

FINAL BILL REPORT

HB 1003

PARTIAL VETO

C 213 L 05

Synopsis as Enacted

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

Sponsors: Representatives Hinkle, B. Sullivan, Curtis, Campbell, Blake, Dunn and Condotta.

House Committee on Natural Resources, Ecology & Parks

Senate Committee on Natural Resources, Ocean & Recreation

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 vehicle licensing requirement are authorized for 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 U.S. Forest Service Manual, Pacific Northwest Region, effective April 10, 2003, accepts the use of off-highway vehicles on forest service roads when the use is in accordance with state laws and regulations and consistent with the regional 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 definition of a highway. As a result, there is some uncertainty regarding the equipment requirements for 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:

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 this act authorizes trespass on private property.

A task force on off-road vehicle noise management is established. The task force consists of four members of the House of Representatives and four members of the Senate. Additional participants may be invited by the legislative members including 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, ORV manufacturers, the U.S. Forest Service, recreational users, and interested citizens.

The task force must focus on the enforceability of current ORV decibel levels, the appropriateness of ORV usage requirements, the applicability of local noise ordinances, and the barriers to using public lands to create off-road vehicle riding opportunities. Recommendations of the group, in the form of draft legislation, are due to the Legislature by December 1, 2005.

Votes on Final Passage:

House	90	6	
Senate	44	1	(Senate amended)
House	98	0	(House concurred)

Effective: July 1, 2005

Partial Veto Summary: Removes the task force established to review the appropriateness and enforceability of current decibel requirements for ORVs and the availability of using public lands for ORV use.