

HB 2617 - S AMD

By Senators Haugen, Swecker

ADOPTED 03/01/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.16.010 and 2005 c 350 s 1, 2005 c 323 s 2, and
4 2005 c 213 s 6 are each reenacted and amended to read as follows:

5 (1) It is unlawful for a person to operate any vehicle over and
6 along a public highway of this state without first having obtained and
7 having in full force and effect a current and proper vehicle license
8 and display vehicle license number plates therefor as by this chapter
9 provided.

10 (2) Failure to make initial registration before operation on the
11 highways of this state is a traffic infraction, and any person
12 committing this infraction shall pay a penalty of five hundred twenty-
13 nine dollars, no part of which may be suspended or deferred.

14 (3) Failure to renew an expired registration before operation on
15 the highways of this state is a traffic infraction.

16 (4) The licensing of a vehicle in another state by a resident of
17 this state, as defined in RCW 46.16.028, evading the payment of any tax
18 or license fee imposed in connection with registration, is a gross
19 misdemeanor punishable as follows:

20 (a) For a first offense, up to one year in the county jail and
21 payment of a fine of five hundred twenty-nine dollars plus twice the
22 amount of delinquent taxes and fees, no part of which may be suspended
23 or deferred;

24 (b) For a second or subsequent offense, up to one year in the
25 county jail and payment of a fine of five hundred twenty-nine dollars
26 plus four times the amount of delinquent taxes and fees, no part of
27 which may be suspended or deferred;

28 (c) For fines levied under (b) of this subsection, an amount equal
29 to the avoided taxes and fees owed will be deposited in the vehicle
30 licensing fraud account created in the state treasury;

1 (d) The avoided taxes and fees shall be deposited and distributed
2 in the same manner as if the taxes and fees were properly paid in a
3 timely fashion.

4 (5) These provisions shall not apply to the following vehicles:

5 (a) Motorized foot scooters;

6 (b) Electric-assisted bicycles;

7 (c) Off-road vehicles operating on nonhighway roads under RCW
8 46.09.115;

9 (d) Farm vehicles if operated within a radius of fifteen miles of
10 the farm where principally used or garaged, farm tractors and farm
11 implements including trailers designed as cook or bunk houses used
12 exclusively for animal herding temporarily operating or drawn upon the
13 public highways, and trailers used exclusively to transport farm
14 implements from one farm to another during the daylight hours or at
15 night when such equipment has lights that comply with the law;

16 (e) Spray or fertilizer applicator rigs designed and used
17 exclusively for spraying or fertilization in the conduct of
18 agricultural operations and not primarily for the purpose of
19 transportation, and nurse rigs or equipment auxiliary to the use of and
20 designed or modified for the fueling, repairing, or loading of spray
21 and fertilizer applicator rigs and not used, designed, or modified
22 primarily for the purpose of transportation;

23 (f) Fork lifts operated during daylight hours on public highways
24 adjacent to and within five hundred feet of the warehouses which they
25 serve: PROVIDED FURTHER, That these provisions shall not apply to
26 vehicles used by the state parks and recreation commission exclusively
27 for park maintenance and operations upon public highways within state
28 parks;

29 (g) "Trams" used for transporting persons to and from facilities
30 related to the horse racing industry as regulated in chapter 67.16 RCW,
31 as long as the public right-of-way routes over which the trams operate
32 are not more than one mile from end to end, the public rights-of-way
33 over which the tram operates have an average daily traffic of not more
34 than 15,000 vehicles per day, and the activity is in conformity with
35 federal law. The operator must be a licensed driver and at least
36 eighteen years old. For the purposes of this section, "tram" also
37 means a vehicle, or combination of vehicles linked together with a

1 single mode of propulsion, used to transport persons from one location
2 to another;

3 (h) "Special highway construction equipment" defined as follows:
4 Any vehicle which is designed and used primarily for grading of
5 highways, paving of highways, earth moving, and other construction work
6 on highways and which is not designed or used primarily for the
7 transportation of persons or property on a public highway and which is
8 only incidentally operated or moved over the highway. It includes, but
9 is not limited to, road construction and maintenance machinery so
10 designed and used such as portable air compressors, air drills, asphalt
11 spreaders, bituminous mixers, bucket loaders, track laying tractors,
12 ditchers, leveling graders, finishing machines, motor graders, paving
13 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
14 lighting plants, welders, pumps, power shovels and draglines, self-
15 propelled and tractor-drawn earth moving equipment and machinery,
16 including dump trucks and tractor-dump trailer combinations which
17 either (i) are in excess of the legal width, or (ii) which, because of
18 their length, height, or unladen weight, may not be moved on a public
19 highway without the permit specified in RCW 46.44.090 and which are not
20 operated laden except within the boundaries of the project limits as
21 defined by the contract, and other similar types of construction
22 equipment, or (iii) which are driven or moved upon a public highway
23 only for the purpose of crossing such highway from one property to
24 another, provided such movement does not exceed five hundred feet and
25 the vehicle is equipped with wheels or pads which will not damage the
26 roadway surface.

27 Exclusions:

28 "Special highway construction equipment" does not include any of
29 the following:

30 Dump trucks originally designed to comply with the legal size and
31 weight provisions of this code notwithstanding any subsequent
32 modification which would require a permit, as specified in RCW
33 46.44.090, to operate such vehicles on a public highway, including
34 trailers, truck-mounted transit mixers, cranes and shovels, or other
35 vehicles designed for the transportation of persons or property to
36 which machinery has been attached.

37 (6) The following vehicles, whether operated solo or in

1 combination, are exempt from license registration and displaying
2 license plates as required by this chapter:

3 (a) A converter gear used to convert a semitrailer into a trailer
4 or a two-axle truck or tractor into a three or more axle truck or
5 tractor or used in any other manner to increase the number of axles of
6 a vehicle. Converter gear includes an auxiliary axle, booster axle,
7 dolly, and jeep axle.

8 (b) A tow dolly that is used for towing a motor vehicle behind
9 another motor vehicle. The front or rear wheels of the towed vehicle
10 are secured to and rest on the tow dolly that is attached to the towing
11 vehicle by a tow bar.

12 (c) An off-road vehicle operated on a street, road, or highway as
13 authorized under RCW 46.09.180.

14 (7)(a) A motor vehicle subject to initial or renewal registration
15 under this section shall not be registered to a natural person unless
16 the person at time of application:

- 17 (i) Presents an unexpired Washington state driver's license; or
- 18 (ii) Certifies that he or she is:

19 (A) A Washington resident who does not operate a motor vehicle on
20 public roads; or

21 (B) Exempt from the requirement to obtain a Washington state
22 driver's license under RCW 46.20.025.

23 (b) For shared or joint ownership, the department will set up
24 procedures to verify that all owners meet the requirements of this
25 subsection.

26 (c) A person falsifying residency is guilty of a gross misdemeanor
27 punishable only by a fine of five hundred twenty-nine dollars.

28 (d) The department may adopt rules necessary to implement this
29 subsection, including rules under which a natural person applying for
30 registration may be exempt from the requirements of this subsection
31 where the person provides evidence satisfactory to the department that
32 he or she has a valid and compelling reason for not being able to meet
33 the requirements of this subsection.

34 **Sec. 2.** RCW 46.09.115 and 2005 c 213 s 4 are each amended to read
35 as follows:

36 (1) Except as otherwise provided in this section, it is lawful to
37 operate an off-road vehicle upon:

1 (a) A nonhighway road and in parking areas serving designated off-
2 road vehicle areas if the state, federal, local, or private authority
3 responsible for the management of the nonhighway road authorizes the
4 use of off-road vehicles; and

5 (b) A street, road, or highway as authorized under RCW 46.09.180.

6 (2) Operations of an off-road vehicle on a nonhighway road, or on
7 a street, road, or highway as authorized under RCW 46.09.180, under
8 this section is exempt from licensing requirements of RCW 46.16.010 and
9 vehicle lighting and equipment requirements of chapter 46.37 RCW.

10 (3) It is unlawful to operate an off-road vehicle upon a private
11 nonhighway road if the road owner has not authorized the use of off-
12 road vehicles.

13 (4) Nothing in this section authorizes trespass on private
14 property.

15 **Sec. 3.** RCW 46.09.120 and 2005 c 213 s 3 are each amended to read
16 as follows:

17 (1) Except as provided in subsection (4) of this section, it is a
18 traffic infraction for any person to operate any nonhighway vehicle:

19 (a) In such a manner as to endanger the property of another;

20 (b) On lands not owned by the operator or owner of the nonhighway
21 vehicle without a lighted headlight and taillight between the hours of
22 dusk and dawn, or when otherwise required for the safety of others
23 regardless of ownership;

24 (c) On lands not owned by the operator or owner of the nonhighway
25 vehicle without an adequate braking device or when otherwise required
26 for the safety of others regardless of ownership;

27 (d) Without a spark arrester approved by the department of natural
28 resources;

29 (e) Without an adequate, and operating, muffling device which
30 effectively limits vehicle noise to no more than eighty-six decibels on
31 the "A" scale at fifty feet as measured by the Society of Automotive
32 Engineers (SAE) test procedure J 331a, except that a maximum noise
33 level of one hundred and five decibels on the "A" scale at a distance
34 of twenty inches from the exhaust outlet shall be an acceptable
35 substitute in lieu of the Society of Automotive Engineers test
36 procedure J 331a when measured:

1 (i) At a forty-five degree angle at a distance of twenty inches
2 from the exhaust outlet;

3 (ii) With the vehicle stationary and the engine running at a steady
4 speed equal to one-half of the manufacturer's maximum allowable ("red
5 line") engine speed or where the manufacturer's maximum allowable
6 engine speed is not known the test speed in revolutions per minute
7 calculated as sixty percent of the speed at which maximum horsepower is
8 developed; and

9 (iii) With the microphone placed ten inches from the side of the
10 vehicle, one-half way between the lowest part of the vehicle body and
11 the ground plane, and in the same lateral plane as the rearmost exhaust
12 outlet where the outlet of the exhaust pipe is under the vehicle;

13 (f) On lands not owned by the operator or owner of the nonhighway
14 vehicle upon the shoulder or inside bank or slope of any nonhighway
15 road or highway, or upon the median of any divided highway;

16 (g) On lands not owned by the operator or owner of the nonhighway
17 vehicle in any area or in such a manner so as to unreasonably expose
18 the underlying soil, or to create an erosion condition, or to injure,
19 damage, or destroy trees, growing crops, or other vegetation;

20 (h) On lands not owned by the operator or owner of the nonhighway
21 vehicle or on any nonhighway road or trail, when these are restricted
22 to pedestrian or animal travel;

23 (i) On any public lands in violation of rules and regulations of
24 the agency administering such lands; and

25 (j) On a private nonhighway road in violation of RCW 46.09.115(3).

26 (2) It is a misdemeanor for any person to operate any nonhighway
27 vehicle while under the influence of intoxicating liquor or a
28 controlled substance.

29 (3)(a) Except for an off-road vehicle equipped with seat belts and
30 roll bars or an enclosed passenger compartment, it is a traffic
31 infraction for any person to operate or ride an off-road vehicle on a
32 nonhighway road without wearing upon his or her head a motorcycle
33 helmet fastened securely while in motion. For purposes of this
34 section, "motorcycle helmet" has the same meaning as provided in RCW
35 46.37.530.

36 (b) Subsection (3)(a) of this section does not apply to an off-road
37 vehicle operator operating on his or her own land.

1 (c) Subsection (3)(a) of this section does not apply to an off-road
2 vehicle operator operating on agricultural lands owned or leased by the
3 off-road vehicle operator or the operator's employer.

4 (4) It is not a traffic infraction to operate an off-road vehicle
5 on a street, road, or highway as authorized under RCW 46.09.180.

6 **Sec. 4.** RCW 46.09.180 and 1977 ex.s. c 220 s 15 are each amended
7 to read as follows:

8 Notwithstanding any of the provisions of this chapter, any city,
9 county, or other political subdivision of this state, or any state
10 agency, may regulate the operation of nonhighway vehicles on public
11 lands, waters, and other properties under its jurisdiction, and on
12 streets, roads, or highways within its boundaries by adopting
13 regulations or ordinances of its governing body, provided such
14 regulations are not less stringent than the provisions of this chapter.
15 However, the legislative body of a city with a population of less than
16 three thousand persons may, by ordinance, designate a street or highway
17 within its boundaries to be suitable for use by off-road vehicles. The
18 legislative body of a county may, by ordinance, designate a road or
19 highway within its boundaries to be suitable for use by off-road
20 vehicles if the road or highway is a direct connection between a city
21 with a population of less than three thousand persons and an off-road
22 vehicle recreation facility.

23 **Sec. 5.** RCW 46.37.010 and 2005 c 213 s 7 are each amended to read
24 as follows:

25 (1) It is a traffic infraction for any person to drive or move or
26 for the owner to cause or knowingly permit to be driven or moved on any
27 highway any vehicle or combination of vehicles which is in such unsafe
28 condition as to endanger any person, or which does not contain those
29 parts or is not at all times equipped with such lamps and other
30 equipment in proper condition and adjustment as required in this
31 chapter or in regulations issued by the chief of the Washington state
32 patrol, or which is equipped in any manner in violation of this chapter
33 or the state patrol's regulations, or for any person to do any act
34 forbidden or fail to perform any act required under this chapter or the
35 state patrol's regulations.

1 (2) Nothing contained in this chapter or the state patrol's
2 regulations shall be construed to prohibit the use of additional parts
3 and accessories on any vehicle not inconsistent with the provisions of
4 this chapter or the state patrol's regulations.

5 (3) The provisions of the chapter and the state patrol's
6 regulations with respect to equipment on vehicles shall not apply to
7 implements of husbandry, road machinery, road rollers, or farm tractors
8 except as herein made applicable.

9 (4) No owner or operator of a farm tractor, self-propelled unit of
10 farm equipment, or implement of husbandry shall be guilty of a crime or
11 subject to penalty for violation of RCW 46.37.160 as now or hereafter
12 amended unless such violation occurs on a public highway.

13 (5) It is a traffic infraction for any person to sell or offer for
14 sale vehicle equipment which is required to be approved by the state
15 patrol as prescribed in RCW 46.37.005 unless it has been approved by
16 the state patrol.

17 (6) The provisions of this chapter with respect to equipment
18 required on vehicles shall not apply to motorcycles or motor-driven
19 cycles except as herein made applicable.

20 (7) This chapter does not apply to off-road vehicles used on
21 nonhighway roads or used on streets, roads, or highways as authorized
22 under RCW 46.09.180.

23 (8) This chapter does not apply to vehicles used by the state parks
24 and recreation commission exclusively for park maintenance and
25 operations upon public highways within state parks.

26 (9) Notices of traffic infraction issued to commercial drivers
27 under the provisions of this chapter with respect to equipment required
28 on commercial motor vehicles shall not be considered for driver
29 improvement purposes under chapter 46.20 RCW.

30 (10) Whenever a traffic infraction is chargeable to the owner or
31 lessee of a vehicle under subsection (1) of this section, the driver
32 shall not be arrested or issued a notice of traffic infraction unless
33 the vehicle is registered in a jurisdiction other than Washington
34 state, or unless the infraction is for an offense that is clearly
35 within the responsibility of the driver.

36 (11) Whenever the owner or lessee is issued a notice of traffic
37 infraction under this section the court may, on the request of the
38 owner or lessee, take appropriate steps to make the driver of the

1 vehicle, or any other person who directs the loading, maintenance, or
2 operation of the vehicle, a codefendant. If the codefendant is held
3 solely responsible and is found to have committed the traffic
4 infraction, the court may dismiss the notice against the owner or
5 lessee."

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ADOPTED 03/01/2006

6 On page 1, line 2 of the title, after "roads;" strike the remainder
7 of the title and insert "amending RCW 46.09.115, 46.09.120, 46.09.180,
8 and 46.37.010; and reenacting and amending RCW 46.16.010."

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