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## Transportation Committee

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### HB 1156

**Brief Description:** Modifying the population criteria for allowing wheeled all-terrain vehicles on county roadways.

**Sponsors:** Representatives MacEwen, Shea and Buys.

#### Brief Summary of Bill

- Modifies population threshold for default authorization for the operation of on-road usage of wheeled all-terrain vehicles (ATVs) on certain county roads.
- Modifies population threshold for default prohibition for the operation of on-road usage of wheeled ATVs on certain county roads.

**Hearing Date:** 1/26/17

**Staff:** Jennifer Harris (786-7143).

#### **Background:**

##### Definition.

"Wheeled all-terrain vehicle" means (1) any motorized non-highway vehicle with handlebars that is 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less; or (2) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 psi or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, has a wheelbase of 110 inches or less, and satisfies at least one of the following: (a) has a minimum width of 50 inches; (b) has a minimum weight of at least 900 pounds; or (c) has a wheelbase of over 61 inches.

##### Registration.

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*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.*

The Department of Licensing (DOL) is required to track wheeled all-terrain vehicles (ATVs) in a separate registration category for reporting purposes. Any wheeled ATV operated within the state must display a metal tag, which must be the same size as a motorcycle license plate and have the words "RESTRICTED VEHICLE" listed at the top, affixed to the rear of the wheeled ATV. The initial metal tag must be issued with an original registration and upon payment of the initial vehicle license fee. A person who operates a wheeled ATV on a public roadway must have a current on-road vehicle registration (if the vehicle is only operated off-road, an off-road vehicle registration is required). Proof of financial responsibility—insurance under a motor vehicle liability policy, self-insurance, certificate of deposit coverage, or coverage through a liability bond—is not required of the operator of a wheeled ATV.

Individuals operating ATVs must have a valid driver's license. An operator of a wheeled ATV is granted all the rights and is subject to all the duties applicable to the operator of a motorcycle, except that wheeled ATVs may not be operated side-by-side in a single lane of traffic.

#### Permitted On-Road Usage.

A person may operate a wheeled ATV on any public roadway, not including non-highway roads and trails, provided it is not a designated state highway outside a city or town, that has a speed limit of 35 miles per hour (mph) or less, with the following exceptions: (1) crossings of public roadways with speed limits in excess of 35 mph at intersections that are not at approximately 90 degrees; (2) crossings of designated state highway at uncontrolled intersections; (3) roadways or highways that counties with populations of 15,000 or greater do not approve for such usage by ordinance, list publicly, and make information accessible on from the main page of the county website; (4) roadways or highways that counties with populations of less than 15,000 designate by ordinance as unsuitable for use by wheeled ATVs, list publicly, and make information accessible from the main page of the county website; and (5) roadways or highways that cities or towns do not approve for such usage by ordinance, list publicly, and make information accessible from the main page of the county website. County roadways that were designated as open or closed to wheeled ATVs as of January 1, 2013, and that meet speed limit and intersection restrictions for the use of wheeled ATVs, retain that designation.

If being used under the authority or direction of an agency engaged in emergency management, search and rescue, or a law enforcement agency, a person may operate a wheeled ATV on any public roadway, trail, non-highway road, or highway within the state.

#### Vehicle Requirements for On-Road Usage.

A wheeled ATV must be equipped with the following: (1) headlights used at all times when the vehicle is in motion on a highway; (2) one tail lamp used at all times when the vehicle is in motion on a highway; (3) a stop lamp; (4) reflectors; (5) when dark, turn signals; (6) a mirror attached to either the right or left handlebar; (7) a windshield, unless the operator wears glasses, goggles, or a face shield; (8) a horn or warning device; (9) brakes; and (10) a spark arrester and muffling device. Utility-type ATVs must use two tail lamps instead of one, have two mirrors instead of one, and include seatbelts.

A person who operates a wheeled ATV on roadways must have a declaration that includes documentation of a safety inspection completed by a licensed wheeled ATV dealer or motor

vehicle repair shop in the state; a release form that releases the state, counties, cities, and towns from any liability; and a statement that outlines that the owner understands the vehicle was not manufactured for on-road use and has been modified for use on public roadways (among other requirements).

These requirements do not apply to wheeled ATVs used for emergency services, emergency management purposes, or in the production of agricultural or timber products on lands owned, leased, or managed by the owner or operator of the vehicle or his or her employee.

Infractions.

A person who operates a wheeled ATV in violation of state operating rules is subject to a traffic infraction.

**Summary of Bill:**

A person may not operate a wheeled ATV on any county roadway that has a speed limit of 35 mph or less in counties with populations of 300,000 or greater unless the county approves such usage by ordinance, lists the roadways publicly, and makes this information accessible from the main page of the county website.

A person may operate a wheeled ATV on any county roadway that has a speed limit of 35 mph or less unless counties with populations less than 300,000 prohibit this usage by ordinance, lists the roadways publicly, and makes this information accessible from the main page of the county website.

County roadways that were designated as open or closed to wheeled ATVs as of January 1, 2013, and that meet speed limit and intersection restrictions for the use of wheeled ATVs, continue to retain that designation.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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