

SHB 1322 - S COMM AMD

By Committee on Transportation

NOT ADOPTED 04/25/2021

1 Strike everything after the enacting clause and insert the
2 following:

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

5 ORV registrations and decals are required under this chapter
6 except for the following:

7 (1) Off-road vehicles owned and operated by the United States,
8 another state, or a political subdivision of the United States or
9 another state.

10 (2) Off-road vehicles owned and operated by this state, a
11 municipality, or a political subdivision of this state or the
12 municipality.

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

16 (4) (a) Off-road vehicles owned by a resident of another state
17 that have a valid ORV use permit or vehicle registration issued in
18 accordance with the laws of the other state. This exemption applies
19 only to the extent that a similar exemption or privilege is granted
20 under the laws of that state.

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

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

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

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

11 **Sec. 2.** RCW 46.09.400 and 2013 2nd sp.s. c 23 s 12 are each
12 amended to read as follows:

13 The department shall:

14 (1) Issue registrations and temporary ORV use permits for
15 off-road vehicles, excluding wheeled all-terrain vehicles subject to
16 subsection (4) of this section;

17 (2) Issue decals for off-road vehicles, excluding wheeled all-
18 terrain vehicles subject to subsection (4) of this section. The
19 decals serve the same function as license plates for vehicles
20 registered under chapter 46.16A RCW;

21 (3) ~~((Charge))~~ (a) Except as provided in (b) of this subsection,
22 charge a fee for each decal covering the actual cost of the decal;

23 (b) Charge no fee for the decal, if the vehicle is also properly
24 registered or permitted in another state to a resident of the state,
25 and, at the time of application for either an original Washington ORV
26 registration or a renewal of a Washington ORV registration, the
27 resident presents the following documents issued by the other state:
28 (i) The resident's unexpired driver's license; and (ii) the current
29 registration or permit for the off-road vehicle; and

30 (4) Issue metal tags, off-road vehicle registrations, and on-road
31 vehicle registrations for wheeled all-terrain vehicles.

32 **Sec. 3.** RCW 46.09.410 and 2013 2nd sp.s. c 23 s 13 are each
33 amended to read as follows:

34 (1) (a) The application for an original ORV registration has the
35 same requirements as described for original vehicle registrations in
36 RCW 46.16A.040 and, except as provided in (b) of this subsection,
37 must be accompanied by the annual off-road vehicle license fee

1 required under RCW 46.17.350, in addition to any other fees or taxes
2 due for the application.

3 (b) The license fee provided in RCW 46.17.350 is not required
4 with an application for an original ORV registration, if the vehicle
5 is also properly registered or permitted in another state to a
6 resident of the state, and, at the time of application for an
7 original Washington ORV registration, the resident presents the
8 following documents issued by the other state: (i) The resident's
9 unexpired driver's license; and (ii) the current registration or
10 permit for the off-road vehicle.

11 (2)(a) The application for renewal of an ORV registration has the
12 same requirements as described for the renewal of vehicle
13 registrations in RCW 46.16A.110 and, except as provided in (b) of
14 this subsection, must be accompanied by the annual off-road vehicle
15 license fee required under RCW 46.17.350, in addition to any other
16 fees or taxes due for the application.

17 (b) The license fee provided in RCW 46.17.350 is not required
18 with an application for renewal of an ORV registration, if the
19 vehicle is also properly registered or permitted in another state to
20 a resident of the state, and, at the time of application for a
21 renewal of a Washington ORV registration, the resident presents the
22 following documents issued by the other state: (i) The resident's
23 unexpired driver's license; and (ii) the current registration or
24 permit for the off-road vehicle.

25 (3) The annual ORV registration is valid for one year and may be
26 renewed each subsequent year as prescribed by the department.

27 (4) A person who acquires an off-road vehicle that has an ORV
28 registration must:

29 (a) Apply to the department, county auditor or other agent, or
30 subagent appointed by the director for a transfer of the ORV
31 registration within fifteen days of taking possession of the off-road
32 vehicle; and

33 (b) Pay the ORV registration transfer fee required under RCW
34 46.17.410, in addition to any other fees or taxes due at the time of
35 application.

36 (5) The department shall issue an ORV registration, decals, and
37 tabs upon receipt of:

38 (a) A properly completed application for an original ORV
39 registration; and

1 (b) The payment of all fees and taxes due at the time of
2 application.

3 (6) The ORV registration must be carried on the vehicle for which
4 it was issued at all times during its operation in this state.

5 (7) Off-road vehicle decals must be affixed to the off-road
6 vehicle in a manner prescribed by the department.

7 (8) Unless exempt under RCW 46.09.420, any out-of-state operator
8 of an off-road vehicle, when operating in this state, must comply
9 with this chapter. If an ORV registration is required under this
10 chapter, the out-of-state operator must obtain an ORV registration
11 and decal or a temporary ORV use permit.

12 (9) This section does not apply to wheeled all-terrain vehicles
13 registered for use under RCW 46.09.442.

14 **Sec. 4.** RCW 46.09.442 and 2016 c 84 s 3 are each amended to read
15 as follows:

16 (1) Any wheeled all-terrain vehicle operated within this state
17 must display a metal tag to be affixed to the rear of the wheeled
18 all-terrain vehicle. The initial metal tag must be issued with an
19 original off-road vehicle registration and, except as provided in
20 subsection (7) of this section, upon payment of the initial vehicle
21 license fee under RCW 46.17.350(1)(s). The metal tag must be replaced
22 every seven years at a cost of two dollars. Revenue from replacement
23 metal tags must be deposited into the nonhighway and off-road vehicle
24 activities program account. The department must design the metal tag,
25 which must:

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

27 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
28 tag;

29 (c) Contain designated identification through a combination of
30 letters and numbers;

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

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

35 (2) Except as provided in (~~subsection~~) subsections (6)(b) and
36 (7) of this section, a person who operates a wheeled all-terrain
37 vehicle must have a current and proper off-road vehicle registration,
38 with the appropriate off-road tab, and pay the annual vehicle license
39 fee as provided in RCW 46.17.350(1)(s), which must be deposited into

1 the nonhighway and off-road vehicle activities program account. The
2 off-road tab must be issued annually by the department upon payment
3 of initial and renewal vehicle license fees under RCW
4 46.17.350(1)(s), except as provided in subsection (7) of this
5 section.

6 (3) Except as provided in (~~subsection~~) subsections (6)(a) and
7 (7) of this section, a person who operates a wheeled all-terrain
8 vehicle upon a public roadway must have a current and proper on-road
9 vehicle registration, with the appropriate on-road tab, which must be
10 of a bright color that can be seen from a reasonable distance, and
11 pay the annual vehicle license fee as provided in RCW
12 46.17.350(1)(r). The on-road tab must be issued annually by the
13 department upon payment of initial and renewal vehicle license fees
14 under RCW 46.17.350(1)(r), except as provided in subsection (7) of
15 this section.

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

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

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

38 (b) Off-road operation in Washington state of a wheeled all-
39 terrain vehicle owned by a resident of another state and meeting the

1 definition in RCW 46.09.310(19) is governed (~~by~~) in the same manner
2 as for other off-road vehicles under RCW 46.09.420(4).

3 (7)(a) The license fee provided in RCW 46.17.350 is not required
4 with an application for an original ORV registration or the renewal
5 of an ORV registration, if the vehicle is also properly registered or
6 permitted in another state to a resident of the state, and, at the
7 time of application, the resident presents the following documents
8 issued by the other state: (i) The resident's unexpired driver's
9 license; and (ii) the current registration or permit for the off-road
10 vehicle.

11 (b) The department must issue a metal tag and either the off-road
12 tag, on-road tag, or both, as appropriate, following the ORV
13 registration under (a) of this subsection.

14 **Sec. 5.** RCW 46.93.210 and 2017 c 218 s 4 are each amended to
15 read as follows:

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

28 (2) The department of licensing shall examine the listing
29 reported in subsection (1) of this section to verify whether the
30 vehicles are properly registered in the state and shall transmit the
31 results of its analysis to the department of revenue. Beginning in
32 2018, and to the extent that it has received the listing required
33 under subsection (1) of this section, the department and the
34 department of revenue shall jointly notify by (~~certified mail from~~
35 ~~the United States postal service, with return receipt requested,~~)
36 first-class mail from the United States postal service by the end of
37 February of each year, the purchasers of the warranties of the off-
38 road vehicles and snowmobiles that are not properly registered in the
39 state of the owner's obligations under state law regarding vehicle

1 titling, registration, and use tax payment, as well as of the
2 penalties for failure to comply with the law.

3 (3) Fines received under this section must be paid into the state
4 treasury and credited to the nonhighway and off-road vehicle
5 activities program account under RCW 46.09.510 and to the snowmobile
6 account under RCW 46.68.350. The state treasurer must apportion the
7 fines between the accounts according to the pro rata share of the
8 number of off-road vehicle and snowmobile registrations in the
9 previous calendar year. The department must provide the state
10 treasurer with the information needed to determine the apportionment.

11 **Sec. 6.** RCW 46.09.495 and 2017 c 218 s 2 are each amended to
12 read as follows:

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

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

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

22 (2) For a second or subsequent offense, the person convicted is
23 also subject to a fine equal to four times the amount of avoided
24 taxes and fees, which may not be suspended, except as provided in RCW
25 10.05.180.

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

28 **Sec. 7.** RCW 46.10.505 and 2017 c 218 s 3 are each amended to
29 read as follows:

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

33 (a) Knowingly fail to register a snowmobile within fifteen days
34 of receiving or refusing a notice issued by the department under RCW
35 46.93.210; or

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

1 (2) For a second or subsequent offense, the person convicted is
2 also subject to a fine equal to four times the amount of avoided
3 taxes and fees, which may not be suspended, except as provided in RCW
4 10.05.180.

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

7 NEW SECTION. **Sec. 8.** This act takes effect October 1, 2021."

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8 On page 1, line 2 of the title, after "enforcement;" strike the
9 remainder of the title and insert "amending RCW 46.09.420, 46.09.400,
10 46.09.410, 46.09.442, 46.93.210, 46.09.495, and 46.10.505;
11 prescribing penalties; and providing an effective date."

EFFECT: Clarifies that certain out-of-state applicants for an ORV
registration do not have to pay the ORV registration fee but may have
to pay a transaction fee collected by subagents.

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