

1 **2SHB 1698 - H AMD 0188 FAILED 3-15-03**

2 By Representative Hinkle

3 On page 5, beginning on line 15, strike all of subsection (3)
4 of section 2

5 On page 6, after line 3, insert the following:

6 "**Sec. 4.** RCW 46.09.020 and 1986 c 206 s 1 are each amended to
7 read as follows:

8 As used in this chapter the following words and phrases have
9 the designated meanings unless a different meaning is expressly
10 provided or the context otherwise clearly indicates:

11 "Person" means any individual, firm, partnership, association,
12 or corporation.

13 "Nonhighway vehicle" means any motorized vehicle when used for
14 recreation travel on trails and nonhighway roads or for recreation
15 cross-country travel on any one of the following or a combination
16 thereof: Land, water, snow, ice, marsh, swampland, and other
17 natural terrain. Such vehicles include but are not limited to,
18 off-road vehicles, two, three, or four-wheel vehicles, motorcycles,
19 four-wheel drive vehicles, dune buggies, amphibious vehicles,
20 ground effects or air cushion vehicles, and any other means of land
21 transportation deriving motive power from any source other than
22 muscle or wind.

23 Nonhighway vehicle does not include:

24 (1) Any vehicle designed primarily for travel on, over, or in
25 the water;

26 (2) Snowmobiles or any military vehicles; or

27 (3) Any vehicle eligible for a motor vehicle fuel tax exemption
28 or rebate under chapter 82.36 RCW while an exemption or rebate is
29 claimed. This exemption includes but is not limited to farm,
30 construction, and logging vehicles.

31 "Off-road vehicle" or "ORV" means any nonhighway vehicle when
32 used for cross-country travel on trails or on any one of the

1 following or a combination thereof: Land, water, snow, ice, marsh,
2 swampland and other natural terrain.

3 "ORV use permit" means a permit issued for operation of an off-
4 road vehicle under this chapter.

5 "ORV trail" means a multiple-use corridor designated and
6 maintained for recreational travel by off-road vehicles that is not
7 normally suitable for travel by conventional two-wheel drive
8 vehicles and is posted or designated by the managing authority of
9 the property that the trail traverses as permitting ORV travel.

10 "ORV use area" means the entire area of a parcel of land except
11 for camping and approved buffer areas that is posted or designated
12 for ORV use in accordance with rules adopted by the managing
13 authority.

14 "ORV recreation facility" includes ORV trails and ORV use
15 areas.

16 "Owner" means the person other than the lienholder, having an
17 interest in or title to a nonhighway vehicle, and entitled to the
18 use or possession thereof.

19 "Operator" means each person who operates, or is in physical
20 control of, any nonhighway vehicle.

21 "Dealer" means a person, partnership, association, or
22 corporation engaged in the business of selling off-road vehicles at
23 wholesale or retail in this state.

24 "Department" means the department of licensing.

25 "Hunt" means any effort to kill, injure, capture, or purposely
26 disturb a wild animal or wild bird.

27 "Nonhighway road" means any road owned or managed by a public
28 agency, or any private road for which the owner has granted a
29 permanent easement for public use of the road, other than a highway
30 generally capable of travel by a conventional two-wheel drive
31 passenger automobile during most of the year and in use by such
32 vehicles and that is not built or maintained with appropriations
33 from the motor vehicle fund.

34 "Highway," for the purpose of this chapter only, means the
35 entire width between the boundary lines of every way publicly
36 maintained by the state department of transportation or any county
37 or city when any part thereof is generally open to the use of the
38 public for purposes of vehicular travel as a matter of right.

1 "Organized competitive event" means any competition, advertised
2 in advance through written notice to organized clubs or published
3 in local newspapers, sponsored by recognized clubs, and conducted
4 at a predetermined time and place.

5 **Sec. 5.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to
6 read as follows:

7 (1) From time to time, but at least once each year, the state
8 treasurer shall refund from the motor vehicle fund one percent of
9 the motor vehicle fuel tax revenues collected under chapter 82.36
10 RCW, based on the tax rate in effect January 1, 1990, less proper
11 deductions for refunds and costs of collection as provided in RCW
12 46.68.090. The treasurer shall place these funds in the general
13 fund as follows:

14 (a) Forty percent shall be credited to the ORV and nonhighway
15 vehicle account and administered by the department of natural
16 resources solely for planning, maintenance, and management of ORV
17 recreation facilities, nonhighway roads, and nonhighway road
18 recreation facilities. The funds under this subsection shall be
19 expended in accordance with the following limitations:

20 (i) Not more than five percent may be expended for information
21 programs under this chapter;

22 (ii) Not less than ten percent and not more than fifty percent
23 may be expended for ORV recreation facilities;

24 (iii) Not more than twenty-five percent may be expended for
25 maintenance of nonhighway roads;

26 (iv) Not more than fifty percent may be expended for nonhighway
27 road recreation facilities;

28 (v) Ten percent shall be transferred to the interagency
29 committee for outdoor recreation for grants to law enforcement
30 agencies in those counties where the department of natural
31 resources maintains ORV facilities. This amount is in addition to
32 those distributions made by the interagency committee for outdoor
33 recreation under (d)(i) of this subsection;

34 (b) Three and one-half percent shall be credited to the ORV and
35 nonhighway vehicle account and administered by the department of
36 fish and wildlife solely for the acquisition, planning,
37 development, maintenance, and management of nonhighway roads and
38 recreation facilities;

1 (c) Two percent shall be credited to the ORV and nonhighway
2 vehicle account and administered by the parks and recreation
3 commission solely for the maintenance and management of ORV use
4 areas and facilities; and

5 (d) Fifty-four and one-half percent, together with the funds
6 received by the interagency committee for outdoor recreation under
7 RCW 46.09.110, shall be credited to the nonhighway and off-road
8 vehicle activities program account to be administered by the
9 committee for planning, acquisition, development, maintenance, and
10 management of ORV recreation facilities and nonhighway road
11 recreation facilities; ORV user education and information; and ORV
12 law enforcement programs. The funds under this subsection shall be
13 expended in accordance with the following limitations:

14 (i) Not more than twenty percent may be expended for ORV
15 education, information, and law enforcement programs under this
16 chapter;

17 (ii) Not less than an amount equal to the funds received by the
18 interagency committee for outdoor recreation under RCW 46.09.110
19 and not more than sixty percent may be expended for ORV recreation
20 facilities;

21 (iii) Not more than twenty percent may be expended for
22 nonhighway road recreation facilities.

23 (2) On a yearly basis an agency may not, except as provided in
24 RCW 46.09.110, expend more than ten percent of the funds it
25 receives under this chapter for general administration expenses
26 incurred in carrying out this chapter.

27 **Sec. 6.** RCW 46.09.280 and 1986 c 206 s 13 are each amended to
28 read as follows:

29 The interagency committee for outdoor recreation shall
30 establish a committee of nonhighway road recreationists, including
31 representatives of organized ORV groups, to provide advice
32 regarding the administration of this chapter. Only representatives
33 of organized ORV groups may be voting members of the committee with
34 respect to expenditure of funds received under RCW 46.09.110.

35 NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act expire
36 July 31, 2005. Sections 4 through 6 of this act take effect July
37 31, 2005."

1 Correct the title.

EFFECT: Removes the requirement to update the Nonhighway and Off-road Vehicle Account fuel use study, expires all other changes made in the bill on July 31, 2005 and reinstates current law on the same date.