

HOUSE BILL REPORT

SHB 1003

As Amended by the Senate

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

Brief Description:

Sponsors:

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 1/18/05, 2/4/05 [DP].

Floor Activity:

Passed House: 3/4/05, 90-6.

Senate Amended.

Passed Senate: 4/14/05, 44-1.

Brief Summary of Substitute Bill

- Allows the use of off-road vehicles (ORVs) on nonhighway roads when authorized by the responsible governing body.
- Establishes a traffic indicator for any person operating an ORV on a nonhighway road without a helmet.
- Restricts persons under 13 years of age from operating an ORV on a nonhighway road unless under the direct supervision of an adult.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: Do pass. Signed by 11 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, DeBolt, Dickerson, Eickmeyer, Hunt, Orcutt and Williams.

Staff: Jeff Olsen (786-7157).

Background:

Except for specific circumstances, it is unlawful for a person to operate a 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 a 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, Attorneys General Opinion 1972 No.3 in part maintained that forest service roads fell within the definition of a highway. As a result, there is some uncertainty regarding the equipment requirements for operation of off-road vehicles on some nonhighway roads.

A person operating a nonhighway vehicle upon the shoulder of a nonhighway road or upon the median of a divided highway is subject to a traffic infraction. Violations are subject to a penalty of not less than \$25, and the operator is liable for any property damage. In addition, property owners may recover up to three times the amount of damage from the responsible party.

Summary of Substitute Bill:

An ORV may be operated on nonhighway roads when authorized by the responsible governing body including state, federal, or local authorities. An ORV is 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 nonhighway road without wearing a helmet. The requirement to wear a helmet does not apply to a person operating an ORV on their own land. In addition, the helmet requirement does not apply to an ORV operator operating on agricultural lands owned or leased by the ORV operator or the operator's employer. Persons under 13 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 drivers license.

It is a traffic infraction to operate an ORV on a private nonhighway road without permission from the road owner. Nothing in the bill authorizes trespass on private property.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment establishes a task force on off-road vehicle noise management. The task force consists of four members of the House of Representatives and four members of the State Senate. Additional participants may be invited by the legislative members. These participants include representatives of county commissions, port districts, the Department of Natural Resources, the Department of Ecology, the Interagency Committee for Outdoor Recreation, the Parks and Recreation Commission, off-road vehicle manufacturers, the U.S. Forest Service, recreational users, and interested citizens.

The task force is instructed to focus on the enforceability of current off-road vehicle decibel levels, the appropriateness of off-road vehicle usage requirements, the applicability of local

noise ordinances, and the barriers to using public lands to create off-road vehicle riding opportunities. Recommendations of group, in the form of draft legislation, is due to the Legislature by December 1, 2005.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2005.

Testimony For: This bill is similar to a bill that passed the House last year. By clarifying where ORVs may be operated, it will assist ORV users and land managers, and reduce the instances where people are riding ORVs on non-authorized trails. Land managers will be able to more efficiently manage use of their trails, and designate roads and trails for ORV use. The U.S. Forest Service has new proposed rules stating all roads are closed unless designated open, and this bill is consistent with that policy. It will be up to each land manager to determine which roads will be open for ORV use. Due to concerns about liability and safety issues, there is a need for the helmet requirement that was in the bill last year.

(With concerns) If more ORV access is granted, there will be more access points for ORV users to go off-trail and operate in areas not designated for ORV use.

Testimony Against: None.

Persons Testifying: (In support) Representative Hinkle, prime sponsor; Dale Cooper, National Motorcycle Association and Southwest Washington Off Road Riders Association; Karl Denison, United States Forest Service; Bret Kreier, Northwest Motorcycle Association; and Bonnie Bunning, Department of Natural Resources.

(With concerns) Craig Engelking, Sierra Club.

Persons Signed In To Testify But Not Testifying: None.