

**SHB 1028** - S COMM AMD

By Committee on Transportation

**NOT CONSIDERED 12/23/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 46.09.455 and 2017 c 26 s 1 are each amended to  
4 read as follows:

5 (1) A person may operate a wheeled all-terrain vehicle upon any  
6 public roadway of this state, not including nonhighway roads and  
7 trails, having a speed limit of thirty-five miles per hour or less  
8 subject to the following restrictions and requirements:

9 (a) A person may not operate a wheeled all-terrain vehicle upon  
10 state highways that are listed in chapter 47.17 RCW; however, a  
11 person may operate a wheeled all-terrain vehicle upon a segment of a  
12 state highway listed in chapter 47.17 RCW if the segment is within  
13 the limits of a city or town and the speed limit on the segment is  
14 thirty-five miles per hour or less;

15 (b) (i) A person operating a wheeled all-terrain vehicle may not  
16 cross a public roadway, not including nonhighway roads and trails,  
17 with a speed limit in excess of thirty-five miles per hour, except as  
18 follows: A person operating a wheeled all-terrain vehicle may cross a  
19 public roadway with a speed limit of sixty miles per hour or less,  
20 but more than thirty-five miles per hour, at an intersection of  
21 approximately ninety degrees if the roadway that intersects the  
22 public roadway with a speed limit of sixty miles per hour or less,  
23 but more than thirty-five miles per hour, is a roadway upon which the  
24 operation of wheeled all-terrain vehicles has been approved or is  
25 otherwise allowed under this section.

26 (ii) A county, city, or town may by ordinance prohibit a person  
27 operating a wheeled all-terrain vehicle from crossing a public  
28 roadway with a speed limit of sixty miles per hour or less, but more  
29 than thirty-five miles per hour, at specific intersections or along  
30 the entirety of the route within the jurisdiction.

1 (iii) The operator of a wheeled all-terrain vehicle may not cross  
2 at an uncontrolled intersection of a public highway listed under  
3 chapter 47.17 RCW;

4 (c)(i) A person may not operate a wheeled all-terrain vehicle on  
5 a public roadway within the boundaries of a county, not including  
6 nonhighway roads and trails, with a population of fifteen thousand or  
7 more unless the county by ordinance has approved the operation of  
8 wheeled all-terrain vehicles on county roadways, not including  
9 nonhighway roads and trails.

10 (ii) The legislative body of a county with a population of fewer  
11 than fifteen thousand may, by ordinance, designate roadways or  
12 highways within its boundaries to be unsuitable for use by wheeled  
13 all-terrain vehicles.

14 (iii) Any public roadways, not including nonhighway roads and  
15 trails, authorized by a legislative body of a county under (c)(i) of  
16 this subsection or designated as unsuitable under (c)(ii) of this  
17 subsection must be listed publicly and made accessible from the main  
18 page of the county web site.

19 (iv) This subsection (1)(c) does not affect any roadway that was  
20 designated as open or closed as of January 1, 2013;

21 (d)(i) A person may not operate a wheeled all-terrain vehicle on  
22 a public roadway within the boundaries of a city or town, not  
23 including nonhighway roads and trails, unless the city or town by  
24 ordinance has approved the operation of wheeled all-terrain vehicles  
25 on city or town roadways, not including nonhighway roads and trails.

26 (ii) Any public roadways, not including nonhighway roads and  
27 trails, authorized by a legislative body of a city or town under  
28 (d)(i) of this subsection must be listed publicly and made accessible  
29 from the main page of the city or town web site.

30 (iii) This subsection (1)(d) does not affect any roadway that was  
31 designated as open or closed as of January 1, 2013;

32 (e) Any person who violates this subsection commits a traffic  
33 infraction.

34 (2) The legislative body of a rural county, as defined in RCW  
35 82.14.370, may authorize by ordinance the operation of wheeled all-  
36 terrain vehicles on highways within the county with a speed limit of  
37 greater than thirty-five miles per hour.

38 (3) Local authorities may not establish requirements for the  
39 registration of wheeled all-terrain vehicles.

1        (~~(3)~~) (4) A person may operate a wheeled all-terrain vehicle  
2 upon any public roadway, trail, nonhighway road, or highway within  
3 the state while being used under the authority or direction of an  
4 appropriate agency that engages in emergency management, as defined  
5 in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010,  
6 or a law enforcement agency, as defined in RCW 16.52.011, within the  
7 scope of the agency's official duties.

8        (~~(4)~~) (5) A wheeled all-terrain vehicle is an off-road vehicle  
9 for the purposes of chapter 4.24 RCW."

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10        On page 1, line 2 of the title, after "regulation;" strike the  
11 remainder of the title and insert "and amending RCW 46.09.455."

EFFECT: Authorizes a rural county to adopt an ordinance allowing  
WATV use of any highway within the county with a speed limit above 35  
mph.

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