

# HOUSE BILL REPORT

## SHB 2723

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**As Passed House:**  
February 13, 2018

**Title:** An act relating to modifying the types of off-road vehicles subject to local government regulation.

**Brief Description:** Modifying the types of off-road vehicles subject to local government regulation.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Shea, Eslick and Condotta).

**Brief History:**

**Committee Activity:**

Transportation: 1/25/18, 2/6/18 [DPS].

**Floor Activity:**

Passed House: 2/13/18, 98-0.

**Brief Summary of Substitute Bill**

- Allows local governments to regulate wheeled all-terrain vehicles in the same manner as for all other off-road vehicles.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Clibborn, Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Shea, Stambaugh, Tarleton, Valdez, Van Werven and Young.

**Staff:** Mark Matteson (786-7145).

**Background:**

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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.*

An off-road vehicle (ORV) is a vehicle that is used for recreational purposes on nonhighway roads, trails, and other natural terrain. Off-road vehicles include all-terrain vehicles, certain motorcycles, dune buggies, and certain four-wheel drive vehicles. Off-road vehicles are a subset of a broader category of vehicles regulated under state law called nonhighway vehicles, which includes any motorized vehicle, other than watercraft, snowmobiles, and certain agricultural and logging vehicles, when used for recreational purposes on nonhighway roads, trails, or other natural terrain.

A wheeled all-terrain vehicle (WATV) is a specific category of ORV that is regulated separately under some aspects of a state law first enacted in 2013. There are two types of WATVs that are regulated with respect to travel on public roads. One is a motorized nonhighway vehicle that has handlebars that are 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. The second is a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 pounds per square inch or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, and has a wheelbase of 110 inches or less. In addition, to be eligible for travel on public roads, the latter category of WATV must have a minimum width of 50 inches, have a minimum weight of at least 900 pounds, or have a wheelbase of over 61 inches.

A nonhighway vehicle or an ORV, other than a WATV, may be used on streets, roads, or highways under certain conditions. A local government, including a city, town, county, or other political subdivision of the state, may regulate nonhighway vehicles other than WATVs on lands within its jurisdiction and on streets, roads, or highways within its boundaries through ordinance. Any such ordinance must be no less stringent than state law governing the use of nonhighway vehicles. Regarding ORVs other than WATVs, a county, or a city of less than 3,000 persons, may designate a road or highway within its boundaries to be suitable for use by ORVs.

Regarding WATVs, the operation of the two types of eligible vehicle is allowed on public roadways with a posted speed limit of 35 miles per hour (mph) or less, under certain conditions. Any city and any county of 15,000 persons or more must approve the operation of eligible vehicles on roads under its jurisdiction before such travel is allowed. Operation of an eligible WATV is allowed in a county of less than 15,000 persons on public roadways, unless the county designates its roadways to be unsuitable for use by WATVs. Any county or city road which was designated as of January 1, 2013, as either open or closed for WATV use is unaffected by the requirements pertaining to eligible WATV use. Operation of an eligible WATV on a state route is allowed only inside city limits where the posted speed limit is 35 mph or less.

**Summary of Substitute Bill:**

The substitute bill allows counties, and cities of less than 3,000 persons, to designate any street or highway within its boundaries as suitable for use by eligible WATVs, in the same manner as for other ORVs.

**Appropriation:** None.

**Fiscal Note:** Available.

**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) This takes care of an oversight in legislation that was enacted in 2013. It simply allows local governments to regulate all ORVs, including WATVs, in the same way.

The intent in the 2013 legislation was to preserve existing authorities regarding the regulation of ORVs. The intent was not to convolute matters or to eliminate WATVs from the same regulatory authority regarding on-road usage as for other ORVs.

Cougar is a very small unincorporated community at the end of the State Route 503 spur where it enters the Gifford Pinchot National Forest. The community relies on tourists to help its economy, but this is seasonal. Local businesses struggle at times of the year otherwise. The community sees WATV tourism as a way to help. The county commissioners wanted to address this but state law is a roadblock. The county has reached out and has some commitment from Skamania County and the National Forest Service.

The 2013 legislation allowed dual registration possibilities for WATVs. Street-legal access requires a significant investment, and this legislation would allow those that have made or will make such an investment to utilize it in ways that will benefit rural areas. Anything that helps outdoor recreation access helps local rural economies.

For those people that cannot ride motorcycles but want to enjoy the outdoors, WATVs are an important means to do so. It is important to make sure the law is not discriminatory regarding which ORVs can travel on public roads.

(Opposed) None.

**Persons Testifying:** Representative Shea, prime sponsor; Ted Jackson, Washington ATV Association; Mike Richart and Mike Hayden, Cougar Area Trail Seekers; and Linda Driscoll, Premier Polaris.

**Persons Signed In To Testify But Not Testifying:** None.