

SB 5751 - S AMD 512
By Senator Lovick

NOT CONSIDERED 03/07/2024

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

3 "Sec. 1. RCW 46.04.365 and 2010 c 161 s 127 are each amended to
4 read as follows:

5 "Off-road vehicle" or "ORV" means a nonstreet registered vehicle
6 when used for recreational purposes on nonhighway roads, trails, or a
7 variety of other natural terrain. "Off-road vehicle" or "ORV"
8 includes, but is not limited to, all-terrain vehicles, recreational
9 off-highway vehicles, motorcycles, four-wheel drive vehicles, and
10 dune buggies.

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

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

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

17 (2) "All-terrain vehicle" means any nonhighway vehicle with
18 handlebars that is 50 inches or less in width, weighs less than 1,500
19 pounds, and has four or more nonhighway tires.

20 (3) "Board" means the recreation and conservation funding board
21 established in RCW 79A.25.110.

22 ((+3)) (4) "Dealer" means a person, partnership, association, or
23 corporation engaged in the business of selling off-road vehicles at
24 wholesale or retail in this state.

25 ((+4)) (5) "Direct supervision" means that the supervising adult
26 must be in a position, on another wheeled all-terrain vehicle or
27 specialty off-highway vehicle or motorbike or, if on the ground,
28 within a reasonable distance of the unlicensed operator, to provide
29 close support, assistance, or direction to the unlicensed operator.

30 ((+5)) (6) "Emergency management" means the carrying out of
31 emergency functions related to responding and recovering from
32 emergencies and disasters, and to aid victims suffering from injury

1 or damage, resulting from disasters caused by all hazards, whether
2 natural, technological, or human caused, and to provide support for
3 search and rescue operations for persons and property in distress.

4 ~~((6))~~ (7) "Highway," for the purpose of this chapter only,
5 means the entire width between the boundary lines of every roadway
6 publicly maintained by the state department of transportation or any
7 county or city with funding from the motor vehicle fund. A highway is
8 generally capable of travel by a conventional two-wheel drive
9 passenger automobile during most of the year and in use by such
10 vehicles.

11 ~~((7))~~ (8) "Nonhighway road" means any road owned or managed by
12 a public agency, a primitive road, or any private road for which the
13 owner has granted an easement for public use for which appropriations
14 from the motor vehicle fund were not used for (a) original
15 construction or reconstruction in the last ~~((twenty-five))~~ 25 years;
16 or (b) maintenance in the last four years.

17 ~~((8))~~ (9) "Nonhighway road recreation facilities" means
18 recreational facilities that are adjacent to, or accessed by, a
19 nonhighway road and intended primarily for nonhighway road
20 recreational users.

21 ~~((9))~~ (10) "Nonhighway road recreational user" means a person
22 whose purpose for consuming fuel on a nonhighway road or off-road is
23 primarily for nonhighway road recreational purposes~~((7))~~ including,
24 but not limited to, hunting, fishing, camping, sightseeing, wildlife
25 viewing, picnicking, driving for pleasure, kayaking/canoeing, and
26 gathering berries, firewood, mushrooms, and other natural products.

27 ~~((10))~~ (11) "Nonhighway vehicle" means any motorized vehicle
28 including an ORV when used for recreational purposes on nonhighway
29 roads, trails, or a variety of other natural terrain.

30 Nonhighway vehicle does not include:

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

33 (b) Snowmobiles or any military vehicles; or

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

38 ~~((11))~~ (12) "Nonmotorized recreational facilities" means
39 recreational trails and facilities that are adjacent to, or accessed

1 by, a nonhighway road and intended primarily for nonmotorized
2 recreational users.

3 ~~((12))~~ (13) "Nonmotorized recreational user" means a person
4 whose purpose for consuming fuel on a nonhighway road or off-road is
5 primarily for nonmotorized recreational purposes including, but not
6 limited to, walking, hiking, backpacking, climbing, cross-country
7 skiing, snowshoeing, mountain biking, horseback riding, and pack
8 animal activities.

9 ~~((13))~~ (14) "Organized competitive event" means any
10 competition, advertised in advance through written notice to
11 organized clubs or published in local newspapers, sponsored by
12 recognized clubs, and conducted at a predetermined time and place.

13 ~~((14))~~ (15) "ORV recreation facilities" include, but are not
14 limited to, ORV trails, trailheads, campgrounds, ORV sports parks,
15 and ORV use areas, designated for ORV use by the managing authority.

16 ~~((15))~~ (16) "ORV recreational user" means a person whose
17 purpose for consuming fuel on nonhighway roads or off-road is
18 primarily for ORV recreational purposes, including but not limited to
19 riding an all-terrain vehicle, motorcycling, or driving a four-wheel
20 drive vehicle or dune buggy.

21 ~~((16))~~ (17) "ORV sports park" means a facility designed to
22 accommodate competitive ORV recreational uses including, but not
23 limited to, motocross racing, four-wheel drive competitions, and flat
24 track racing. Use of ORV sports parks can be competitive or
25 noncompetitive in nature.

26 ~~((17))~~ (18) "ORV trail" means a multiple-use corridor
27 designated by the managing authority and maintained for recreational
28 use by motorized vehicles.

29 ~~((18))~~ (19) "Primitive road" means a linear route managed for
30 use by four-wheel drive or high-clearance vehicles that is generally
31 not maintained or paved, a road designated by a county as primitive
32 under RCW 36.75.300, or a road designated by a city or town as
33 primitive under a local ordinance.

34 ~~((19))~~ (20) "Recreational off-highway vehicle" means any
35 nonhighway vehicle, other than an all-terrain vehicle, that is 75
36 inches or less in width, weighs less than 3,500 pounds, and has four
37 or more nonhighway tires.

38 (21) "Wheeled all-terrain vehicle" means ~~((a) any motorized~~
39 ~~nonhighway vehicle with handlebars that is fifty inches or less in~~
40 ~~width, has a seat height of at least twenty inches, weighs less than~~

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

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12 On page 1, line 1 of the title, after "modifying" strike the
13 remainder of the title and insert "off-road and wheeled all-terrain
14 vehicle definitions; amending RCW 46.04.365; and reenacting and
15 amending RCW 46.09.310."

EFFECT: (1) Removes underlying changes to the definition of
wheeled all-terrain vehicle, and defines the term as any all-terrain
vehicle or recreational off-highway vehicle.

(2) Creates definitions for all-terrain vehicle and recreational
off-highway vehicle.

(3) Adds recreational off-highway vehicle to the definition of
off-road vehicle.

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