

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1322

67th Legislature
2021 Regular Session

Passed by the House March 2, 2021
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 25, 2021
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1322** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1322

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By House Transportation (originally sponsored by Representatives Wylie, Harris, Ortiz-Self, and Eslick)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to off-road vehicle and snowmobile registration
2 enforcement; amending RCW 46.09.420, 46.09.400, 46.09.410, 46.09.442,
3 46.93.210, 46.09.495, and 46.10.505; prescribing penalties; and
4 providing an effective date.

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

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

8 ORV registrations and decals are required under this chapter
9 except for the following:

10 (1) Off-road vehicles owned and operated by the United States,
11 another state, or a political subdivision of the United States or
12 another state.

13 (2) Off-road vehicles owned and operated by this state, a
14 municipality, or a political subdivision of this state or the
15 municipality.

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

19 (4) (a) Off-road vehicles owned by a resident of another state
20 that have a valid ORV use permit or vehicle registration issued in
21 accordance with the laws of the other state. This exemption applies

1 only to the extent that a similar exemption or privilege is granted
2 under the laws of that state.

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

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

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

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

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

24 The department shall:

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

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

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

34 (b) Charge no fee for the decal, if the vehicle is also properly
35 registered or permitted in another state to a resident of the state,
36 and, at the time of application for either an original Washington ORV
37 registration or a renewal of a Washington ORV registration, the
38 resident presents the following documents issued by the other state:

1 (i) The resident's unexpired driver's license; and (ii) the current
2 registration or permit for the off-road vehicle; and

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

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

7 (1)(a) The application for an original ORV registration has the
8 same requirements as described for original vehicle registrations in
9 RCW 46.16A.040 and, except as provided in (b) of this subsection,
10 must be accompanied by the annual off-road vehicle license fee
11 required under RCW 46.17.350, in addition to any other fees or taxes
12 due for the application.

13 (b) No fee is required with an application for an original ORV
14 registration, if the vehicle is also properly registered or permitted
15 in another state to a resident of the state, and, at the time of
16 application for an original Washington ORV registration, the resident
17 presents the following documents issued by the other state: (i) The
18 resident's unexpired driver's license; and (ii) the current
19 registration or permit for the off-road vehicle.

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

26 (b) No fee is required with an application for renewal of an ORV
27 registration, if the vehicle is also properly registered or permitted
28 in another state to a resident of the state, and, at the time of
29 application for a renewal of a Washington ORV registration, the
30 resident presents the following documents issued by the other state:
31 (i) The resident's unexpired driver's license; and (ii) the current
32 registration or permit for the off-road vehicle.

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

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

37 (a) Apply to the department, county auditor or other agent, or
38 subagent appointed by the director for a transfer of the ORV

1 registration within fifteen days of taking possession of the off-road
2 vehicle; and

3 (b) Pay the ORV registration transfer fee required under RCW
4 46.17.410, in addition to any other fees or taxes due at the time of
5 application.

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

8 (a) A properly completed application for an original ORV
9 registration; and

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

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

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

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

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

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

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

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

36 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
37 tag;

38 (c) Contain designated identification through a combination of
39 letters and numbers;

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

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

5 (2) Except as provided in (~~subsection~~) subsections (6)(b) and
6 (7) of this section, a person who operates a wheeled all-terrain
7 vehicle must have a current and proper off-road vehicle registration,
8 with the appropriate off-road tab, and pay the annual vehicle license
9 fee as provided in RCW 46.17.350(1)(s), which must be deposited into
10 the nonhighway and off-road vehicle activities program account. The
11 off-road tab must be issued annually by the department upon payment
12 of initial and renewal vehicle license fees under RCW
13 46.17.350(1)(s), except as provided in subsection (7) of this
14 section.

15 (3) Except as provided in (~~subsection~~) subsections (6)(a) and
16 (7) of this section, a person who operates a wheeled all-terrain
17 vehicle upon a public roadway must have a current and proper on-road
18 vehicle registration, with the appropriate on-road tab, which must be
19 of a bright color that can be seen from a reasonable distance, and
20 pay the annual vehicle license fee as provided in RCW
21 46.17.350(1)(r). The on-road tab must be issued annually by the
22 department upon payment of initial and renewal vehicle license fees
23 under RCW 46.17.350(1)(r), except as provided in subsection (7) of
24 this section.

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

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

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

1 requirements listed in RCW 46.09.457. The department may publish on
2 its web site a list of states that meet the exemption requirements
3 under this subsection. The exemption in this subsection does not
4 apply to a wheeled all-terrain vehicle owned by a resident of a state
5 that borders Washington and that does not impose a retail sales and
6 use tax on the sales or use of wheeled all-terrain vehicles.

7 (b) Off-road operation in Washington state of a wheeled all-
8 terrain vehicle owned by a resident of another state and meeting the
9 definition in RCW 46.09.310(19) is governed (~~by~~) in the same manner
10 as for other off-road vehicles under RCW 46.09.420(4).

11 (7)(a) No fee is required with an application for an original ORV
12 registration or the renewal of an ORV registration, if the vehicle is
13 also properly registered or permitted in another state to a resident
14 of the state, and, at the time of application, the resident presents
15 the following documents issued by the other state: (i) The resident's
16 unexpired driver's license; and (ii) the current registration or
17 permit for the off-road vehicle.

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

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

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

35 (2) The department of licensing shall examine the listing
36 reported in subsection (1) of this section to verify whether the
37 vehicles are properly registered in the state and shall transmit the
38 results of its analysis to the department of revenue. Beginning in
39 2018, and to the extent that it has received the listing required

1 under subsection (1) of this section, the department and the
2 department of revenue shall jointly notify by (~~certified mail from~~
3 ~~the United States postal service, with return receipt requested,~~)
4 first-class mail from the United States postal service by the end of
5 February of each year, the purchasers of the warranties of the off-
6 road vehicles and snowmobiles that are not properly registered in the
7 state of the owner's obligations under state law regarding vehicle
8 titling, registration, and use tax payment, as well as of the
9 penalties for failure to comply with the law.

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

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

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

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

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

29 (2) For a second or subsequent offense, the person convicted is
30 also subject to a fine equal to four times the amount of avoided
31 taxes and fees, which may not be suspended, except as provided in RCW
32 10.05.180.

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

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

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

4 (a) Knowingly fail to register a snowmobile within fifteen days
5 of receiving or refusing a notice issued by the department under RCW
6 46.93.210; or

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

9 (2) For a second or subsequent offense, the person convicted is
10 also subject to a fine equal to four times the amount of avoided
11 taxes and fees, which may not be suspended, except as provided in RCW
12 10.05.180.

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

15 NEW SECTION. Sec. 8. This act takes effect October 1, 2021.

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