

SENATE BILL REPORT

ESHB 1029

As of March 30, 2005

Title: An act relating to all-terrain vehicles.

Brief Description: Regulating ATVs.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Simpson, Rodne, B. Sullivan and Anderson).

Brief History: Passed House: 3/14/05, 59-38.

Committee Activity: Transportation: 3/22/05

SENATE COMMITTEE ON TRANSPORTATION

Staff: Dalene Sprick (786-7321)

Background: Under current law, operators of off-road vehicles (ORVs), which include all-terrain vehicles (ATVs), are subject to various regulations regarding the use of such vehicles. For example, generally an ORV operator must obtain and display an ORV use permit in order to operate the vehicle. Additionally, certain equipment standards must be satisfied before an ORV operator may lawfully operate the vehicle on nonhighway roads, and various restrictions exist regarding the manner and location in which an ORV may be operated.

Current law does not include safety education and training requirements, or operational regulations, specifically limited to ATVs.

Summary of Bill: The Department of Licensing (DOL) must establish a comprehensive hands-on ATV safety education and training program that provides for the issuance of ATV safety certificates. The course content must be adopted from a curriculum developed by a nationally recognized safety organization. The DOL may authorize certain agents to conduct classes and issue ATV safety certificates. Such agents may charge a reasonable fee. ATV safety instructors must be certified by the DOL Director and must meet certain criteria.

Beginning January 1, 2007, to operate an ATV on public land a person under sixteen years of age must: possess an ATV safety certificate issued by the Director, another state, or a Canadian province; wear eye protection and a safety helmet; and must be continually supervised by an adult. A non-resident who does not possess a safety certificate may operate an ATV on public lands for twenty-one days in a calendar year. Certificate applicants with at least one year of ATV operating experience are exempt from the training requirements, and may be issued an "exceptional" safety certificate.

The DOL Director must collect a fee of \$10 for issuance of a safety certificate. All of the fees must be deposited in the newly created, nonappropriated "ATV safety training and education

account." Expenditures from the account may only be used to support the ATV safety and education program.

Various operational and equipment regulations, specific to ATVs, are prescribed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2007.

Testimony For: It is important and the original bill was based on model legislation that was brought forward by a number of groups. There are a number of states that have enacted parts of the model legislation. This bill has been through multiple compromises.

Testimony Against: There seem to be too many inconsistencies in this bill. Where is the documentation and the funding going to come from? This bill would not provide enough training locations or instructors to properly address the demand. In the last 21 years there have only been nine ATV related deaths in the state. While each of these deaths are tragic, the implementation of this bill would result in over a \$500,000 deficit to address those nine deaths spanning 21 years. This is not an appropriate use of resources during a time of budget shortfalls.

Who Testified: PRO: Frank Warnke, Advocates Inc.

CON: Barb Anderson, NWOC, Larry Walker, Washington Road Riders Association.