current  
5 and proper off-road vehicle registration, with the appropriate off-  
6 road tab, and pay the annual vehicle license fee as provided in RCW  
7 46.17.350(1)(s), which must be deposited into the nonhighway and off-  
8 road vehicle activities program account. The off-road tab must be  
9 issued annually by the department upon payment of initial and renewal  
10 vehicle license fees under RCW 46.17.350(1)(s).

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

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

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

25 (6)(a) A wheeled all-terrain vehicle registration and a metal tag  
26 are not required under this chapter for a wheeled all-terrain vehicle  
27 that meets the definition in RCW 46.09.310(19), is owned by a  
28 resident of another state, and has a vehicle registration and metal  
29 tag or license plate issued in accordance with the laws of the other  
30 state allowing for on-road travel in that state. This exemption  
31 applies only to the extent that: (i) A similar exemption or privilege  
32 is granted under the laws of that state for wheeled all-terrain  
33 vehicles registered in Washington, and (ii) the other state has  
34 equipment requirements for on-road use that meet or exceed the  
35 requirements listed in RCW 46.09.457. The department may publish on  
36 its web site a list of states that meet the exemption requirements  
37 under this subsection. The exemption in this subsection does not  
38 apply to a wheeled all-terrain vehicle owned by a resident of a state  
39 that borders Washington and that does not impose a retail sales and  
40 use tax on the sales or use of wheeled all-terrain vehicles.

1 (b) Off-road operation in Washington state of a wheeled all-  
2 terrain vehicle owned by a resident of another state and meeting the  
3 definition in RCW 46.09.310(19) is governed (~~by~~) in the same manner  
4 as for other off-road vehicles under RCW 46.09.420(4).

5 **Sec. 3.** RCW 46.10.410 and 2010 c 161 s 227 are each amended to  
6 read as follows:

7 Registration is not required under this chapter for the following  
8 snowmobiles:

9 (1) Snowmobiles owned and operated by the United States, another  
10 state, or a political subdivision thereof.

11 (2) (a) A snowmobile owned by a resident of another state or  
12 Canadian province if that snowmobile is registered under the laws of  
13 the state or province in which its owner resides. This exemption  
14 applies only to the extent that a similar exemption or privilege is  
15 granted under the laws of that state or province. Any snowmobile that  
16 is validly registered in another state or province and that is  
17 physically located in this state for a period of more than fifteen  
18 consecutive days is subject to registration under this chapter.

19 (b) The exemption in this subsection does not apply to a  
20 snowmobile owned by a resident of a state that borders Washington and  
21 that does not impose a retail sales and use tax on the sales or use  
22 of snowmobiles.

23 **Sec. 4.** RCW 46.93.210 and 2017 c 218 s 4 are each amended to  
24 read as follows:

25 (1) By the first business day in February of each year, beginning  
26 in 2018, motorsports vehicle manufacturers must report to the  
27 department of licensing a listing of all motorsports vehicle  
28 warranties for off-road vehicles under chapter 46.09 RCW and  
29 snowmobiles under chapter 46.10 RCW sold to Washington residents by  
30 out-of-state motorsports vehicle dealers in the previous calendar  
31 year. The report must be transmitted such that the department  
32 receives the listing no later than the first business day in  
33 February. Failure to report a complete listing as required under this  
34 subsection results in an administrative fine of one hundred dollars  
35 for each day after the first business day in February that the  
36 department has not received the report.

37 (2) The department of licensing shall examine the listing  
38 reported in subsection (1) of this section to verify whether the

1 vehicles are properly registered in the state and shall transmit the  
2 results of its analysis to the department of revenue. Beginning in  
3 2018, and to the extent that it has received the listing required  
4 under subsection (1) of this section, the department and the  
5 department of revenue shall jointly notify by certified mail from the  
6 United States postal service, with return receipt requested, by the  
7 end of February of each year, the purchasers of the warranties of the  
8 off-road vehicles and snowmobiles that are not properly registered in  
9 the state of the owner's obligations under state law regarding  
10 vehicle titling, registration, and use tax payment, as well as of the  
11 penalties for failure to comply with the law.

12 (3) Fines received under this section must be paid into the state  
13 treasury and credited to the nonhighway and off-road vehicle  
14 activities program account under RCW 46.09.510 and to the snowmobile  
15 account under RCW 46.68.350. The state treasurer must apportion the  
16 fines between the accounts according to the pro rata share of the  
17 number of off-road vehicle and snowmobile registrations in the  
18 previous calendar year. The department must provide the state  
19 treasurer with the information needed to determine the apportionment.

20 **Sec. 5.** RCW 46.09.495 and 2017 c 218 s 2 are each amended to  
21 read as follows:

22 (1) It is a gross misdemeanor, punishable as provided under  
23 chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140,  
24 to (~~knowingly~~):

25 (a) Knowingly fail to apply for a Washington state certificate of  
26 title for, or to knowingly fail to register, an off-road vehicle  
27 within fifteen days of receiving or refusing a notice issued by the  
28 department under RCW 46.93.210; or

29 (b) Register an off-road vehicle in another state to avoid retail  
30 sales and use taxes under chapters 82.08 and 82.12 RCW.

31 (2) For a second or subsequent offense, the person convicted is  
32 also subject to a fine equal to four times the amount of avoided  
33 taxes and fees, which may not be suspended, except as provided in RCW  
34 10.05.180.

35 (3) Excise taxes owed and fines assessed must be deposited in the  
36 manner provided under RCW 46.16A.030(6).

37 **Sec. 6.** RCW 46.10.505 and 2017 c 218 s 3 are each amended to  
38 read as follows:

1 (1) It is a gross misdemeanor, punishable as provided under  
2 chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140,  
3 to (~~knowingly~~):

4 (a) Knowingly fail to register a snowmobile within fifteen days  
5 of receiving or refusing a notice issued by the department under RCW  
6 46.93.210; or

7 (b) Register a snowmobile in another state to avoid retail sales  
8 and use taxes under chapters 82.08 and 82.12 RCW.

9 (2) For a second or subsequent offense, the person convicted is  
10 also subject to a fine equal to four times the amount of avoided  
11 taxes and fees, which may not be suspended, except as provided in RCW  
12 10.05.180.

13 (3) Excise taxes owed and fines assessed must be deposited in the  
14 manner provided under RCW 46.16A.030(6).

15 NEW SECTION. Sec. 7. (1) By December 15, 2021, the department  
16 of licensing shall report to the governor and the transportation  
17 committees of the legislature on the effectiveness of this act and of  
18 chapter 218, Laws of 2017, in improving compliance with state laws  
19 relating to the registration of off-road vehicles and snowmobiles.  
20 The department may collaborate with the departments of revenue and  
21 natural resources in its analysis and findings.

22 (2) This section expires June 30, 2023.

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