
Transportation Committee

HB 1632

Brief Description: Regulating the use of off-road vehicles in certain areas.

Sponsors: Representatives Shea, Blake, Kristiansen, Sells, Warnick, Upthegrove, Wilcox, Scott, Moscoso, Fagan and Condotta.

Brief Summary of Bill

- Establishes a definition for "wheeled all-terrain vehicle" along with operator, equipment, and registration requirements and related exemptions.
- Establishes locations in which the wheeled all-terrain vehicle may be operated.
- Establishes documentation for required equipment installations for a wheeled all-terrain vehicle.
- Creates the Multiuse Roadway Safety Account.
- Clarifies that local land management requirements must be followed and a process for the operator to receive a citation with or without law enforcement presence.
- Clarifies when off-road vehicle (ORV) registrations and decals are not required for off-road vehicles.
- Increases the age of a person from 13 to 16 years of age that may operate an off-road vehicle on or across a highway or non-highway road.
- Adds definitions for "primitive road" to the definitions of a non-highway road, direct supervision, and emergency management.

Hearing Date: 2/11/13

Staff: Jerry Long (786-7306).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Currently any city, county, or other political subdivision of the State of Washington, or any state agency, may regulate the operation of non-highway vehicles on public lands, waters, and other properties under its jurisdiction; and on streets, roads, or highways within its boundaries by adopting regulations or ordinances, provided such regulations are not less stringent than the provisions of state laws.

A legislative body of a city with a population of less than 3,000 in population, may by ordinance, designate a street or highway within its boundaries to be suitable for use by off-road vehicles. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by off-road vehicles if the road or highway is a direct connection between a city with a population of less than 3,000 and an off-road vehicle recreation facility.

Summary of Bill:

The bill establishes a definition for an "wheeled all-terrain vehicle" which is:

- a non-highway vehicle with handlebars that are 50 inches or less in width; has a seat height of at least 20 inches; weighs less than 1,500 pounds; and has four tires having a diameter of 30 inches or less; or,
- a utility-type vehicle designed for, and capable of travel over, designated roads with four or more low pressure tires of 20 PSI or less, a maximum width of less than 74 inches, a maximum weight less than 2,000 pounds, a wheelbase of 110 inches or less, and that meets at least one of the following: (1) a minimum width of 50 inches; a minimum weight of 900 pounds; or a wheelbase of over 61 inches.

Wheeled all-terrain vehicles operated in the state must display a metal tag on the rear of the vehicle. The initial metal tag must be issued with an original off-road vehicle registration. The metal tag must be replaced every seven years at a cost of \$2 to be deposited into the Non-highway and Off-Road Vehicle Activities Program Account. The Department of Licensing (DOL) must design the metal tag and be the same size as a motorcycle license plate and have "Restricted Vehicle" at the top. Space at the bottom left of the tag will be the space for the off-road tab and on the right for an on-road tab. The operator will have a current off-road vehicle registration tab and, in addition, may have an on-road vehicle tab and pay the annual vehicle license fee for the off-road or both off-road and on-road. The initial and renewal on-road registration fee is \$12. A wheeled all-terrain vehicle may not be registered for commercial use. Local authorities may not establish registration requirements for these vehicles.

A person that violates the following areas of operation will commit a traffic infraction. A person may operate a wheeled all-terrain vehicle:

- upon any public roadway of this state having a speed limit of 35 miles per hour or less;
- upon a road or highway road or highway in a city with a population of less than 15,000 unless the city, by ordinance, designates a road or highway to be unsuitable for wheeled all-terrain vehicle use; or
- upon a public roadway, trail, non-highway road, or state highway while being used for emergency management or search and rescue.

A city must post those roads not suitable for wheeled all-terrain vehicle use publically on the main page of the city's website.

A person may not operate a wheeled all-terrain vehicle:

- on state highways, except on a segment that is within the limits of a city and the speed limit is 35 miles per hour or less;
- crossing a public roadway in excess of 35 miles per hour unless the crossing begins and ends on a public roadway with a speed limit of 35 miles per hour or less and the intersection is 90 degrees;
- crossing at an uncontrolled intersection of a state highway; and
- on a public roadway in a city with a population of 15,000 or more unless the city, by ordinance, has approved the vehicles on city roadways.

The operator of a wheeled all terrain vehicle upon a public roadway of the state must have a valid Washington driver's license or a license issued by the state of the person's residence. The operator must follow the rights and duties of a motorcycle, except that the vehicles may not be operated side-by-side in a single lane.

A wheeled all-terrain vehicle must have the following equipment: headlights, one tail lamp for a wheeled all-terrain vehicle and two for a utility-type vehicle; a stop light; reflectors; turn signals during darkness; one handlebar mirror or two if an utility-type vehicle; a windshield unless the operator has eye protection; a horn or warning device; brakes; a spark arrester and muffler; and seatbelts if a utility-type vehicle.

A person operating a wheeled all-terrain vehicle, not including emergency services or vehicles used in the production of agriculture and timber on a public roadway, must provide a declaration that includes:

- documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or repair shop in Washington and certify under oath that the equipment as required meets state and federal law. A person making a false statement regarding the inspection is guilty of false swearing, a gross misdemeanor;
- documentation that the dealer or repair shop did not charge more than \$50 per inspection;
- a statement that the dealer or repair shop is entitled to the full amount charged;
- a vehicle identification number verification; and
- a release signed by the owner of the wheeled all-terrain vehicle that releases the state from any liability.

The DOL must track wheeled all-terrain vehicles in a separate registration category for reporting purposes.

The bill creates the Multiuse Roadway Safety Account (Account). Receipts from the new on-road use registration fee of \$12 must be deposited into the Account and only be spent after appropriation. The Washington State Department of Transportation will administer a grant program for:

- counties to perform engineering analysis of mixed vehicle use on county roads;
- local governments to erect signs providing notice that wheeled all-terrain vehicles are present or crossing roadways;
- law enforcement for defraying costs due to wheeled all-terrain vehicles; or
- to investigate accidents involving wheeled all-terrain vehicles.

Grants must be prioritized first by marking highway crossings warning motorists that wheeled all-terrain vehicles may be crossing when a recreation parking lot is on the other side of a roadway from the actual recreation facility. Signs must conform to the Manual on Uniform Traffic Control Devices. The Account will retain investment earnings.

A person who operates a wheeled all-terrain vehicle upon public lands must follow local land management requirements. If the person is found in violation, it is a traffic infraction with a penalty of up to \$500 by any law enforcement officer. If the infraction was not committed in the officer's presence, as long as there is reasonable evidence after an investigation of the violation and probable cause, then the officer must prepare a ticket of infraction and serve it upon the operator of the wheeled all-terrain vehicle. At a minimum, the evidence must include the time, location, and metal tag number or vehicle description.

The off-road vehicle (ORV) registrations and decals are not required for off-road vehicles:

- operated on and across agricultural and timber lands owned or leased, or managed by the off-road vehicle owner or operator or owner's employer;
- when used for emergency management under the authority or direction of an agency that engages in emergency management or search and rescue; or
- when used by persons who, in good faith, render emergency care or assistance with respect to an incident involving off-road vehicles and will not be liable for civil damages resulting from rendering assistance, other than acts of omissions constituting gross negligence or willful or misconduct.

The bill adds to existing authorizations that it is lawful to operate an ORV on any trail, non-highway road, or highway while being used under the authority or direction of an agency that engages in emergency management, search and rescue, or law enforcement official duties.

The bill increases the age of a person from 13 to 16 years of age that may operate an off-road vehicle on or across a highway or non-highway road. This does not apply when the person is under 16 and: the vehicle is being used for emergency management or rendering emergency care or assistance with respect to an incident involving off-road vehicles. A person may also operate an off-road vehicle across a highway, if at that crossing, signs indicate that wheeled all-terrain vehicles may be crossing, or on a non-highway road or trail designated for off-road vehicles use under the direct supervision of a person that is at least 18 years old with a valid driver's license. The age restriction does not apply to vehicles used in the production of agricultural or timber products on and across lands owned, leased, or managed by the owner or operator of a wheeled all-terrain vehicle or the operator's employer.

The bill changes the existing exemption for a person not having to wear a motorcycle helmet when operating on agricultural lands to "production of agricultural and timber products on and across lands owned or leased, or managed by the owner or operator of the off-road vehicle or the operator's employer."

The bill expands the use of existing ORV funds to publicly owned lands that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

The bill adds definitions for:

- "primitive road" to the definition of a non-highway road;
- direct supervision; and
- emergency management.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on March 1, 2014.