

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1918**

64th Legislature  
2016 Regular Session

Passed by the House March 8, 2016  
Yeas 91 Nays 5

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**Speaker of the House of Representatives**

Passed by the Senate March 3, 2016  
Yeas 39 Nays 10

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1918** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 1918

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AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

**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; amending RCW  
3 38.52.180, 46.09.320, 46.09.442, 46.09.457, and 46.19.030; and  
4 providing an effective date.

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

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

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

1 an act of willful negligence by such owner or occupant or his or her  
2 servants, agents, or employees.

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

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

33 (a) The covered volunteer emergency worker;

34 (b) The supervisor or supervisors of the covered volunteer  
35 emergency worker;

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

37 (d) The employer of the covered volunteer emergency worker;

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

1 (f) Any local organization that registered the covered volunteer  
2 emergency worker; and

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

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

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

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

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

13 (5) For purposes of this section:

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

19 (b) "Covered activity" means:

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

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

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

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

1 (8) Any act or omission by a covered volunteer emergency worker  
2 while engaged in a covered activity using an off-road vehicle,  
3 nonhighway vehicle, or wheeled all-terrain vehicle does not impose  
4 any liability for civil damages resulting from such an act or  
5 omission upon the covered volunteer emergency worker or the worker's  
6 sponsoring organization.

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

9 ~~((The department shall issue a certificate of title to the owner~~  
10 ~~of an off-road vehicle. The owner shall pay the fee established under~~  
11 ~~RCW 46.17.100. Issuance of the certificate of title does not qualify~~  
12 ~~the vehicle for registration under chapter 46.16A RCW.)) (1) The~~

13 application for a certificate of title of an off-road vehicle must be  
14 made by the owner or owner's representative to the department, county  
15 auditor or other agent, or subagent appointed by the director on a  
16 form furnished or approved by the department and must contain:

17 (a) A description of the off-road vehicle, including make, model,  
18 vehicle identification number or engine serial number if no vehicle  
19 identification number exists, type of body, and model year of the  
20 vehicle;

21 (b) The name and address of the person who is the registered  
22 owner of the off-road vehicle and, if the off-road vehicle is subject  
23 to a security interest, the name and address of the secured party;  
24 and

25 (c) Other information the department may require.

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

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

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

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

34 (1) Any wheeled all-terrain vehicle operated within this state  
35 must display a metal tag to be affixed to the rear of the wheeled  
36 all-terrain vehicle. The initial metal tag must be issued with an  
37 original off-road vehicle registration and upon payment of the  
38 initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag

1 must be replaced every seven years at a cost of two dollars. Revenue  
2 from replacement metal tags must be deposited into the nonhighway and  
3 off-road vehicle activities program account. The department must  
4 design the metal tag, which must:

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

6 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the  
7 tag;

8 (c) Contain designated identification through a combination of  
9 letters and numbers;

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

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

14 (2) Except as provided in subsection (6)(b) of this section, a  
15 person who operates a wheeled all-terrain vehicle must have a current  
16 and proper off-road vehicle registration, with the appropriate off-  
17 road tab, and pay the annual vehicle license fee as provided in RCW  
18 46.17.350(1)(s), which must be deposited into the nonhighway and off-  
19 road vehicle activities program account. The off-road tab must be  
20 issued annually by the department upon payment of initial and renewal  
21 vehicle license fees under RCW 46.17.350(1)(s).

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

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

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

36 (6)(a) A wheeled all-terrain vehicle registration and a metal tag  
37 are not required under this chapter for a wheeled all-terrain vehicle  
38 that meets the definition in RCW 46.09.310(19), is owned by a  
39 resident of another state, and has a vehicle registration and metal  
40 tag or license plate issued in accordance with the laws of the other

1 state allowing for on-road travel in that state. This exemption  
2 applies only to the extent that: (i) A similar exemption or privilege  
3 is granted under the laws of that state for wheeled all-terrain  
4 vehicles registered in Washington, and (ii) the other state has  
5 equipment requirements for on-road use that meet or exceed the  
6 requirements listed in RCW 46.09.457. The department may publish on  
7 its web site a list of states that meet the exemption requirements  
8 under this subsection.

9 (b) Off-road operation in Washington state of a wheeled all-  
10 terrain vehicle owned by a resident of another state and meeting the  
11 definition in RCW 46.09.310(19) is governed by RCW 46.09.420(4).

12 **Sec. 4.** RCW 46.09.457 and 2015 c 160 s 1 are each amended to  
13 read as follows:

14 (1) A person may operate a wheeled all-terrain vehicle upon any  
15 public roadway of this state, not including nonhighway roads and  
16 trails, subject to RCW 46.09.455 and the following equipment and  
17 declaration requirements:

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

20 (i) Headlights meeting the requirements of RCW 46.37.030 and  
21 46.37.040 and used at all times when the vehicle is in motion upon a  
22 highway;

23 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and  
24 used at all times when the vehicle is in motion upon a highway;  
25 however, a utility-type vehicle, as described under RCW 46.09.310,  
26 must have two tail lamps meeting the requirements of RCW 46.37.070(1)  
27 and to be used at all times when the vehicle is in motion upon a  
28 highway;

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

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

31 (v) During hours of darkness, as defined in RCW 46.04.200, turn  
32 signals meeting the requirements of RCW 46.37.200. Outside of hours  
33 of darkness, the operator must comply with RCW 46.37.200 or  
34 46.61.310;

35 (vi) A mirror attached to either the right or left handlebar,  
36 which must be located to give the operator a complete view of the  
37 highway for a distance of at least two hundred feet to the rear of  
38 the vehicle; however, a utility-type vehicle, as described under RCW

1 46.09.310(19), must have two mirrors meeting the requirements of RCW  
2 46.37.400;

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

7 (viii) A horn or warning device meeting the requirements of RCW  
8 46.37.380;

9 (ix) Brakes in working order;

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

12 (xi) For utility-type vehicles, as described under RCW  
13 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

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

17 (i) Documentation of a safety inspection to be completed by a  
18 licensed wheeled all-terrain vehicle dealer or motor vehicle repair  
19 shop in the state of Washington that must outline the vehicle  
20 information and certify under oath that all wheeled all-terrain  
21 vehicle equipment as required under this section meets the  
22 requirements outlined in state and federal law. A person who makes a  
23 false statement regarding the inspection of equipment required under  
24 this section is guilty of false swearing, a gross misdemeanor, under  
25 RCW 9A.72.040;

26 (ii) Documentation that the licensed wheeled all-terrain vehicle  
27 dealer or motor vehicle repair shop did not charge more than fifty  
28 dollars per safety inspection and that the entire safety inspection  
29 fee is paid directly and only to the licensed wheeled all-terrain  
30 vehicle dealer or motor vehicle repair shop;

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

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

37 (v) A release, on a form to be supplied by the department, signed  
38 by the owner of the wheeled all-terrain vehicle and verified by the  
39 department, county auditor or other agent, or subagent appointed by

1 the director that releases the state, counties, cities, and towns  
2 from any liability; and

3 (vi) A statement that outlines that the owner understands that  
4 the original wheeled all-terrain vehicle was not manufactured for on-  
5 road use and that it has been modified for use on public roadways.

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

11 **Sec. 5.** RCW 46.19.030 and 2014 c 124 s 4 are each amended to  
12 read as follows:

13 (1) The department shall design special license plates for  
14 persons with disabilities, parking placards, and year tabs displaying  
15 the international symbol of access.

16 (2) Special license plates for persons with disabilities must be  
17 displayed on the motor vehicle as standard issue license plates as  
18 described in RCW 46.16A.200.

19 (3) Parking placards must include both a serial number and the  
20 expiration date on the face of the placard. The expiration date and  
21 serial number must be of a sufficient size as to be easily visible  
22 from a distance of ten feet from where the placard is displayed.

23 (4) Parking placards must be displayed when the motor vehicle is  
24 parked by suspending it from the rearview mirror. In the absence of a  
25 rearview mirror, the parking placard must be displayed on the  
26 dashboard. The parking placard must be displayed in a manner that  
27 allows for the entire placard to be viewed through the vehicle  
28 windshield.

29 (5) Special year tabs for persons with disabilities must be  
30 displayed on license plates or metal tags issued pursuant to RCW  
31 46.09.442, in a manner as defined by the department.

32 (6) Persons who have been issued special license plates for  
33 persons with disabilities, parking placards, or special license  
34 plates with a special year tab for persons with disabilities may park  
35 in places reserved for persons with physical disabilities.

1        NEW SECTION.    **Sec. 6.**    Sections 2 and 5 of this act take effect  
2    July 1, 2017.

--- END ---