

SENATE BILL REPORT

ESHB 2356

As Reported By Senate Committee On:
Parks, Fish & Wildlife, February 24, 2004

Title: An act relating to the operation of off-road vehicles on roadways.

Brief Description: Allowing off-road vehicles on nonhighway roads.

Sponsors: House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Hinkle, Buck, Condotta, O'Brien, Pearson and Shabro).

Brief History:

Committee Activity: Parks, Fish & Wildlife: 2/23/04, 2/24/04 [DPA, DNP].

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Majority Report: Do pass as amended.

Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Spanel and Swecker.

Minority Report: Do not pass.

Signed by Senator Morton.

Staff: Vic Moon (786-7469)

Background: Except for specific exemptions, it is unlawful for persons to operate any vehicle on a public highway without first having a current vehicle license. Exceptions to the licensing requirement include motorized foot scooters, electric-assisted bicycles, certain farm vehicles, and certain trailers. In addition, vehicles operating on any highway must comply with vehicle lighting and equipment requirements.

The Forest Service Manual, Pacific Northwest Region, effective April 10, 2003, accepts the use of off-highway vehicles when it is in accordance with state laws and regulations and consistent with the forest plan. In response to questions regarding state regulation on forest service roads, Attorney General Opinion 1972, No.3, in part maintained that forest service roads fell within the state definition of highway. Nonhighway roads and highways are defined for the purposes of off-road and nonhighway vehicles under Chapter 46.09 RCW.

Summary of Amended Bill: The use of off-road vehicles (ORV) on nonhighway roads is allowed when authorized by the responsible governing body. ORVs are exempt from vehicle licensing, equipment and lighting requirements when operating on nonhighway roads.

It is a traffic infraction for any person to operate an ORV on a highway, or to operate an ORV on a nonhighway road without a motorcycle helmet. Persons under 16 years of age are restricted from operating an ORV on a nonhighway road unless they are under the direct supervision of a person 18 years of age or older with a valid driver's license.

Amended Bill Compared to Substitute Bill: The definition section of the House bill is deleted. (Definitions are revised in ESHB 2489.)

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2004.

Testimony For: This is a significant positive step in increasing ORV access to public lands.

Testimony Against: None.

Testified: Representative Hinkle, prime sponsor (pro); Bryan McMinn (pro); Craig Engelking, Sierra Club (pro); Rene Speaks, DNR (pro); Karl Denison, US Forest Service (concerns).