
Transportation Committee

HB 1028

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

Sponsors: Representatives Shea, Kraft and Eslick.

Brief Summary of Bill

- Clarifies that certain local governments may designate roads and highways within the jurisdiction as suitable both for off-road vehicle use generally and for wheeled all-terrain use specifically.

Hearing Date: 1/21/19

Staff: Mark Matteson (786-7145).

Background:

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 an 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

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width less than 74 inches, has a maximum weight of 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 Bill:

Changes are made to statutory provisions regarding ORVs, generally, and WATVs, specifically, to clarify that a county or a city of less than 3,000 persons that designates roads or highways within its boundaries as suitable for use by ORVs may also do so for WATVs, subject to other requirements governing WATV use.

Appropriation: None.

Fiscal Note: Available.

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