

# HOUSE BILL REPORT

## SSB 5800

---

**As Passed House:**  
April 5, 2011

**Title:** An act relating to authorizing the use of modified off-road motorcycles on public roads.

**Brief Description:** Authorizing the use of modified off-road motorcycles on public roads.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators King, Haugen and Shin).

**Brief History:**

**Committee Activity:**

Transportation: 3/22/11, 3/24/11 [DP].

**Floor Activity:**

Passed House: 4/5/11, 96-0.

**Brief Summary of Substitute Bill**

- Establishes a definition for an off-road motorcycle.
- Permits the conversion of off-road motorcycles for use on a public road, street, or highway.
- Establishes operator rules and responsibilities for the operation of off-road motorcycles for use on a public road, street, or highway.
- Establishes equipment requirements for off-road motorcycles to be used on a public road, street, or highway.
- Requires the Department of Licensing to establish a declaration to be submitted by an off-road motorcycle owner when applying for on-road registration.

---

### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 25 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Jinkins, Johnson,

---

*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.*

Klippert, Ladenburg, McCune, Morris, Moscoso, Reykdal, Rivers, Rolfes, Ryu, Shea, Takko, Upthegrove and Zeiger.

**Staff:** Jerry Long (786-7306).

**Background:**

To be eligible for a Washington registration as a street legal vehicle, a motorcycle must meet federal Motor Vehicle Safety Standards and federal emission standards. Motorcycles certified for highway use are required by federal law to have a permanent label, attached by the manufacturer, indicating that the motorcycle is compliant with the federal Motor Vehicle Safety Standards and the federal Environmental Protection Agency's emissions standards for highway use. Off-road motorcycles often have the words "off-road use only" or a similar message stamped into the frame of the motorcycle. This type of message also is generally found in the owner's manual for these types of motorcycles and on stickers applied to the rear fenders.

Currently, Washington law does not permit the conversion of off-road motorcycles for on-street use.

**Summary of Bill:**

The bill allows a person with a valid driver's license and motorcycle endorsement to operate an off-road motorcycle upon a public road, street, or highway if the person:

- has a current off-road vehicle registration or temporary use permit;
- has a motorcycle with a headlight, tail light, stop light, reflectors, brakes, left and right handlebar mirrors, windshield or the person wears face protection, warning device, turn signals, legal tires, and fenders; and
- files a motorcycle use declaration with the Department of Licensing (DOL) certifying conformance with all federal and state motor vehicle safety standards.

An off-road motorcycle is defined. In order to be registered for on-road use, an off-road motorcycle must travel on two wheels with a seat designed to be straddled by the operator and have handlebar-type steering control.

The person operating an off-road motorcycle must follow the rules of the road and state laws pertaining to on-road motorcycles. Any violations will be a traffic infraction.

The DOL will establish a declaration which must be submitted by an off-road motorcycle owner when applying for on-road registration of the off-road motorcycle. The declaration must include the following:

- safety inspection documentation to be completed by a licensed motorcycle dealer or repair shop in the State of Washington certifying that the off-road motorcycle has the required equipment;
- a statement that the licensed motorcycle dealer or repair shop is entitled to the full amount charged for the motorcycle safety inspection and did not charge more than \$100;

- a vehicle identification number verification that must be completed by a licensed motorcycle dealer or repair shop in the State of Washington; and
- a release signed by the owner of the off-road motorcycle and verified by the DOL, county auditor, other agent, or subagent that releases the State of Washington from liability and outlines that the owner understands the original off-road motorcycle was not manufactured for on-road use and that it has been modified for use on public roads.

The DOL must track off-road motorcycles in a separate registration category for reporting purposes.

Accidents must be recorded and tracked separately when any of the vehicles involved is an off-road motorcycle.

It is not legal to operate an off-road motorcycle on a private non-highway road if the road owner has not authorized the use of the road.

It is not a traffic infraction to operate an off-road motorcycle:

- if any city, county, or other political subdivision of this state, 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 of its governing body, provided such regulations are not less stringent than the provisions of this chapter; or
- the legislative body of a city with a population of less than 3,000 persons has, by ordinance, designated a street or highway within its boundaries for use by off-road vehicles; or
- the legislative body of a county may, by ordinance, designate a road or highway within its boundaries 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 persons and an off-road vehicle recreation facility.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on January 1, 2012.

**Staff Summary of Public Testimony:**

(In support) A lot of people own off-road vehicles licensed as on-road vehicles. This bill would actually increase the sale of off-road two-wheel vehicles if people could use the motorcycles they ride on the roads to get between trail heads. Several states (Idaho, Nevada, and Oregon) allow off-road motorcycles to be modified for on-road use. People from Washington go to other states for vacations due to the flexibility of getting between trail heads and being able to go into the local towns. Members have worked with the DOL and the Washington State Patrol (WSP) to address concerns on the bill. This will expand recreational opportunities and allow people in the state to use their motorcycles between their camp site and town to pick up supplies, etc.

These motorcycles get great gas mileage and have spark arresters along with the appropriate exhaust systems. This will promote responsible off-road vehicle use and allow young people starting to ride off-road bikes learn to be responsible by existing motorcyclists' setting a good example. Off-road motorcycles are well built on a better platform. By allowing these motorcycles more flexibility on roadways, it opens up more areas to use these bikes. Not all off-road vehicle owners are responsible.

(Information only) This bill is a responsible bill. There are three different types of bikes: off-road dirt bike; dual sport bikes; and street legal bikes. The WSP cannot really say whether these bikes, after being modified for street use, will be more or less safe than bikes designed for street use, since the off-road bikes still have a off-road frame as designed by the manufacturer.

(Opposed) None.

**Persons Testifying:** (In support) Senator King, prime sponsor; Gary Johnson, Katie Harrison, and Tod Petersen, Washington Off Highway Vehicle Alliance; Ted Jackson, Gold Bar Nature Trails; Vicki Green, Washington State Motor Dealers Association; Larry Walker, Washington Road Rider's Association; and Riley Harrison.

(Information only) Jason Berry, Washington State Patrol.

**Persons Signed In To Testify But Not Testifying:** None.