
SENATE BILL 6355

State of Washington

59th Legislature

2006 Regular Session

By Senators Sheldon and Stevens

Read first time 01/11/2006. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to off-road vehicle use; amending RCW 46.09.120;
2 creating a new section; making an appropriation; and providing an
3 expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.09.120 and 2005 c 213 s 3 are each amended to read
6 as follows:

7 (1) It is a traffic infraction for any person to operate any
8 nonhighway vehicle:

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

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

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

17 (d) Without a spark arrester approved by the department of natural
18 resources;

1 (e) Without an adequate, and operating, muffling device which
2 effectively limits vehicle noise to no more than eighty-six decibels on
3 the "A" scale at fifty feet as measured by the Society of Automotive
4 Engineers (SAE) test procedure J 331a, except that a maximum noise
5 level of (~~one hundred and five~~) ninety-six decibels on the "A" scale
6 at a distance of twenty inches from the exhaust outlet shall be an
7 acceptable substitute in lieu of the Society of Automotive Engineers
8 test procedure J 331a when measured:

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

11 (ii) With the vehicle stationary and the engine running at a steady
12 speed equal to one-half of the manufacturer's maximum allowable ("red
13 line") engine speed or where the manufacturer's maximum allowable
14 engine speed is not known the test speed in revolutions per minute
15 calculated as sixty percent of the speed at which maximum horsepower is
16 developed; and

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

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

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

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

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

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

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

37 (3)(a) Except for an off-road vehicle equipped with seat belts and
38 roll bars or an enclosed passenger compartment, it is a traffic

1 infraction for any person to operate or ride an off-road vehicle on a
2 nonhighway road without wearing upon his or her head a motorcycle
3 helmet fastened securely while in motion. For purposes of this
4 section, "motorcycle helmet" has the same meaning as provided in RCW
5 46.37.530.

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

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

11 NEW SECTION. **Sec. 2.** The sum of one hundred thousand dollars, or
12 as much thereof as may be necessary, is appropriated from the general
13 fund to the interagency committee for outdoor recreation for the fiscal
14 year ending June 30, 2007, to fund off-road vehicle education and
15 enforcement activities by state agencies and local governments through
16 the nonhighway and off-road vehicle activities program.

17 NEW SECTION. **Sec. 3.** (1) The department of natural resources
18 shall convene a working group to develop and propose policy strategies
19 and legislation to address issues relating to access to public and
20 private lands for recreational off-road vehicle use, including:

21 (a) Proposals to improve and increase recreational off-road vehicle
22 use opportunities on public lands where such use is compatible with
23 other types of recreation and the environmental, habitat, and trust
24 responsibilities of the department of natural resources and other
25 public land managers;

26 (b) Proposals for addressing the conflicts and safety issues posed
27 by the growing pressure on public and private lands available for
28 recreational off-road vehicle use, including any recommended changes to
29 the recreational use immunity statute, RCW 4.24.210; and

30 (c) Proposals to ensure the existence of the financial resources
31 necessary to provide access to public lands for recreational off-road
32 vehicle use, including funding for agency planning and management
33 activities, land stewardship and trail maintenance, and education and
34 enforcement programs.

35 (2) The working group consists of the following:

- 1 (a) One member from the department of natural resources, appointed
2 by the commissioner of public lands;
- 3 (b) One member from the department of fish and wildlife, appointed
4 by the director of the department of fish and wildlife;
- 5 (c) One member from the state parks and recreation commission,
6 appointed by the director of the state parks and recreation commission;
- 7 (d) One member from the interagency committee for outdoor
8 recreation, appointed by the director of the interagency committee for
9 outdoor recreation;
- 10 (e) Two members representing county governments, one county
11 commissioner each from an urban and a rural county, invited by the
12 commissioner of public lands;
- 13 (f) One member representing the United States forest service,
14 invited by the commissioner of public lands;
- 15 (g) Two members representing off-road vehicle recreational user
16 groups, invited by the commissioner of public lands;
- 17 (h) One member representing private land managers, invited by the
18 commissioner of public lands;
- 19 (i) One member representing the off-road vehicle industry, invited
20 by the commissioner of public lands; and
- 21 (j) A representative of local law enforcement, invited by the
22 commissioner of public lands.
- 23 (3) In carrying out its duties, the working group shall provide a
24 forum for interested citizens and organizations to provide information
25 and suggestions to the working group.
- 26 (4) The working group shall provide its policy strategies and
27 legislative proposals to the appropriate policy and fiscal committees
28 of the senate and house of representatives by December 1, 2007.
- 29 (5) This section expires June 30, 2008.

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