
HOUSE BILL 1918

State of Washington 64th Legislature 2015 Regular Session

By Representatives Shea, Orcutt, Hayes, and Scott

Read first time 02/02/15. Referred to Committee on Transportation.

1 AN ACT Relating to provisions applicable to off-road, nonhighway,
2 and wheeled all-terrain vehicles and their drivers; and amending RCW
3 38.52.180, 46.09.320, 46.09.442, and 46.09.457.

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

5 **Sec. 1.** RCW 38.52.180 and 2011 c 336 s 791 are each amended to
6 read as follows:

7 (1) There shall be no liability on the part of anyone including
8 any person, partnership, corporation, the state of Washington or any
9 political subdivision thereof who owns or maintains any building or
10 premises which have been designated by a local organization for
11 emergency management as a shelter from destructive operations or
12 attacks by enemies of the United States for any injuries sustained by
13 any person while in or upon said building or premises, as a result of
14 the condition of said building or premises or as a result of any act
15 or omission, or in any way arising from the designation of such
16 premises as a shelter, when such person has entered or gone upon or
17 into said building or premises for the purpose of seeking refuge
18 therein during destructive operations or attacks by enemies of the
19 United States or during tests ordered by lawful authority, except for
20 an act of willful negligence by such owner or occupant or his or her
21 servants, agents, or employees.

1 (2) All legal liability for damage to property or injury or death
2 to persons (except an emergency worker, regularly enrolled and acting
3 as such), caused by acts done or attempted during or while traveling
4 to or from an emergency or disaster, search and rescue, or training
5 or exercise authorized by the department in preparation for an
6 emergency or disaster or search and rescue, under the color of this
7 chapter in a bona fide attempt to comply therewith, except as
8 provided in subsections (3), (4), and (5) of this section regarding
9 covered volunteer emergency workers, shall be the obligation of the
10 state of Washington. Suits may be instituted and maintained against
11 the state for the enforcement of such liability, or for the
12 indemnification of persons appointed and regularly enrolled as
13 emergency workers while actually engaged in emergency management
14 duties, or as members of any agency of the state or political
15 subdivision thereof engaged in emergency management activity, or
16 their dependents, for damage done to their private property, or for
17 any judgment against them for acts done in good faith in compliance
18 with this chapter: PROVIDED, That the foregoing shall not be
19 construed to result in indemnification in any case of willful
20 misconduct, gross negligence, or bad faith on the part of any agent
21 of emergency management: PROVIDED, That should the United States or
22 any agency thereof, in accordance with any federal statute, rule, or
23 regulation, provide for the payment of damages to property and/or for
24 death or injury as provided for in this section, then and in that
25 event there shall be no liability or obligation whatsoever upon the
26 part of the state of Washington for any such damage, death, or injury
27 for which the United States government assumes liability.

28 (3) No act or omission by a covered volunteer emergency worker
29 while engaged in a covered activity shall impose any liability for
30 civil damages resulting from such an act or omission upon:

31 (a) The covered volunteer emergency worker;

32 (b) The supervisor or supervisors of the covered volunteer
33 emergency worker;

34 (c) Any facility or their officers or employees;

35 (d) The employer or sponsoring organization of the covered
36 volunteer emergency worker;

37 (e) The owner of the property or vehicle where the act or
38 omission may have occurred during the covered activity;

39 (f) Any local organization that registered the covered volunteer
40 emergency worker; and

1 (g) The state or any state or local governmental entity.

2 (4) The immunity in subsection (3) of this section applies only
3 when the covered volunteer emergency worker was engaged in a covered
4 activity:

5 (a) Within the scope of his or her assigned duties;

6 (b) Under the direction of a local emergency management
7 organization or the department, or a local law enforcement agency for
8 search and rescue; and

9 (c) The act or omission does not constitute gross negligence or
10 willful or wanton misconduct.

11 (5) For purposes of this section:

12 (a) "Covered volunteer emergency worker" means an emergency
13 worker as defined in RCW 38.52.010 who (i) is not receiving or
14 expecting compensation as an emergency worker from the state or local
15 government, or (ii) is not a state or local government employee
16 unless on leave without pay status.

17 (b) "Covered activity" means:

18 (i) Providing assistance or transportation authorized by the
19 department during an emergency or disaster or search and rescue as
20 defined in RCW 38.52.010, whether such assistance or transportation
21 is provided at the scene of the emergency or disaster or search and
22 rescue, at an alternative care site, at a hospital, or while in route
23 to or from such sites or between sites; or

24 (ii) Participating in training or exercise authorized by the
25 department in preparation for an emergency or disaster or search and
26 rescue.

27 (6) Any requirement for a license to practice any professional,
28 mechanical, or other skill shall not apply to any authorized
29 emergency worker who shall, in the course of performing his or her
30 duties as such, practice such professional, mechanical, or other
31 skill during an emergency described in this chapter.

32 (7) The provisions of this section shall not affect the right of
33 any person to receive benefits to which he or she would otherwise be
34 entitled under this chapter, or under the workers' compensation law,
35 or under any pension or retirement law, nor the right of any such
36 person to receive any benefits or compensation under any act of
37 congress.

38 **Sec. 2.** RCW 46.09.320 and 2011 c 171 s 24 are each amended to
39 read as follows:

1 (~~The department shall issue a certificate of title to the owner~~
2 ~~of an off-road vehicle. The owner shall pay the fee established under~~
3 ~~RCW 46.17.100. Issuance of the certificate of title does not qualify~~
4 ~~the vehicle for registration under chapter 46.16A RCW.)) (1) The
5 application for a certificate of title of an off-road vehicle must be
6 made by the owner or owner's representative to the department, county
7 auditor or other agent, or subagent appointed by the director on a
8 form furnished or approved by the department and must contain:~~

9 (a) A description of the off-road vehicle, including make, model,
10 vehicle identification number or engine serial number if no vehicle
11 identification number exists, type of body, and model year of the
12 vehicle;

13 (b) The name and address of the person who is the registered
14 owner of the off-road vehicle and, if the off-road vehicle is subject
15 to a security interest, the name and address of the secured party;
16 and

17 (c) Other information the department may require.

18 (2) The application for a certificate of title must be signed by
19 the person applying to be the registered owner and be sworn to by
20 that person in the manner described under RCW 9A.72.085.

21 (3) The owner must pay the fee established under RCW 46.17.100.

22 (4) Issuance of the certificate of title does not qualify the
23 off-road vehicle for registration under chapter 46.16A RCW.

24 **Sec. 3.** RCW 46.09.442 and 2013 2nd sp.s. c 23 s 4 are each
25 amended to read as follows:

26 (1) Any wheeled all-terrain vehicle operated within this state
27 must display a metal tag to be affixed to the rear of the wheeled
28 all-terrain vehicle. The initial metal tag must be issued with an
29 original off-road vehicle registration and upon payment of the
30 initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag
31 must be replaced every seven years at a cost of two dollars. Revenue
32 from replacement metal tags must be deposited into the nonhighway and
33 off-road vehicle activities program account. The department must
34 design the metal tag, 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) A person who operates a wheeled all-terrain vehicle must have
6 a current and proper off-road vehicle registration, with the
7 appropriate off-road tab, and pay the annual vehicle license fee as
8 provided in RCW 46.17.350(1)(s), which must be deposited into the
9 nonhighway and off-road vehicle activities program account. The off-
10 road tab must be issued annually by the department upon payment of
11 initial and renewal vehicle license fees under RCW 46.17.350(1)(s).

12 (3) A person who operates a wheeled all-terrain vehicle upon a
13 public roadway must have a current and proper on-road vehicle
14 registration, with the appropriate on-road tab, which must be of a
15 bright color that can be seen from a reasonable distance, and pay the
16 annual vehicle license fee as provided in RCW 46.17.350(1)(r). The
17 on-road tab must be issued annually by the department upon payment of
18 initial and renewal vehicle license fees under RCW 46.17.350(1)(r).

19 (4) A wheeled all-terrain vehicle may not be registered for
20 commercial use.

21 (5) Wheeled all-terrain vehicle registrations and metal tags are
22 not required under this chapter for a wheeled all-terrain vehicle
23 owned by a resident of another state that has a vehicle registration
24 issued in accordance with the laws of the other state. This exemption
25 applies only to the extent that a similar exemption or privilege is
26 granted under the laws of that state.

27 **Sec. 4.** RCW 46.09.457 and 2013 2nd sp.s. c 23 s 7 are each
28 amended to read as follows:

29 (1) A person may operate a wheeled all-terrain vehicle upon any
30 public roadway of this state, not including nonhighway roads and
31 trails, subject to the following equipment and declaration
32 requirements:

33 (a) A person who operates a wheeled all-terrain vehicle must
34 comply with the following equipment requirements:

35 (i) Headlights meeting the requirements of RCW 46.37.030 and
36 46.37.040 and used at all times when the vehicle is in motion upon a
37 highway;

38 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and
39 used at all times when the vehicle is in motion upon a highway;

1 however, a utility-type vehicle, as described under RCW 46.09.310,
2 must have two tail lamps meeting the requirements of RCW 46.37.070(1)
3 and to be used at all times when the vehicle is in motion upon a
4 highway;

5 (iii) A stop lamp meeting the requirements of RCW 46.37.200;

6 (iv) Reflectors meeting the requirements of RCW 46.37.060;

7 (v) During hours of darkness, as defined in RCW 46.04.200, turn
8 signals meeting the requirements of RCW 46.37.200. Outside of hours
9 of darkness, the operator must comply with RCW 46.37.200 or
10 46.61.310;

11 (vi) A mirror attached to either the right or left handlebar,
12 which must be located to give the operator a complete view of the
13 highway for a distance of at least two hundred feet to the rear of
14 the vehicle; however, a utility-type vehicle, as described under RCW
15 46.09.310(19), must have two mirrors meeting the requirements of RCW
16 46.37.400;

17 (vii) A windshield meeting the requirements of RCW 46.37.430,
18 unless the operator wears glasses, goggles, or a face shield while
19 operating the vehicle, of a type conforming to rules adopted by the
20 Washington state patrol;

21 (viii) A horn or warning device meeting the requirements of RCW
22 46.37.380;

23 (ix) Brakes in working order;

24 (x) A spark arrester and muffling device meeting the requirements
25 of RCW 46.09.470; and

26 (xi) For utility-type vehicles, as described under RCW
27 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

28 (b) A person who operates a wheeled all-terrain vehicle upon a
29 public roadway must provide a declaration that includes the
30 following:

31 (i) Documentation of a safety inspection to be completed by a
32 licensed wheeled all-terrain vehicle dealer or motor vehicle repair
33 shop in the state of Washington that must outline the vehicle
34 information and certify under oath that all wheeled all-terrain
35 vehicle equipment as required under this section meets the
36 requirements outlined in state and federal law. A person who makes a
37 false statement regarding the inspection of equipment required under
38 this section is guilty of false swearing, a gross misdemeanor, under
39 RCW 9A.72.040;

1 (ii) Documentation that the licensed wheeled all-terrain vehicle
2 dealer or motor vehicle repair shop did not charge more than fifty
3 dollars per safety inspection and that the entire safety inspection
4 fee is paid directly and only to the licensed wheeled all-terrain
5 vehicle dealer or motor vehicle repair shop;

6 (iii) A statement that the licensed wheeled all-terrain vehicle
7 dealer or motor vehicle repair shop is entitled to the full amount
8 charged for the safety inspection;

9 (iv) A vehicle identification number verification that must be
10 completed by a licensed wheeled all-terrain vehicle dealer or motor
11 vehicle repair shop in the state of Washington; and

12 (v) A release signed by the owner of the wheeled all-terrain
13 vehicle and verified by the department, county auditor or other
14 agent, or subagent appointed by the director that releases the state
15 from any liability and outlines that the owner understands that the
16 original wheeled all-terrain vehicle was not manufactured for on-road
17 use and that it has been modified for use on public roadways.

18 (2) This section does not apply to emergency services vehicles,
19 vehicles used for emergency management purposes, or vehicles used in
20 the production of agricultural and timber products on and across
21 lands owned, leased, or managed by the owner or operator of the
22 wheeled all-terrain vehicle or the operator's employer.

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