

HB 1003.E - DIGEST

(DIGEST AS ENACTED)

Finds that the limited amount of ORV recreation areas presents a challenge for ORV recreational users, natural resource land managers, and private landowners.

Finds that local, state, and federal jurisdictions should be given the flexibility to allow ORV use on nonhighway roads they own and manage or for which they are authorized to allow public ORV use under an easement granted by the owner. Nothing in this act authorizes trespass on private property.

Declares that it is lawful to operate an off-road vehicle upon a nonhighway road and in parking areas serving designated off-road vehicle areas when the responsible governing body, including state, federal, or local authorities, authorizes the use of off-road vehicles.

Provides that an off-road vehicle operated on a nonhighway road under this section is exempt from licensing requirements of RCW 46.16.010 and vehicle lighting and equipment requirements of chapter 46.37 RCW.

Provides that, except as specified in this act, no person under thirteen years of age may operate an off-road vehicle on or across a highway or nonhighway road in this state.

Provides that persons under thirteen years of age may operate an off-road vehicle on a nonhighway road designated for off-road vehicle use under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under chapter 46.20 RCW.

VETO MESSAGE ON HB 1003

April 28, 2005

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 8, Engrossed House Bill No. 1003 entitled:

"AN ACT Relating to the operation of off-road vehicles on roadways."

Sections 1 through 7 and 9 of Engrossed House Bill 1003 provide for increased flexibility and improved safety requirements when operating an off-road vehicle. Specifically, no person under the age of thirteen (13) years may operate an off-road vehicle unless directly supervised by a person over the age of eighteen (18). Any person operating an off-road vehicle must wear an approved helmet unless the vehicle is equipped with seat belts, roll bars or an enclosed passenger compartment. Engrossed House Bill 1003 provides further flexibility for off-road vehicle users by permitting, in certain circumstances, the operation of the vehicle on non-highway

roads to facilitate greater access to off-road vehicle specific trails.

Section 8 of Engrossed House Bill 1003 creates a task force for the purpose of studying and making recommendations regarding off-road vehicle noise. I am vetoing Section 8 because the task force created in that section is identical to the task force created in Engrossed Substitute House Bill 5089 (Sec. 1), which I signed April 22, 2005.

For these reasons, I have vetoed Section 8 of Engrossed House Bill 1003.

With the exception of Section 8, Engrossed House Bill 1003 is approved.

Respectfully submitted,
Christine O. Gregoire
Governor