

HOUSE BILL REPORT

SHB 2675

As Passed House:
February 17, 2014

Title: An act relating to provisions applicable to off-road, nonhighway, and wheeled all-terrain vehicles and their drivers.

Brief Description: Modifying provisions applicable to off-road, nonhighway, and wheeled all-terrain vehicles and their drivers.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Shea, Blake, Moscoso, Reykdal, Sells, Condotta, Scott and Young).

Brief History:

Committee Activity:

Transportation: 2/3/14, 2/4/14 [DPS].

Floor Activity:

Passed House: 2/17/14, 90-6.

Brief Summary of Substitute Bill

- Adds sponsoring organization to the list of entities where a volunteer emergency worker would be protected from liability for civil damages.
- Requires that all off-road vehicles (ORVs) are issued a title for registration purposes and if the ORV does not have a vehicle identification number, then the Department of Licensing must use the engine serial number.
- Exempts wheeled all-terrain vehicles owned by a resident of another state from Washington registration requirements, if the vehicle is lawfully registered in the other state with the same requirements as the State of Washington, and if the other state provides reciprocal exemption privileges.
- Changes the entity from documenting the equipment required on a "licensed wheeled all-terrain vehicle dealer or repair shop" to "licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop."

HOUSE COMMITTEE ON TRANSPORTATION

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Fitzgibbon, Freeman, Hawkins, Johnson, Kochmar, Moeller, Muri, Pike, Riccelli, Rodne, Sells, Shea, Takko, Young and Zeiger.

Minority Report: Do not pass. Signed by 9 members: Representatives Fey, Vice Chair; Bergquist, Habib, Klippert, Morris, Ortiz-Self, Ryu, Tarleton and Walkinshaw.

Staff: Jerry Long (786-7306).

Background:

A wheeled all-terrain vehicle is any motorized nonhighway vehicle with handlebars 50 inches or less in width, seat height of at least 20 inches, weight of less than 1,500 pounds, and four low-pressure tires with a diameter less than 30 inches; or utility-type vehicle with four or more tires, maximum width less than 74 inches, maximum weight less than 2,000 pounds, a wheelbase of 110 inches or less, and that satisfies at least one of the following: (1) a minimum width of 50 inches; (2) a minimum weight of 900 pounds; or (3) a wheelbase of over 61 inches.

Wheeled all-terrain vehicles operated within this state, unless exempt, must obtain a metal tag from the Department of Licensing (DOL).

Wheeled all-terrain vehicles must pay:

- the annual cost to operate off-road of \$18 for registration or \$10.75 for a temporary use permit. The revenue is deposited into the Nonhighway Vehicle and Off-Road Vehicle (ORV) Account;
- the annual cost to operate on public roadways, which is \$12 for a "road legal decal" plus an \$18 licensing fee, equaling \$30. The \$12 is deposited to the Multiuse Roadway Safety Account and the \$18 is deposited to the Nonhighway Vehicle and ORV Account; and
- the metal tag must be replaced every seven years at a cost of \$2 and the revenue is deposited into the Nonhighway Vehicle and ORV Account.

The \$12 registration fee for wheeled all-terrain vehicles used on public roadways must be deposited into the Multiuse Roadway Safety Account. Funds from this account may be spent on: (1) safety engineering analysis; (2) signs to alert the motoring public that wheeled all-terrain vehicles may be present or crossing; or (3) law enforcement for purposes of defraying costs of enforcement involving wheeled all-terrain vehicles.

A person is required to have a valid driver's license to operate a wheeled all-terrain vehicle on a public roadway. A person who operates a wheeled all-terrain vehicle must follow the motorcycle rules except that wheeled all-terrain vehicles cannot be operated side by side in a single lane of traffic. The DOL has the authority to develop and implement, along with rules, an online training course for people that register wheeled all-terrain and utility type vehicles for use on a public roadway.

A person operating a wheeled all-terrain vehicle may not cross a public roadway, not including nonhighway roads and trails, with a speed limit in excess of 35 miles per hour, unless the crossing begins and ends on a public roadway, not including nonhighway roads and trails, or an ORV trail, with a speed limit of 35 miles per hour or less and which occurs at an intersection of approximately 90 degrees, except that the operator of a wheeled all-terrain vehicle may not cross at an uncontrolled intersection of a public highway listed in state statute.

Wheeled all-terrain vehicles are authorized to operate on a public roadway having a speed limit of 35 miles per hour or less, not including nonhighway roads and trails, under the following conditions:

- in a county with a population of 15,000 or more if the county by ordinance has approved the operation of wheeled all-terrain vehicles on the county roadways;
- in a county with less than 15,000 in population unless the county has designated roadways or highways within its boundaries to be unsuitable for use by wheeled all-terrain vehicles; and
- in a city or town providing that the city or town by ordinance has approved the operation of wheeled all-terrain vehicles on city or town roadways.

City, town, or county roadways authorized or deemed unsuitable for use by wheeled all-terrain vehicles must be listed publicly and be accessible from the county's, city's, or town's webpage.

A person may operate a wheeled all-terrain vehicle on a public roadway, trail, nonhighway road, or highway in the state while being used under the authority of direction of an appropriate agency that engages in emergency management.

The bill provides equipment requirements for a wheeled all-terrain vehicle including: (1) headlights; (2) a one tail lamp, except that utility-type vehicles must have two tail lamps; (3) a stop lamp; (4) reflectors; (5) turn signals if operating during hours of darkness; (6) a mirror attached to either the right or left handlebar, except that a utility-type vehicle must have two mirrors; (7) a windshield (unless the operator is wearing eye protection); (8) a horn or warning device; (9) brakes in working order; (10) a spark arrestor and muffler; and (11) seatbelts for utility-type vehicles. The equipment requirements do not apply to emergency service vehicles or vehicles used for agricultural or timber products.

A person who operates a wheeled all-terrain vehicle upon a roadway must provide a declaration that includes the following:

- documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or repair shop certified under oath that all wheeled all-terrain vehicle required equipment is installed. A false statement will commit a gross misdemeanor;
- documentation that the dealer or repair shop did not charge more than \$50 for the inspection; and
- a signed release that releases Washington from any liability.

Any city, town, county, or other political subdivision of this state, or any state agency, may regulate the operation of nonhighway 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. However, the legislative body of a city or town with a population of less than 3,000 persons may, by ordinance, designate a street or highway within its boundaries to be suitable for use by ORVs. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by ORVs. This does not apply to wheeled all-terrain vehicles.

Summary of Substitute Bill:

The substitute bill:

- adds sponsoring organization to the list of entities where a volunteer emergency worker would be protected from liability for civil damages;
- requires that all ORVs are issued a title for registration purposes and if the ORV does not have a VIN number, then the DOL must use the engine serial number;
- exempts wheeled all-terrain vehicles owned by a resident of another state from Washington registration requirements, if the vehicle is lawfully registered in the other state with the same requirements as the State of Washington, and if the other state provides reciprocal exemption privileges; and
- changes the entity from documenting the equipment required on a "licensed wheeled all-terrain vehicle dealer or repair shop" to "licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop."

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 11, 2014.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed

Staff Summary of Public Testimony:

(In support) Providing immunity for volunteer emergency workers was an oversight and should have been included in last year's ORV bill. In many areas of the state there are no licensed wheeled all-terrain vehicle dealers or repair shops, so licensed motor vehicle repair shops perform the services for the wheeled all-terrain vehicles. The bill exempts wheeled all-terrain vehicles owned by a resident of another state from Washington registration requirements, if the vehicle is lawfully registered in the other state with the same requirements as the State of Washington, and if the other state provides reciprocal exemption privileges. An example of this is Idaho, where they have the same metal tag and equipment requirements. The release of liability when registering a wheeled all-terrain vehicle for on-road use is due to liability since the wheeled all-terrain vehicle was not manufactured for on-road use, just for off-road.

This bill provides technical corrections for four areas relating to wheeled all terrain vehicles. There are a lot of folks that ride in both Washington and Idaho and each state must have similar laws and abide by those laws.

(With concerns) There are concerns with the underlying bill where the bill opens up nonhighway roads and trails. The term in the bill refers to "trails" which means that it would apply to state trail systems, which are not appropriate for all of the trails to be open for wheeled all-terrain vehicle use. The proposed substitute does not include these provisions, so these concerns are reduced by the substitute bill.

(Opposed) There are concerns that the underlying bill opens up nonhighways and trails along with removing the 35 mile-per-hour speed limit. The wheeled all-terrain vehicles in last year's bill were not carved out in a separate statute from ORV statutes which is unfortunate since a wheeled all-terrain vehicle could be for on-road use or be an ORV depending on the type of registration.

Persons Testifying: (In support) Representative Shea, prime sponsor; and Gary Prewitt, National Off-Road Vehicle Council.

(With concerns) Gary Rowe, Washington State Association of Counties; Jed Herman, Department of Natural Resources; and Jonathon Guzzo, Evergreen Mountain Bicycle Alliance.

(Opposed) Rob Huss, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.