

# SENATE BILL REPORT

## 2SSB 5332

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As Passed Senate, February 9, 2022

**Title:** An act relating to off-road and wheeled all-terrain vehicles.

**Brief Description:** Concerning off-road and wheeled all-terrain vehicles.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senator Padden).

**Brief History:**

**Committee Activity:** Transportation: 2/01/21, 2/15/21 [DPS]; 1/24/22, 2/03/22 [DP2S].

**Floor Activity:** Passed Senate: 3/8/21, 49-0; 2/9/22, 47-0.

**Brief Summary of Second Substitute Bill**

- Clarifies the equipment required for wheeled all-terrain vehicles (WATV) registered and used on a public roadway, and for WATV registered and used off-road.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Second Substitute Senate Bill No. 5332 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Lias, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Hawkins, Holy, Lovelett, Lovick, Nguyen, Nobles, Padden, Randall, Sheldon, Wilson, C. and Wilson, J.

**Staff:** Kelly Simpson (786-7403)

**Background:** Wheeled All-Terrain Vehicles. A wheeled all-terrain vehicle (WATV) is a specific category of off-road vehicles authorized to travel on public roadways under certain circumstances. There are basically two types of WATV. One is a motorized nonhighway vehicle weighing less than 1500 pounds which is equipped with handlebars, four tires, and a

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seat with a height of at least 20 inches. The second type is a utility-type vehicle having a maximum width of less than 74 inches and a maximum weight of less than 2000 pounds, that can travel on four or more low pressure tires.

Off-Road Wheeled All-Terrain Vehicle Use. WATV off-road use requires registration and payment of an \$18 fee and must display a metal tag affixed to the rear of the vehicle with the appropriate off-road tab. The following equipment is required for off road WATV use:

- headlight and tail light between hours of dusk and dawn when operating on property not owned by the operator; and
- spark arrester and muffling device.

On-Road Whelled All-Terrain Use. A person who operates a WATV on a public roadway must have a valid driver's license for travel on public roadways and a current on-road vehicle registration. To obtain an on-road registration the required on-road equipment must first be installed, and the WATV must have been inspected by a licensed WATV dealer or repair shop who fills out the WATV road use declaration. The owner must then submit the declaration to the Department of Licensing, pay a \$12 fee, and register the WATV for on-road use. The eligible WATV must display a metal tag affixed to the rear of the vehicle with the appropriate on-road tab. The equipment required for on-road use includes:

- headlight;
- tail lamp—two tail lamps for utility type WATV;
- stop lamp;
- reflectors;
- turn-signals;
- mirror—two mirrors for utility type WATV;
- windshield;
- horn;
- brakes;
- spark arrester and muffling device; and
- seatbelts—for utility type WATV.

**Summary of Second Substitute Bill:** The equipment required for a WATV registered and used on a public roadway and for WATV registered and used off-road is clarified.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Regular Session 2021):** *The committee recommended a different version of the bill than what was heard.* PRO: This

came from a constituent who had difficulty telling which equipment he needed for off road versus on road operation of a WATV. It really is meant as a technical correction bill.

OTHER: We support the technical clarifications. However, there are some more technical corrections that we feel should also be addressed. The Department of Licensing's interpretation of the statute causes confusion in tracking the funds that are collected and for the public. Dealers are also having a hard time knowing what paperwork to file for which vehicles.

**Persons Testifying (Transportation):** PRO: Senator Mike Padden, Prime Sponsor.

OTHER: Ted Jackson, Washington ATV Association, Pro Sec 222.

**Persons Signed In To Testify But Not Testifying (Transportation):** No one.

**Staff Summary of Public Testimony on Second Substitute (Transportation) (Regular Session 2022):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill simply clarifies which statutory equipment requirements apply for WATV use on public roadways and for WATV use on off-road areas. Constituencies are seeking to have the WATV equipment requirements clarified in statute.

**Persons Testifying (Transportation):** PRO: Senator Mike Padden, Prime Sponsor; Linda Driscoll, Premier Polaris.

**Persons Signed In To Testify But Not Testifying (Transportation):** No one.