
SENATE BILL 5666

State of Washington

66th Legislature

2019 Regular Session

By Senators Sheldon, Fortunato, Warnick, Becker, Short, Takko, Van De Wege, and Wilson, L.

Read first time 01/28/19. Referred to Committee on Local Government.

1 AN ACT Relating to modifying the types of off-road vehicles
2 subject to local government regulation; and amending RCW 46.09.360
3 and 46.09.455.

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

5 **Sec. 1.** RCW 46.09.360 and 2013 2nd sp.s. c 23 s 11 are each
6 amended to read as follows:

7 (1) Notwithstanding any of the provisions of this chapter, any
8 city, town, county, or other political subdivision of this state, or
9 any state agency, may regulate the operation of nonhighway vehicles
10 on public lands, waters, and other properties under its jurisdiction,
11 and on streets, roads, or highways within its boundaries by adopting
12 regulations or ordinances of its governing body, provided such
13 regulations are not less stringent than the provisions of this
14 chapter. However, the legislative body of a city or town with a
15 population of less than three thousand persons may, by ordinance,
16 designate a street or highway within its boundaries to be suitable
17 for use by off-road vehicles. Except as provided in RCW
18 46.09.455(1)(c)(ii), the legislative body of a county may, by
19 ordinance, designate a road or highway within its boundaries to be
20 suitable for use by off-road vehicles.

1 (2) For purposes of this section, "off-road vehicles" (~~does~~
2 ~~not~~) includes wheeled all-terrain vehicles as defined in RCW
3 46.09.310 and are subject to the requirements of RCW 46.09.442.

4 **Sec. 2.** RCW 46.09.455 and 2017 c 26 s 1 are each amended to read
5 as follows:

6 (1) A person may operate a wheeled all-terrain vehicle upon any
7 public roadway of this state, not including nonhighway roads and
8 trails, having a speed limit of thirty-five miles per hour or less
9 subject to the following restrictions and requirements:

10 (a) A person may not operate a wheeled all-terrain vehicle upon
11 state highways that are listed in chapter 47.17 RCW; however, a
12 person may operate a wheeled all-terrain vehicle upon a segment of a
13 state highway listed in chapter 47.17 RCW if the segment is within
14 the limits of a city or town and the speed limit on the segment is
15 thirty-five miles per hour or less, or as provided in RCW 46.09.360;

16 (b) (i) A person operating a wheeled all-terrain vehicle may not
17 cross a public roadway, not including nonhighway roads and trails,
18 with a speed limit in excess of thirty-five miles per hour, except as
19 follows: A person operating a wheeled all-terrain vehicle may cross a
20 public roadway with a speed limit of sixty miles per hour or less,
21 but more than thirty-five miles per hour, at an intersection of
22 approximately ninety degrees if the roadway that intersects the
23 public roadway with a speed limit of sixty miles per hour or less,
24 but more than thirty-five miles per hour, is a roadway upon which the
25 operation of wheeled all-terrain vehicles has been approved or is
26 otherwise allowed under this section.

27 (ii) A county, city, or town may by ordinance prohibit a person
28 operating a wheeled all-terrain vehicle from crossing a public
29 roadway with a speed limit of sixty miles per hour or less, but more
30 than thirty-five miles per hour, at specific intersections or along
31 the entirety of the route within the jurisdiction.

32 (iii) The operator of a wheeled all-terrain vehicle may not cross
33 at an uncontrolled intersection of a public highway listed under
34 chapter 47.17 RCW;

35 (c) (i) A person may not operate a wheeled all-terrain vehicle on
36 a public roadway within the boundaries of a county, not including
37 nonhighway roads and trails, with a population of fifteen thousand or
38 more unless the county by ordinance has approved the operation of

1 wheeled all-terrain vehicles on county roadways, not including
2 nonhighway roads and trails.

3 (ii) The legislative body of a county with a population of fewer
4 than fifteen thousand may, by ordinance, designate roadways or
5 highways within its boundaries to be unsuitable for use by wheeled
6 all-terrain vehicles.

7 (iii) Any public roadways, not including nonhighway roads and
8 trails, authorized by a legislative body of a county under (c)(i) of
9 this subsection or designated as unsuitable under (c)(ii) of this
10 subsection must be listed publicly and made accessible from the main
11 page of the county web site.

12 (iv) This subsection (1)(c) does not affect any roadway that was
13 designated as open or closed as of January 1, 2013;

14 (d)(i) A person may not operate a wheeled all-terrain vehicle on
15 a public roadway within the boundaries of a city or town, not
16 including nonhighway roads and trails, unless the city or town by
17 ordinance has approved the operation of wheeled all-terrain vehicles
18 on city or town roadways, not including nonhighway roads and trails.

19 (ii) Any public roadways, not including nonhighway roads and
20 trails, authorized by a legislative body of a city or town under
21 (d)(i) of this subsection must be listed publicly and made accessible
22 from the main page of the city or town web site.

23 (iii) This subsection (1)(d) does not affect any roadway that was
24 designated as open or closed as of January 1, 2013;

25 (e) Any person who violates this subsection commits a traffic
26 infraction.

27 (2) Local authorities may not establish requirements for the
28 registration of wheeled all-terrain vehicles.

29 (3) A person may operate a wheeled all-terrain vehicle upon any
30 public roadway, trail, nonhighway road, or highway within the state
31 while being used under the authority or direction of an appropriate
32 agency that engages in emergency management, as defined in RCW
33 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a
34 law enforcement agency, as defined in RCW 16.52.011, within the scope
35 of the agency's official duties.

36 (4) A wheeled all-terrain vehicle is an off-road vehicle for the
37 purposes of chapter 4.24 RCW.

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