
SENATE BILL 5332

State of Washington

67th Legislature

2021 Regular Session

By Senator Padden

1 AN ACT Relating to clarifying equipment requirements for wheeled
2 all-terrain vehicles; and amending RCW 46.09.442 and 46.09.457.

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

4 **Sec. 1.** RCW 46.09.442 and 2016 c 84 s 3 are each amended to read
5 as follows:

6 (1) Any wheeled all-terrain vehicle operated within this state
7 must display a metal tag to be affixed to the rear of the wheeled
8 all-terrain vehicle. The initial metal tag must be issued with an
9 original off-road vehicle registration and upon payment of the
10 initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag
11 must be replaced every seven years at a cost of two dollars. Revenue
12 from replacement metal tags must be deposited into the nonhighway and
13 off-road vehicle activities program account. The department must
14 design the metal tag, which must:

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

16 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
17 tag;

18 (c) Contain designated identification through a combination of
19 letters and numbers;

20 (d) Leave space at the bottom left corner of the tag for an off-
21 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
7 RCW 46.17.350(1)(s), which must be deposited into the nonhighway and
8 off-road vehicle activities program account, and comply with
9 equipment requirements as provided in RCW 46.09.470. The off-road tab
10 must be issued annually by the department upon payment of initial and
11 renewal vehicle license fees under RCW 46.17.350(1)(s).

12 (3) Except as provided in subsection (6)(a) of this section, a
13 person who operates a wheeled all-terrain vehicle upon a public
14 roadway must have a current and proper on-road vehicle registration,
15 with the appropriate on-road tab, which must be of a bright color
16 that can be seen from a reasonable distance, (~~and~~) pay the annual
17 vehicle license fee as provided in RCW 46.17.350(1)(r), and comply
18 with the on-road equipment and declaration requirements for wheeled
19 all-terrain vehicles as provided in RCW 46.09.457. The on-road tab
20 must be issued annually by the department upon payment of initial and
21 renewal vehicle license fees under RCW 46.17.350(1)(r).

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

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

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

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 RCW 46.09.420(4).

4 **Sec. 2.** RCW 46.09.457 and 2016 c 84 s 4 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, subject to RCW 46.09.455 and the following equipment and
9 declaration requirements:

10 (a) A person who operates a wheeled all-terrain vehicle on a
11 public roadway as authorized under RCW 46.09.455 must comply with the
12 following equipment requirements:

13 (i) Headlights meeting the requirements of RCW 46.37.030 and
14 46.37.040 and used at all times when the vehicle is in motion upon a
15 highway;

16 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and
17 used at all times when the vehicle is in motion upon a highway;
18 however, a utility-type vehicle, as described under RCW 46.09.310,
19 must have two tail lamps meeting the requirements of RCW 46.37.070(1)
20 and to be used at all times when the vehicle is in motion upon a
21 highway;

22 (iii) A stop lamp meeting the requirements of RCW 46.37.200;

23 (iv) Reflectors meeting the requirements of RCW 46.37.060;

24 (v) During hours of darkness, as defined in RCW 46.04.200, turn
25 signals meeting the requirements of RCW 46.37.200. Outside of hours
26 of darkness, the operator must comply with RCW 46.37.200 or
27 46.61.310;

28 (vi) A mirror attached to either the right or left handlebar,
29 which must be located to give the operator a complete view of the
30 highway for a distance of at least two hundred feet to the rear of
31 the vehicle; however, a utility-type vehicle, as described under RCW
32 46.09.310(19), must have two mirrors meeting the requirements of RCW
33 46.37.400;

34 (vii) A windshield meeting the requirements of RCW 46.37.430,
35 unless the operator wears glasses, goggles, or a face shield while
36 operating the vehicle, of a type conforming to rules adopted by the
37 Washington state patrol;

38 (viii) A horn or warning device meeting the requirements of RCW
39 46.37.380;

1 (ix) Brakes in working order;

2 (x) A spark arrester and muffling device meeting the requirements
3 of RCW 46.09.470; and

4 (xi) For utility-type vehicles, as described under RCW
5 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

6 (b) A person who operates a wheeled all-terrain vehicle upon a
7 public roadway must provide a declaration that includes the
8 following:

9 (i) Documentation of a safety inspection to be completed by a
10 licensed wheeled all-terrain vehicle dealer or motor vehicle repair
11 shop in the state of Washington that must outline the vehicle
12 information and certify under oath that all wheeled all-terrain
13 vehicle equipment as required under this section meets the
14 requirements outlined in state and federal law. A person who makes a
15 false statement regarding the inspection of equipment required under
16 this section is guilty of false swearing, a gross misdemeanor, under
17 RCW 9A.72.040;

18 (ii) Documentation that the licensed wheeled all-terrain vehicle
19 dealer or motor vehicle repair shop did not charge more than fifty
20 dollars per safety inspection and that the entire safety inspection
21 fee is paid directly and only to the licensed wheeled all-terrain
22 vehicle dealer or motor vehicle repair shop;

23 (iii) A statement that the licensed wheeled all-terrain vehicle
24 dealer or motor vehicle repair shop is entitled to the full amount
25 charged for the safety inspection;

26 (iv) A vehicle identification number verification that must be
27 completed by a licensed wheeled all-terrain vehicle dealer or motor
28 vehicle repair shop in the state of Washington;

29 (v) A release, on a form to be supplied by the department, signed
30 by the owner of the wheeled all-terrain vehicle and verified by the
31 department, county auditor or other agent, or subagent appointed by
32 the director that releases the state, counties, cities, and towns
33 from any liability; and

34 (vi) A statement that outlines that the owner understands that
35 the original wheeled all-terrain vehicle was not manufactured for on-
36 road use and that it has been modified for use on public roadways.

37 (2) This section does not apply to emergency services vehicles,
38 vehicles used for emergency management purposes, or vehicles used in
39 the production of agricultural and timber products on and across

1 lands owned, leased, or managed by the owner or operator of the
2 wheeled all-terrain vehicle or the operator's employer.

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