
HOUSE BILL 2858

State of Washington 58th Legislature 2004 Regular Session

By Representatives Cooper and O'Brien

Read first time 01/21/2004. Referred to Committee on Transportation.

1 AN ACT Relating to all-terrain vehicles; amending RCW 46.01.040;
2 adding a new chapter to Title 46 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.01.040 and 1983 c 3 s 117 are each amended to read
5 as follows:

6 The department of licensing is vested with all powers, functions,
7 and duties with respect to and including the following:

8 (1) The motor vehicle fuel excise tax as provided in chapter 82.36
9 RCW;

10 (2) The special fuel tax as provided in chapter 82.38 RCW;

11 (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;

12 (4) The house trailer excise tax as provided in chapter 82.50 RCW;

13 (5) All general powers and duties relating to motor vehicles as
14 provided in chapter 46.08 RCW;

15 (6) Certificates of ownership and registration as provided in
16 chapters 46.12 and 46.16 RCW;

17 (7) The registration and licensing of motor vehicles as provided in
18 chapters 46.12 and 46.16 RCW;

19 (8) Dealers' licenses as provided in chapter 46.70 RCW;

- 1 (9) The licensing of motor vehicle transporters as provided in
2 chapter 46.76 RCW;
- 3 (10) The licensing of (~~motor~~) vehicle wreckers as provided in
4 chapter 46.80 RCW;
- 5 (11) The administration of the laws relating to reciprocal or
6 proportional registration of motor vehicles as provided in chapter
7 46.85 RCW;
- 8 (12) The licensing of passenger vehicles for hire as provided in
9 chapter 46.72 RCW;
- 10 (13) Operators' licenses as provided in chapter 46.20 RCW;
- 11 (14) Commercial driver training schools as provided in chapter
12 46.82 RCW;
- 13 (15) Financial responsibility as provided in chapter 46.29 RCW;
- 14 (16) Accident reporting as provided in chapter 46.52 RCW;
- 15 (17) Disposition of revenues as provided in chapter 46.68 RCW;
- 16 (~~and~~)
- 17 (18) The administration of all other laws relating to motor
18 vehicles vested in the director of licenses on June 30, 1965; and
- 19 (19) All-terrain vehicle safety and education training program,
20 safety certificates, and laws relating to all-terrain vehicles as
21 provided in sections 2 through 11 of this act.

22 NEW SECTION. Sec. 2. (1) "All-terrain vehicle" or "ATV" means a
23 motorized off-highway vehicle designed to travel on three or four low-
24 pressure tires, having a seat designed to be straddled by the operator
25 and handlebars for steering control, and intended for use by a single
26 operator with no passenger.

27 (2) "Dealer" means any person engaged in the business of selling,
28 leasing, or renting all-terrain vehicles at retail, at a regular place
29 of business.

30 (3) "Department" means the department of licensing.

31 (4) "Director" means the director of the department of licensing.

32 (5) "Owner" means any person, other than a person with a security
33 interest, having a property interest or title to an all-terrain vehicle
34 and entitled to the use and possession of the vehicle.

35 (6) "Person" means a person or legal entity.

1 NEW SECTION. **Sec. 3.** (1) The department will adopt standards for
2 and implement a comprehensive all-terrain vehicle safety education and
3 training program. The program must provide for the hands-on training
4 of all-terrain vehicle operators, and for the issuance of all-terrain
5 vehicle safety certificates to operators who successfully complete the
6 training. Course content shall be adopted from a curriculum developed
7 by a nationally recognized safety organization such as the all-terrain
8 vehicle safety institute.

9 (2) The department may authorize persons, clubs, associations,
10 municipalities, or other political subdivisions of the state to conduct
11 classes and issue all-terrain vehicle safety certificates in the
12 director's name. Any authorized person, club, association,
13 municipality, or political subdivision may charge a reasonable fee,
14 subject to department approval, for the training course.

15 NEW SECTION. **Sec. 4.** (1) Except as provided in subsection (3) of
16 this section, all operators seeking a safety certificate must have the
17 training required by section 3 of this act.

18 (2) Beginning July 1, 2005, to operate an ATV on public land a
19 person must possess a safety certificate issued by the director or by
20 another state or Canadian province. A nonresident who does not possess
21 a safety certificate may operate an ATV on public land for five days in
22 a calendar year.

23 (3) The director may issue an "exceptional" safety certificate to
24 any applicant who is at least eighteen years of age upon a satisfactory
25 showing by the applicant of at least five years of ATV operating
26 experience.

27 (4) The director may collect a fee of ten dollars for issuance of
28 a safety certificate.

29 NEW SECTION. **Sec. 5.** (1) The director will by rule establish a
30 program to certify all-terrain vehicle safety instructors, clubs,
31 associations, municipalities, or political subdivisions to conduct a
32 training program and to issue safety certificates in the director's
33 name.

34 (2) All-terrain vehicle safety instructors at a minimum shall meet
35 the following requirements to become certified:

1 (a) Possess a current all-terrain vehicle safety instructor
2 certification or license issued by a recognized all-terrain vehicle
3 safety organization;

4 (b) Be at least eighteen years of age;

5 (c) Have no convictions relating to or as a result of the use of
6 alcohol or drugs during the immediately preceding two years; and

7 (d) Have no previous felony convictions.

8 NEW SECTION. **Sec. 6.** The director may collect a fee, not to
9 exceed five dollars, from each applicant for a safety certificate.
10 Fees collected must be deposited in the ATV safety training and
11 education account. The ATV safety training and education account is
12 created in the custody of the state treasurer. All receipts from the
13 fee authorized in this act must be deposited into the account.
14 Expenditures from the account may only be used to support the ATV
15 safety and education program. Only the director of the department of
16 licensing or the director's designee may authorize expenditures from
17 the account. The account is subject to allotment procedures under
18 chapter 43.88 RCW, but an appropriation is not required for
19 expenditures.

20 NEW SECTION. **Sec. 7.** (1) All-terrain vehicles with engine
21 capacity of seventy cubic centimeter displacement ("cc") up to and
22 including ninety cc may be operated on public land only by those aged
23 twelve and older.

24 (2) All-terrain vehicles with engine capacity greater than ninety
25 cc may be operated on public land only by those aged sixteen and older.

26 (3) Persons under age sixteen must be under continuous adult
27 supervision while operating an ATV on public land.

28 NEW SECTION. **Sec. 8.** Unless participating in a competitive event
29 and exempted by rule of the director, an all-terrain vehicle operated
30 on public land must:

31 (1) Display a lighted headlamp and raillamp during the period from
32 one-half hour after sunset to one-half hour before sunrise and at any
33 time when visibility is reduced due to insufficient light or
34 unfavorable atmospheric conditions;

- 1 (2) Be equipped with a brake system maintained in good operating
2 condition;
- 3 (3) Be equipped with an effective muffler system in good working
4 condition;
- 5 (4) Be equipped with an effective spark arrester in good working
6 condition.

7 NEW SECTION. **Sec. 9.** No person may:

8 (1) Operate an all-terrain vehicle in a careless or reckless manner
9 so as to endanger or to cause injury or damage to any person or
10 property;

11 (2) Drive or operate an ATV on any public street, road, or highway
12 of this state except for purposes of crossing if:

13 (a) The crossing is made at an angle of approximately ninety
14 degrees to the direction of the highway and at a place where no
15 obstruction prevents a quick and safe crossing;

16 (b) The vehicle is brought to a complete stop before crossing the
17 shoulder or main traveled way of the highway;

18 (c) The operator yields the right of way to all oncoming traffic
19 that constitutes an immediate potential hazard; and

20 (d) Both the headlight and taillight on, if equipped, when the
21 crossing is made;

22 (3) Cross any interstate or limited access highway;

23 (4) Operate an all-terrain vehicle without eye protection and a
24 safety helmet approved by the director;

25 (5) Carry a passenger on an all-terrain vehicle;

26 (6) Operate an all-terrain vehicle while under the influence of
27 alcohol or any controlled substance, or under the influence of a
28 prescription or nonprescription drug that impairs vision or motor
29 coordination;

30 (7) Knowingly sell or offer to sell at retail an all-terrain
31 vehicle with an engine capacity of seventy or greater for use by a
32 person under twelve years of age; or

33 (8) Knowingly sell or offer to sell at retail an all-terrain
34 vehicle with an engine capacity of greater than ninety cc for use by a
35 person under sixteen years of age.

1 NEW SECTION. **Sec. 10.** The director may promulgate rules and
2 regulations necessary to carry out and enforce the provisions of this
3 act.

4 NEW SECTION. **Sec. 11.** Any person who violates any of the
5 provisions in section 4, 7, 8, or 9 of this act is subject to a civil
6 fine of not less than fifty dollars or more than five hundred dollars.

7 NEW SECTION. **Sec. 12.** Sections 2 through 11 of this act
8 constitute a new chapter in Title 46 RCW.

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