

HB 2617 - S COMM AMD

By Committee on Transportation

NOT 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 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 or highway as authorized under RCW 46.09.180.

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

9        (3) Operations of an off-road vehicle on city or county roads  
10 designated under subsection (1)(b) of this section are exempt from the  
11 vehicle lighting and equipment requirements of chapter 46.37 RCW.

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

15        ~~((4))~~ (5) Nothing in this section authorizes trespass on private  
16 property.

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

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

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

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

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

29        (d) Without a spark arrester approved by the department of natural  
30 resources;

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

1 substitute in lieu of the Society of Automotive Engineers test  
2 procedure J 331a when measured:

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

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

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

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

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

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

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

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

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

31 (3)(a) Except for an off-road vehicle equipped with seat belts and  
32 roll bars or an enclosed passenger compartment, it is a traffic  
33 infraction for any person to operate or ride an off-road vehicle on a  
34 nonhighway road without wearing upon his or her head a motorcycle  
35 helmet fastened securely while in motion. For purposes of this  
36 section, "motorcycle helmet" has the same meaning as provided in RCW  
37 46.37.530.

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

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

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

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

10 Notwithstanding any of the provisions of this chapter, any city,  
11 county, or other political subdivision of this state, or any state  
12 agency, may regulate the operation of nonhighway vehicles on public  
13 lands, waters, and other properties under its jurisdiction, and on  
14 streets or highways within its boundaries by adopting regulations or  
15 ordinances of its governing body, provided such regulations are not  
16 less stringent than the provisions of this chapter. However, cities  
17 with a population of less than three thousand persons may adopt  
18 regulations allowing for the operation of off-road vehicles on streets  
19 or highways within its boundaries, even if the regulations are less  
20 stringent than the provisions of this chapter.

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

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

34 (2) Nothing contained in this chapter or the state patrol's  
35 regulations shall be construed to prohibit the use of additional parts

1 and accessories on any vehicle not inconsistent with the provisions of  
2 this chapter or the state patrol's regulations.

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

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

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

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

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

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

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

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

34 (11) Whenever the owner or lessee is issued a notice of traffic  
35 infraction under this section the court may, on the request of the  
36 owner or lessee, take appropriate steps to make the driver of the  
37 vehicle, or any other person who directs the loading, maintenance, or  
38 operation of the vehicle, a codefendant. If the codefendant is held



1 solely responsible and is found to have committed the traffic  
2 infraction, the court may dismiss the notice against the owner or  
3 lessee."

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

**--- END ---**