

# SENATE BILL REPORT

## SHB 1028

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As of April 4, 2019

**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, Kraft and Eslick).

**Brief History:** Passed House: 2/14/19, 96-0.

**Committee Activity:** Transportation: 4/02/19.

### Brief Summary of Bill

- Allows cities and towns with a population under 3000, and counties, to designate roads and highways as suitable for wheeled all-terrain vehicle use, in addition to currently provided authority for off-road vehicle (ORV) use.
- Allows a wheeled all-terrain vehicle to operate on a numbered state highway with a speed limit above 35 miles per hour if authorized by a city, town or county under the ORV use provision.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kim Johnson (786-7472)

**Background:** Off-Road Vehicles. An ORV is a vehicle used for recreational purposes on nonhighway roads, trails, and other natural terrain. ORVs include all-terrain vehicles, certain motorcycles, dune buggies, and certain four-wheel drive vehicles.

An owner of an ORV that wishes to operate the vehicle in the state must first register the vehicle with the Department of Licensing (DOL) and pay an \$18 fee. DOL will issue a decal to the owner of an ORV.

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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.*

A county, or a city or town of less than 3000 persons, may designate a road or highway within its boundaries to be suitable for use by ORVs. However, wheeled all-terrain vehicles (WATVs) are expressly excluded from the definition of ORV for this purpose.

Wheeled All-Terrain Vehicle. A WATV is a specific category of an ORV regulated separately under some aspects of a state law first enacted in 2013. There are two types of WATVs regulated with respect to travel on public roads. One is a motorized nonhighway vehicle having handlebars 50 inches or less in width, having a seat height of at least 20 inches, weighing less than 1500 pounds, and having four tires with a diameter of 30 inches or less. The second is a utility-type vehicle (UTV) designed for and capable of travel over designated roads, traveling on four or more low-pressure tires of 20 pounds per square inch or less, having a maximum width less than 74 inches, a maximum weight of less than 2000 pounds, and 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 person who operates a WATV upon a public roadway must have a valid driver's license for travel on public roadways and a current on-road vehicle registration at a cost of \$30 for the WATV. The eligible WATV must display a metal tag affixed to the rear of the vehicle with the appropriate on-road tab. Wheeled all-terrain vehicles are eligible for operation on public roadways only if the vehicle meets certain equipment requirements and the operator possesses documentation of a safety inspection certifying the vehicle's equipment meets state and federal requirements.

WATVs, may operate on public roadways with a posted speed limit of 35 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:** The current authority cities and towns with a population under 3000 and counties have for designating any road or highway in their respective jurisdiction as suitable for ORV use is expanded to also include WATV use.

A WATV may operate on a numbered state highway with a speed limit above 35 miles per hour if authorized by a city, town or county under the ORV use provision.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We want to be able to operate on the same roads that ORVs operate on. WATVs allow people who are older or disabled to access the back country and to continue to recreate in the outdoors. The majority of my ATV club is made up of retirees. I have travelled hundreds of miles in my utility style WATV and never even had a close call. I have run on roads in other states and it is completely safe. I am going to borrow the slogan of bicyclists—share the road. My WATV is safer than a bicycle, yet bicycles are allowed to operate on many roads with a speed limit over 35 mph. How is that fair? My WATV has a roll bar and seatbelts and I feel very safe. We were promised to retain the same access with HB 1632 that we had before the bill passed.

CON: The conservation community worked with the ATV community on HB 1632 and had an agreement on what driving on public roads would require from a safety perspective. Roads with speeds over 35 mph were expressly excluded. From the moment the bill passed they have been back to the Legislature trying to go back on the deal. ATVs are not manufactured for highway speeds. Their tires are soft and their axels are fixed and are not meant for operating on hard pavement at high speeds. Thirty people died in Washington using WATVs on public roads at speeds under 35 mph. It is dangerous to allow them on state highways.

**Persons Testifying:** PRO: Chris Clowe, Cowlitz Basin ORV Club, President; Steven Madsen, Cougar Area Trail Seekers; Jorga Stark, Cougar Area Trail Seekers; Mike Hayden, Cougar Area Trail Seekers; Spencer King, North Central ATV Club, President; Ted Jackson, Washington ATV Association; Linda Driscoll, Sky Valley Recreation and Planning Group; Tod Petersen, Washington Off Highway Vehicle Alliance, Northwest Motorcycle Association; Melanie Clowe, citizen.

CON: Mitch Friedman, Conservation Northwest, Executive Director; Joanna Grist, Methow Valley Citizens Council.

**Persons Signed In To Testify But Not Testifying:** No one.