
SENATE BILL 6650

State of Washington 59th Legislature 2006 Regular Session

By Senators Morton, Mulliken and Sheldon

Read first time 01/18/2006. Referred to Committee on Transportation.

1 AN ACT Relating to off-road vehicle use in small cities; and
2 amending RCW 46.09.180 and 46.37.010.

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

4 **Sec. 1.** RCW 46.09.180 and 1977 ex.s. c 220 s 15 are each amended
5 to read as follows:

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

17 **Sec. 2.** RCW 46.37.010 and 2005 c 213 s 7 are each amended to read
18 as follows:

1 (1) It is a traffic infraction for any person to drive or move or
2 for the owner to cause or knowingly permit to be driven or moved on any
3 highway any vehicle or combination of vehicles which is in such unsafe
4 condition as to endanger any person, or which does not contain those
5 parts or is not at all times equipped with such lamps and other
6 equipment in proper condition and adjustment as required in this
7 chapter or in regulations issued by the chief of the Washington state
8 patrol, or which is equipped in any manner in violation of this chapter
9 or the state patrol's regulations, or for any person to do any act
10 forbidden or fail to perform any act required under this chapter or the
11 state patrol's regulations.

12 (2) Nothing contained in this chapter or the state patrol's
13 regulations shall be construed to prohibit the use of additional parts
14 and accessories on any vehicle not inconsistent with the provisions of
15 this chapter or the state patrol's regulations.

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

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

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

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

31 (7) This chapter does not apply to off-road vehicles used on
32 nonhighway roads or used on streets or highways as authorized under RCW
33 46.09.180.

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

37 (9) Notices of traffic infraction issued to commercial drivers

1 under the provisions of this chapter with respect to equipment required
2 on commercial motor vehicles shall not be considered for driver
3 improvement purposes under chapter 46.20 RCW.

4 (10) Whenever a traffic infraction is chargeable to the owner or
5 lessee of a vehicle under subsection (1) of this section, the driver
6 shall not be arrested or issued a notice of traffic infraction unless
7 the vehicle is registered in a jurisdiction other than Washington
8 state, or unless the infraction is for an offense that is clearly
9 within the responsibility of the driver.

10 (11) Whenever the owner or lessee is issued a notice of traffic
11 infraction under this section the court may, on the request of the
12 owner or lessee, take appropriate steps to make the driver of the
13 vehicle, or any other person who directs the loading, maintenance, or
14 operation of the vehicle, a codefendant. If the codefendant is held
15 solely responsible and is found to have committed the traffic
16 infraction, the court may dismiss the notice against the owner or
17 lessee.

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