
ENGROSSED SUBSTITUTE HOUSE BILL 1632

State of Washington 63rd Legislature 2013 2nd Special Session

By House Transportation (originally sponsored by Representatives Shea, Blake, Kristiansen, Sells, Warnick, Upthegrove, Wilcox, Scott, Moscoso, Fagan, and Condotta)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to regulating the use of off-road vehicles in
2 certain areas; amending RCW 46.09.310, 46.09.310, 46.09.360, 46.09.400,
3 46.09.410, 46.09.420, 46.09.450, 46.09.460, 46.09.530, 46.17.350,
4 46.30.020, 46.63.020, 79A.80.010, 46.63.030, 43.84.092, and 43.84.092;
5 reenacting and amending RCW 46.09.470; adding new sections to chapter
6 46.09 RCW; creating a new section; prescribing penalties; providing
7 effective dates; providing a contingent effective date; providing an
8 expiration date; providing a contingent expiration date; and declaring
9 an emergency.

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

11 NEW SECTION. **Sec. 1.** (1) The legislature finds that off-road
12 vehicle users have been overwhelmed with varied confusing rules,
13 regulations, and ordinances from federal, state, county, and city land
14 managers throughout the state to the extent standardization statewide
15 is needed to maintain public safety and good order.

16 (2) It is the intent of the legislature to: (a) Increase
17 opportunities for safe, legal, and environmentally acceptable motorized
18 recreation; (b) decrease the amount of unlawful or environmentally
19 harmful motorized recreation; (c) generate funds for use in

1 maintenance, signage, education, and enforcement of motorized
2 recreation opportunities; (d) advance a culture of self-policing and
3 abuse intolerance among motorized recreationists; (e) cause no change
4 in the policies of any governmental agency with respect to public land;
5 (f) not change any current ORV usage routes as authorized in chapter
6 213, Laws of 2005; (g) stimulate rural economies by opening certain
7 roadways to use by motorized recreationists which will in turn
8 stimulate economic activity through expenditures on gasoline, lodging,
9 food and drink, and other entertainment purposes; and (h) require all
10 wheeled all-terrain vehicles to obtain a metal tag.

11 **Sec. 2.** RCW 46.09.310 and 2010 c 161 s 213 are each amended to
12 read as follows:

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

15 (1) "Advisory committee" means the nonhighway and off-road vehicle
16 activities advisory committee established in RCW 46.09.340.

17 (2) "Board" means the recreation and conservation funding board
18 established in RCW 79A.25.110.

19 (3) "Dealer" means a person, partnership, association, or
20 corporation engaged in the business of selling off-road vehicles at
21 wholesale or retail in this state.

22 (4) "Highway," for the purpose of this chapter only, means the
23 entire width between the boundary lines of every roadway publicly
24 maintained by the state department of transportation or any county or
25 city with funding from the motor vehicle fund. A highway is generally
26 capable of travel by a conventional two-wheel drive passenger
27 automobile during most of the year and in use by such vehicles.

28 (5) "Nonhighway road" means any road owned or managed by a public
29 agency, a primitive road, or any private road for which the owner has
30 granted an easement for public use for which appropriations from the
31 motor vehicle fund were not used for (a) original construction or
32 reconstruction in the last twenty-five years; or (b) maintenance in the
33 last four years.

34 (6) "Nonhighway road recreation facilities" means recreational
35 facilities that are adjacent to, or accessed by, a nonhighway road and
36 intended primarily for nonhighway road recreational users.

1 (7) "Nonhighway road recreational user" means a person whose
2 purpose for consuming fuel on a nonhighway road or off-road is
3 primarily for nonhighway road recreational purposes, including, but not
4 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
5 picnicking, driving for pleasure, kayaking/canoeing, and gathering
6 berries, firewood, mushrooms, and other natural products.

7 (8) "Nonhighway vehicle" means any motorized vehicle including an
8 ORV when used for recreational purposes on nonhighway roads, trails, or
9 a variety of other natural terrain.

10 Nonhighway vehicle does not include:

11 (a) Any vehicle designed primarily for travel on, over, or in the
12 water;

13 (b) Snowmobiles or any military vehicles; or

14 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
15 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
16 This exemption includes but is not limited to farm, construction, and
17 logging vehicles.

18 (9) "Nonmotorized recreational facilities" means recreational
19 trails and facilities that are adjacent to, or accessed by, a
20 nonhighway road and intended primarily for nonmotorized recreational
21 users.

22 (10) "Nonmotorized recreational user" means a person whose purpose
23 for consuming fuel on a nonhighway road or off-road is primarily for
24 nonmotorized recreational purposes including, but not limited to,
25 walking, hiking, backpacking, climbing, cross-country skiing,
26 snowshoeing, mountain biking, horseback riding, and pack animal
27 activities.

28 (11) "Organized competitive event" means any competition,
29 advertised in advance through written notice to organized clubs or
30 published in local newspapers, sponsored by recognized clubs, and
31 conducted at a predetermined time and place.

32 (12) "ORV recreation facilities" include, but are not limited to,
33 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
34 areas, designated for ORV use by the managing authority (~~that are~~
35 ~~intended primarily for ORV recreational users~~)).

36 (13) "ORV recreational user" means a person whose purpose for
37 consuming fuel on nonhighway roads or off-road is primarily for ORV

1 recreational purposes, including but not limited to riding an all-
2 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
3 dune buggy.

4 (14) "ORV sports park" means a facility designed to accommodate
5 competitive ORV recreational uses including, but not limited to,
6 motocross racing, four-wheel drive competitions, and flat track racing.
7 Use of ORV sports parks can be competitive or noncompetitive in nature.

8 (15) "ORV trail" means a multiple-use corridor designated by the
9 managing authority and maintained for recreational use by motorized
10 vehicles.

11 (16) "Direct supervision" means that the supervising adult must be
12 in a position, on another wheeled all-terrain vehicle or specialty off-
13 highway vehicle or motorbike or, if on the ground, within a reasonable
14 distance of the unlicensed operator, to provide close support,
15 assistance, or direction to the unlicensed operator.

16 (17) "Emergency management" means the carrying out of emergency
17 functions related to responding and recovering from emergencies and
18 disasters, and to aid victims suffering from injury or damage,
19 resulting from disasters caused by all hazards, whether natural,
20 technological, or human caused, and to provide support for search and
21 rescue operations for persons and property in distress.

22 (18) "Primitive road" means a linear route managed for use by four-
23 wheel drive or high-clearance vehicles that is generally not maintained
24 or paved, a road designated by a county as primitive under RCW
25 36.75.300, or a road designated by a city or town as primitive under a
26 local ordinance.

27 (19) "Wheeled all-terrain vehicle" means (a) any motorized
28 nonhighway vehicle with handlebars that is fifty inches or less in
29 width, has a seat height of at least twenty inches, weighs less than
30 one thousand five hundred pounds, and has four tires having a diameter
31 of thirty inches or less, or (b) a utility-type vehicle designed for
32 and capable of travel over designated roads that travels on four or
33 more low-pressure tires of twenty psi or less, has a maximum width less
34 than seventy-four inches, has a maximum weight less than two thousand
35 pounds, has a wheelbase of one hundred ten inches or less, and
36 satisfies at least one of the following: (i) Has a minimum width of
37 fifty inches; (ii) has a minimum weight of at least nine hundred
38 pounds; or (iii) has a wheelbase of over sixty-one inches.

1 **Sec. 3.** RCW 46.09.310 and 2013 c 225 s 607 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Advisory committee" means the nonhighway and off-road vehicle
6 activities advisory committee established in RCW 46.09.340.

7 (2) "Board" means the recreation and conservation funding board
8 established in RCW 79A.25.110.

9 (3) "Dealer" means a person, partnership, association, or
10 corporation engaged in the business of selling off-road vehicles at
11 wholesale or retail in this state.

12 (4) "Highway," for the purpose of this chapter only, means the
13 entire width between the boundary lines of every roadway publicly
14 maintained by the state department of transportation or any county or
15 city with funding from the motor vehicle fund. A highway is generally
16 capable of travel by a conventional two-wheel drive passenger
17 automobile during most of the year and in use by such vehicles.

18 (5) "Nonhighway road" means any road owned or managed by a public
19 agency, a primitive road, or any private road for which the owner has
20 granted an easement for public use for which appropriations from the
21 motor vehicle fund were not used for (a) original construction or
22 reconstruction in the last twenty-five years; or (b) maintenance in the
23 last four years.

24 (6) "Nonhighway road recreation facilities" means recreational
25 facilities that are adjacent to, or accessed by, a nonhighway road and
26 intended primarily for nonhighway road recreational users.

27 (7) "Nonhighway road recreational user" means a person whose
28 purpose for consuming fuel on a nonhighway road or off-road is
29 primarily for nonhighway road recreational purposes, including, but not
30 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
31 picnicking, driving for pleasure, kayaking/canoeing, and gathering
32 berries, firewood, mushrooms, and other natural products.

33 (8) "Nonhighway vehicle" means any motorized vehicle including an
34 ORV when used for recreational purposes on nonhighway roads, trails, or
35 a variety of other natural terrain.

36 Nonhighway vehicle does not include:

37 (a) Any vehicle designed primarily for travel on, over, or in the
38 water;

1 (b) Snowmobiles or any military vehicles; or

2 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
3 rebate under chapter 82.38 RCW while an exemption or rebate is claimed.
4 This exemption includes but is not limited to farm, construction, and
5 logging vehicles.

6 (9) "Nonmotorized recreational facilities" means recreational
7 trails and facilities that are adjacent to, or accessed by, a
8 nonhighway road and intended primarily for nonmotorized recreational
9 users.

10 (10) "Nonmotorized recreational user" means a person whose purpose
11 for consuming fuel on a nonhighway road or off-road is primarily for
12 nonmotorized recreational purposes including, but not limited to,
13 walking, hiking, backpacking, climbing, cross-country skiing,
14 snowshoeing, mountain biking, horseback riding, and pack animal
15 activities.

16 (11) "Organized competitive event" means any competition,
17 advertised in advance through written notice to organized clubs or
18 published in local newspapers, sponsored by recognized clubs, and
19 conducted at a predetermined time and place.

20 (12) "ORV recreation facilities" include, but are not limited to,
21 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
22 areas, designated for ORV use by the managing authority (~~that are~~
23 ~~intended primarily for ORV recreational users~~)).

24 (13) "ORV recreational user" means a person whose purpose for
25 consuming fuel on nonhighway roads or off-road is primarily for ORV
26 recreational purposes, including but not limited to riding an all-
27 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
28 dune buggy.

29 (14) "ORV sports park" means a facility designed to accommodate
30 competitive ORV recreational uses including, but not limited to,
31 motocross racing, four-wheel drive competitions, and flat track racing.
32 Use of ORV sports parks can be competitive or noncompetitive in nature.

33 (15) "ORV trail" means a multiple-use corridor designated by the
34 managing authority and maintained for recreational use by motorized
35 vehicles.

36 (16) "Direct supervision" means that the supervising adult must be
37 in a position, on another wheeled all-terrain vehicle or specialty off-

1 highway vehicle or motorbike or, if on the ground, within a reasonable
2 distance of the unlicensed operator, to provide close support,
3 assistance, or direction to the unlicensed operator.

4 (17) "Emergency management" means the carrying out of emergency
5 functions related to responding and recovering from emergencies and
6 disasters, and to aid victims suffering from injury or damage,
7 resulting from disasters caused by all hazards, whether natural,
8 technological, or human caused, and to provide support for search and
9 rescue operations for persons and property in distress.

10 (18) "Primitive road" means a linear route managed for use by four-
11 wheel drive or high-clearance vehicles that is generally not maintained
12 or paved, a road designated by a county as primitive under RCW
13 36.75.300, or a road designated by a city or town as primitive under a
14 local ordinance.

15 (19) "Wheeled all-terrain vehicle" means (a) any motorized
16 nonhighway vehicle with handlebars that is fifty inches or less in
17 width, has a seat height of at least twenty inches, weighs less than
18 one thousand five hundred pounds, and has four tires having a diameter
19 of thirty inches or less, or (b) a utility-type vehicle designed for
20 and capable of travel over designated roads that travels on four or
21 more low-pressure tires of twenty psi or less, has a maximum width less
22 than seventy-four inches, has a maximum weight less than two thousand
23 pounds, has a wheelbase of one hundred ten inches or less, and
24 satisfies at least one of the following: (i) Has a minimum width of
25 fifty inches; (ii) has a minimum weight of at least nine hundred
26 pounds; or (iii) has a wheelbase of over sixty-one inches.

27 NEW SECTION. Sec. 4. A new section is added to chapter 46.09 RCW
28 under the subchapter heading "registrations and use permits" to read as
29 follows:

30 (1) Any wheeled all-terrain vehicle operated within this state must
31 display a metal tag to be affixed to the rear of the wheeled all-
32 terrain vehicle. The initial metal tag must be issued with an original
33 off-road vehicle registration and upon payment of the initial vehicle
34 license fee under RCW 46.17.350(1)(s). The metal tag must be replaced
35 every seven years at a cost of two dollars. Revenue from replacement
36 metal tags must be deposited into the nonhighway and off-road vehicle

1 activities program account. The department must design the metal tag,
2 which must:

3 (a) Be the same size as a motorcycle license plate;

4 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
5 tag;

6 (c) Contain designated identification through a combination of
7 letters and numbers;

8 (d) Leave space at the bottom left corner of the tag for an off-
9 road tab issued under subsection (2) of this section; and

10 (e) Leave space at the bottom right corner of the tag for an on-
11 road tab, when required, issued under subsection (3) of this section.

12 (2) A person who operates a wheeled all-terrain vehicle must have
13 a current and proper off-road vehicle registration, with the
14 appropriate off-road tab, and pay the annual vehicle license fee as
15 provided in RCW 46.17.350(1)(s), which must be deposited into the
16 nonhighway and off-road vehicle activities program account. The off-
17 road tab must be issued annually by the department upon payment of
18 initial and renewal vehicle license fees under RCW 46.17.350(1)(s).

19 (3) A person who operates a wheeled all-terrain vehicle upon a
20 public roadway must have a current and proper on-road vehicle
21 registration, with the appropriate on-road tab, which must be of a
22 bright color that can be seen from a reasonable distance, and pay the
23 annual vehicle license fee as provided in RCW 46.17.350(1)(r). The on-
24 road tab must be issued annually by the department upon payment of
25 initial and renewal vehicle license fees under RCW 46.17.350(1)(r).

26 (4) A wheeled all-terrain vehicle may not be registered for
27 commercial use.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.09 RCW
29 under the subchapter heading "registrations and use permits" to read as
30 follows:

31 (1) A person may not operate a wheeled all-terrain vehicle upon a
32 public roadway of this state, not including nonhighway roads and
33 trails, without (a) first obtaining a valid driver's license issued to
34 Washington residents in compliance with chapter 46.20 RCW or (b)
35 possessing a valid driver's license issued by the state of the person's
36 residence if the person is a nonresident.

1 (2) A person who operates a wheeled all-terrain vehicle under this
2 section is granted all rights and is subject to all duties applicable
3 to the operator of a motorcycle under RCW 46.37.530 and chapter 46.61
4 RCW, unless otherwise stated in this act, except that wheeled all-
5 terrain vehicles may not be operated side-by-side in a single lane of
6 traffic.

7 (3) Wheeled all-terrain vehicles are subject to chapter 46.55 RCW.

8 (4) Any person who violates this section commits a traffic
9 infraction.

10 (5) The department may develop and implement an online training
11 course for persons that register wheeled all-terrain vehicles and
12 utility-type vehicles for use on a public roadway of this state. The
13 department is granted rule-making authority for the training course.
14 Any future costs associated with the training course must be
15 appropriated from the highway safety account and any fees collected
16 must be distributed to the highway safety account.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.09 RCW
18 under the subchapter heading "uses and violations" to read as follows:

19 (1) A person may operate a wheeled all-terrain vehicle upon any
20 public roadway of this state, not including nonhighway roads and
21 trails, having a speed limit of thirty-five miles per hour or less
22 subject to the following restrictions and requirements:

23 (a) A person may not operate a wheeled all-terrain vehicle upon
24 state highways that are listed in chapter 47.17 RCW; however, a person
25 may operate a wheeled all-terrain vehicle upon a segment of a state
26 highway listed in chapter 47.17 RCW if the segment is within the limits
27 of a city or town and the speed limit on the segment is thirty-five
28 miles per hour or less;

29 (b) A person operating a wheeled all-terrain vehicle may not cross
30 a public roadway, not including nonhighway roads and trails, with a
31 speed limit in excess of thirty-five miles per hour, unless the
32 crossing begins and ends on a public roadway, not including nonhighway
33 roads and trails, or an ORV trail, with a speed limit of thirty-five
34 miles per hour or less and occurs at an intersection of approximately
35 ninety degrees, except that the operator of a wheeled all-terrain
36 vehicle may not cross at an uncontrolled intersection of a public
37 highway listed under chapter 47.17 RCW;

1 (c)(i) A person may not operate a wheeled all-terrain vehicle on a
2 public roadway within the boundaries of a county, not including
3 nonhighway roads and trails, with a population of fifteen thousand or
4 more unless the county by ordinance has approved the operation of
5 wheeled all-terrain vehicles on county roadways, not including
6 nonhighway roads and trails.

7 (ii) The legislative body of a county with a population of fewer
8 than fifteen thousand may, by ordinance, designate roadways or highways
9 within its boundaries to be unsuitable for use by wheeled all-terrain
10 vehicles.

11 (iii) Any public roadways, not including nonhighway roads and
12 trails, authorized by a legislative body of a county under (c)(i) of
13 this subsection or designated as unsuitable under (c)(ii) of this
14 subsection must be listed publicly and made accessible from the main
15 page of the county web site.

16 (iv) This subsection (1)(c) does not affect any roadway that was
17 designated as open or closed as of January 1, 2013;

18 (d)(i) A person may not operate a wheeled all-terrain vehicle on a
19 public roadway within the boundaries of a city or town, not including
20 nonhighway roads and trails, unless the city or town by ordinance has
21 approved the operation of wheeled all-terrain vehicles on city or town
22 roadways, not including nonhighway roads and trails.

23 (ii) Any public roadways, not including nonhighway roads and
24 trails, authorized by a legislative body of a city or town under (d)(i)
25 of this subsection must be listed publicly and made accessible from the
26 main page of the city or town web site.

27 (iii) This subsection (1)(d) does not affect any roadway that was
28 designated as open or closed as of January 1, 2013.

29 (e) Any person who violates this subsection commits a traffic
30 infraction.

31 (2) Local authorities may not establish requirements for the
32 registration of wheeled all-terrain vehicles.

33 (3) A person may operate a wheeled all-terrain vehicle upon any
34 public roadway, trail, nonhighway road, or highway within the state
35 while being used under the authority or direction of an appropriate
36 agency that engages in emergency management, as defined in RCW
37 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law

1 enforcement agency, as defined in RCW 16.52.011, within the scope of
2 the agency's official duties.

3 (4) A wheeled all-terrain vehicle is an off-road vehicle for the
4 purposes of chapter 4.24 RCW.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.09 RCW
6 under the subchapter heading "uses and violations" to read as follows:

7 (1) A person may operate a wheeled all-terrain vehicle upon any
8 public roadway of this state, not including nonhighway roads and
9 trails, subject to the following equipment and declaration
10 requirements:

11 (a) A person who operates a wheeled all-terrain vehicle must comply
12 with the following equipment requirements:

13 (i) Headlights meeting the requirements of RCW 46.37.030 and
14 46.37.040 and used at all times when the vehicle is in motion upon a
15 highway;

16 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and
17 used at all times when the vehicle is in motion upon a highway;
18 however, a utility-type vehicle, as described under RCW 46.09.310, must
19 have two tail lamps meeting the requirements of RCW 46.37.070(1) and to
20 be used at all times when the vehicle is in motion upon a highway;

21 (iii) A stop lamp meeting the requirements of RCW 46.37.200;

22 (iv) Reflectors meeting the requirements of RCW 46.37.060;

23 (v) During hours of darkness, as defined in RCW 46.04.200, turn
24 signals meeting the requirements of RCW 46.37.200. Outside of hours of
25 darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

26 (vi) A mirror attached to either the right or left handlebar, which
27 must be located to give the operator a complete view of the highway for
28 a distance of at least two hundred feet to the rear of the vehicle;
29 however, a utility-type vehicle, as described under RCW 46.09.310(19),
30 must have two mirrors meeting the requirements of RCW 46.37.400;

31 (vii) A windshield meeting the requirements of RCW 46.37.430,
32 unless the operator wears glasses, goggles, or a face shield while
33 operating the vehicle, of a type conforming to rules adopted by the
34 Washington state patrol;

35 (viii) A horn or warning device meeting the requirements of RCW
36 46.37.380;

37 (ix) Brakes in working order;

1 (x) A spark arrester and muffling device meeting the requirements
2 of RCW 46.09.470; and

3 (xi) For utility-type vehicles, as described under RCW
4 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

5 (b) A person who operates a wheeled all-terrain vehicle upon a
6 public roadway must provide a declaration that includes the following:

7 (i) Documentation of a safety inspection to be completed by a
8 licensed wheeled all-terrain vehicle dealer or repair shop in the state
9 of Washington that must outline the vehicle information and certify
10 under oath that all wheeled all-terrain vehicle equipment as required
11 under this section meets the requirements outlined in state and federal
12 law. A person who makes a false statement regarding the inspection of
13 equipment required under this section is guilty of false swearing, a
14 gross misdemeanor, under RCW 9A.72.040;

15 (ii) Documentation that the licensed wheeled all-terrain vehicle
16 dealer or repair shop did not charge more than fifty dollars per safety
17 inspection and that the entire safety inspection fee is paid directly
18 and only to the licensed wheeled all-terrain vehicle dealer or repair
19 shop;

20 (iii) A statement that the licensed wheeled all-terrain vehicle
21 dealer or repair shop is entitled to the full amount charged for the
22 safety inspection;

23 (iv) A vehicle identification number verification that must be
24 completed by a licensed wheeled all-terrain vehicle dealer or repair
25 shop in the state of Washington; and

26 (v) A release signed by the owner of the wheeled all-terrain
27 vehicle and verified by the department, county auditor or other agent,
28 or subagent appointed by the director that releases the state from any
29 liability and outlines that the owner understands that the original
30 wheeled all-terrain vehicle was not manufactured for on-road use and
31 that it has been modified for use on public roadways.

32 (2) This section does not apply to emergency services vehicles,
33 vehicles used for emergency management purposes, or vehicles used in
34 the production of agricultural and timber products on and across lands
35 owned, leased, or managed by the owner or operator of the wheeled all-
36 terrain vehicle or the operator's employer.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.09 RCW
2 under the subchapter heading "general provisions" to read as follows:

3 The department must track wheeled all-terrain vehicles in a
4 separate registration category for reporting purposes.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.09 RCW
6 under the subchapter heading "uses and violations" to read as follows:

7 (1) A person who operates a wheeled all-terrain vehicle consistent
8 with RCW 46.09.470(1) (g), (h), or (i) or inconsistent with the
9 emergency exemption under RCW 46.09.420 is a traffic infraction.

10 (2) Any law enforcement officer may issue a notice of traffic
11 infraction for a violation of subsection (1) of this section whether or
12 not the infraction was committed in the officer's presence, as long as
13 there is reasonable evidence presented that the operator of the wheeled
14 all-terrain vehicle committed a violation of subsection (1) of this
15 section. At a minimum, the evidence must include information relating
16 to the time and location at which the violation occurred, and the
17 wheeled all-terrain vehicle metal tag number or a description of the
18 vehicle involved in the violation. If, after an investigation of a
19 reported violation of subsection (1) of this section, the law
20 enforcement officer is able to identify the operator and has probable
21 cause to believe a violation of subsection (1) of this section has
22 occurred, the law enforcement officer shall prepare a notice of traffic
23 infraction and have it served upon the operator of the wheeled all-
24 terrain vehicle.

25 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.09 RCW
26 under the subchapter heading "revenue" to read as follows:

27 (1) The multiuse roadway safety account is created in the motor
28 vehicle fund. All receipts from vehicle license fees under RCW
29 46.17.350(1)(r) must be deposited into the account. Moneys in the
30 account may be spent only after appropriation. Expenditures from the
31 account may be used only for grants administered by the department of
32 transportation to: (a) Counties to perform safety engineering analysis
33 of mixed vehicle use on any road within a county; (b) local governments
34 to provide funding to erect signs providing notice to the motoring
35 public that (i) wheeled all-terrain vehicles are present or (ii)
36 wheeled all-terrain vehicles may be crossing; (c) the state patrol or

1 local law enforcement for purposes of defraying the costs of
2 enforcement of this act; and (d) law enforcement to investigate
3 accidents involving wheeled all-terrain vehicles.

4 (2) The department of transportation must prioritize grant awards
5 in the following priority order:

6 (a) For the purpose of marking highway crossings with signs warning
7 motorists that wheeled all-terrain vehicles may be crossing when an ORV
8 recreation facility parking lot is on the other side of a public
9 roadway from the actual ORV recreation facility; and

10 (b) For the purpose of marking intersections with signs where a
11 wheeled all-terrain vehicle may cross a public road to advise motorists
12 of the upcoming intersection. Such signs must conform to the manual on
13 uniform traffic control devices.

14 **Sec. 11.** RCW 46.09.360 and 2006 c 212 s 4 are each amended to read
15 as follows:

16 (1) Notwithstanding any of the provisions of this chapter, any
17 city, town, county, or other political subdivision of this state, or
18 any state agency, may regulate the operation of nonhighway vehicles on
19 public lands, waters, and other properties under its jurisdiction, and
20 on streets, roads, or highways within its boundaries by adopting
21 regulations or ordinances of its governing body, provided such
22 regulations are not less stringent than the provisions of this chapter.
23 However, the legislative body of a city or town with a population of
24 less than three thousand persons may, by ordinance, designate a street
25 or highway within its boundaries to be suitable for use by off-road
26 vehicles. The legislative body of a county may, by ordinance,
27 designate a road or highway within its boundaries to be suitable for
28 use by off-road vehicles (~~(if the road or highway is a direct~~
29 ~~connection between a city with a population of less than three thousand~~
30 ~~persons and an off road vehicle recreation facility)).~~

31 (2) For purposes of this section, "off-road vehicles" does not
32 include wheeled all-terrain vehicles.

33 **Sec. 12.** RCW 46.09.400 and 2011 c 171 s 25 are each amended to
34 read as follows:

35 The department shall:

1 (1) Issue registrations and temporary ORV use permits for off-road
2 vehicles, excluding wheeled all-terrain vehicles subject to subsection
3 (4) of this section;

4 (2) Issue decals for off-road vehicles, excluding wheeled all-
5 terrain vehicles subject to subsection (4) of this section. The decals
6 serve the same function as license plates for vehicles registered under
7 chapter 46.16A RCW; ~~((and))~~

8 (3) Charge a fee for each decal covering the actual cost of the
9 decal; and

10 (4) Issue metal tags, off-road vehicle registrations, and on-road
11 vehicle registrations for wheeled all-terrain vehicles.

12 **Sec. 13.** RCW 46.09.410 and 2010 c 161 s 218 are each amended to
13 read as follows:

14 (1) The application for an original ORV registration has the same
15 requirements as described for original vehicle registrations in RCW
16 46.16A.040 and must be accompanied by the annual off-road vehicle
17 license fee required under RCW 46.17.350, in addition to any other fees
18 or taxes due for the application.

19 (2) The application for renewal of an ORV registration has the same
20 requirements as described for the renewal of vehicle registrations in
21 RCW 46.16A.110 and must be accompanied by the annual off-road vehicle
22 license fee required under RCW 46.17.350, in addition to any other fees
23 or taxes due for the application.

24 (3) The annual ORV registration is valid for one year and may be
25 renewed each subsequent year as prescribed by the department.

26 (4) A person who acquires an off-road vehicle that has an ORV
27 registration must:

28 (a) Apply to the department, county auditor or other agent, or
29 subagent appointed by the director for a transfer of the ORV
30 registration within fifteen days of taking possession of the off-road
31 vehicle; and

32 (b) Pay the ORV registration transfer fee required under RCW
33 46.17.410, in addition to any other fees or taxes due at the time of
34 application.

35 (5) The department shall issue an ORV registration, decals, and
36 tabs upon receipt of:

1 (a) A properly completed application for an original ORV
2 registration; and

3 (b) The payment of all fees and taxes due at the time of
4 application.

5 (6) The ORV registration must be carried on the vehicle for which
6 it was issued at all times during its operation in this state.

7 (7) Off-road vehicle decals must be affixed to the off-road vehicle
8 in a manner prescribed by the department.

9 (8) Unless exempt under RCW 46.09.420, any out-of-state operator of
10 an off-road vehicle, when operating in this state, must comply with
11 this chapter. If an ORV registration is required under this chapter,
12 the out-of-state operator must obtain an ORV registration and decal or
13 a temporary ORV use permit.

14 (9) This section does not apply to wheeled all-terrain vehicles
15 registered for use under section 4 of this act.

16 **Sec. 14.** RCW 46.09.420 and 2011 c 171 s 26 are each amended to
17 read as follows:

18 ORV registrations and decals are required under this chapter except
19 for the following:

20 (1) Off-road vehicles owned and operated by the United States,
21 another state, or a political subdivision of the United States or
22 another state.

23 (2) Off-road vehicles owned and operated by this state, a
24 municipality, or a political subdivision of this state or the
25 municipality.

26 (3) Off-road vehicles operated on and across agricultural and
27 timber lands owned (~~(or)~~), leased, or managed by the off-road vehicle
28 owner or operator or operator's employer.

29 (4) Off-road vehicles owned by a resident of another state that
30 have a valid ORV use permit or vehicle registration issued in
31 accordance with the laws of the other state. This exemption applies
32 only to the extent that a similar exemption or privilege is granted
33 under the laws of that state.

34 (5) Off-road vehicles while being used for (~~(search and rescue)~~)
35 emergency management purposes under the authority or direction of an
36 appropriate agency that engages in emergency management, as defined in

1 RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a
2 law enforcement agency as defined in RCW 16.52.011.

3 (6) Vehicles registered under chapter 46.16A RCW or, in the case of
4 nonresidents, vehicles validly registered for operation over public
5 highways in the jurisdiction of the owner's residence.

6 (7) Off-road vehicles operated by persons who, in good faith,
7 render emergency care or assistance with respect to an incident
8 involving off-road vehicles. Persons who operate off-road vehicles to
9 render such care, assistance, or advice are not liable for civil
10 damages resulting from any act or omission in the rendering of such
11 care, assistance, or advice, other than acts or omissions constituting
12 gross negligence or willful or wanton misconduct.

13 **Sec. 15.** RCW 46.09.450 and 2011 c 171 s 27 are each amended to
14 read as follows:

15 (1) Except as otherwise provided in this section, it is lawful to
16 operate an off-road vehicle upon:

17 (a) A nonhighway road and in parking areas serving designated off-
18 road vehicle areas if the state, federal, local, or private authority
19 responsible for the management of the nonhighway road authorizes the
20 use of off-road vehicles; ~~((and))~~

21 (b) A street, road, or highway as authorized under RCW 46.09.360;
22 and

23 (c) Any trail, nonhighway road, or highway within the state while
24 being used under the authority or direction of an appropriate agency
25 that engages in emergency management, as defined in RCW 46.09.310, or
26 search and rescue, as defined in RCW 38.52.010, or a law enforcement
27 agency, as defined in RCW 16.52.011, within the scope of the agency's
28 official duties.

29 (2) ~~((Operations of))~~ An off-road vehicle operated on a nonhighway
30 road~~((r))~~ or on a street, road, or highway as authorized under RCW
31 46.09.360~~((r-under))~~ and this section is exempt from both registration
32 requirements of chapter 46.16A RCW and vehicle lighting and equipment
33 requirements of chapter 46.37 RCW.

34 (3) It is unlawful to operate an off-road vehicle upon a private
35 nonhighway road if the road owner has not authorized the use of off-
36 road vehicles.

1 (4) Nothing in this section authorizes trespass on private
2 property.

3 (5) The provisions of RCW 4.24.210(5) (~~shall~~) apply to public and
4 private landowners who allow members of the public to use public
5 facilities accessed by a highway, street, or nonhighway road for
6 recreational off-road vehicle use.

7 **Sec. 16.** RCW 46.09.460 and 2005 c 213 s 5 are each amended to read
8 as follows:

9 (1) Except as specified in subsection (2) of this section, no
10 person under (~~thirteen~~) sixteen years of age may operate an off-road
11 vehicle on or across a highway or nonhighway road in this state without
12 direct supervision of a person eighteen years of age or older
13 possessing a valid license to operate a motor vehicle under chapter
14 46.20 RCW. This prohibition does not apply when a person under sixteen
15 years of age is acting in accordance with RCW 46.09.420 (5) and (7).

16 (2) Persons under (~~thirteen~~) sixteen years of age may operate an
17 off-road vehicle across a highway, if at that crossing signs indicate
18 that wheeled all-terrain vehicles or off-road vehicles may be crossing,
19 or on a nonhighway road designated for off-road vehicle use, under the
20 direct supervision of a person eighteen years of age or older
21 possessing a valid license to operate a motor vehicle under chapter
22 46.20 RCW.

23 (3) This section does not apply to vehicles used in the production
24 of agricultural or timber products on and across lands owned, leased,
25 or managed by the owner or operator of a wheeled all-terrain vehicle or
26 the operator's employer.

27 **Sec. 17.** RCW 46.09.470 and 2011 c 171 s 28 and 2011 c 121 s 4 are
28 each reenacted and amended to read as follows:

29 (1) Except as provided in subsection (4) of this section, it is a
30 traffic infraction for any person to operate any nonhighway vehicle:

- 31 (a) In such a manner as to endanger the property of another;
- 32 (b) On lands not owned by the operator or owner of the nonhighway
33 vehicle without a lighted headlight and taillight between the hours of
34 dusk and dawn, or when otherwise required for the safety of others
35 regardless of ownership;

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

4 (d) Without a spark arrester approved by the department of natural
5 resources;

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

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

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

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

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

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

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

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

38 (j) On a private nonhighway road in violation of RCW 46.09.450(3).

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

4 (3)(a) Except for an off-road vehicle equipped with seat belts and
5 roll bars or an enclosed passenger compartment, it is a traffic
6 infraction for any person to operate or ride an off-road vehicle on a
7 nonhighway road without wearing upon his or her head a motorcycle
8 helmet fastened securely while in motion. For purposes of this
9 section, "motorcycle helmet" has the same meaning as provided in RCW
10 46.37.530.

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

13 (c) Subsection (3)(a) of this section does not apply to an off-road
14 vehicle (~~operator operating on agricultural lands owned or leased by~~
15 ~~the off-road vehicle operator or the operator's employer~~) used in
16 production of agricultural and timber products on and across lands
17 owned, leased, or managed by the owner or operator of the off-road
18 vehicle or the operator's employer.

19 (4) It is not a traffic infraction to operate an off-road vehicle
20 on a street, road, or highway as authorized under RCW 46.09.360 (~~(or)~~),
21 46.61.705, or section 6 of this act.

22 **Sec. 18.** RCW 46.09.530 and 2010 c 161 s 223 are each amended to
23 read as follows:

24 (1) After deducting administrative expenses and the expense of any
25 programs conducted under this chapter, the board shall, at least once
26 each year, distribute the funds it receives under RCW 46.68.045 and
27 46.09.520 to state agencies, counties, municipalities, federal
28 agencies, nonprofit off-road vehicle organizations, and Indian tribes.
29 Funds distributed under this section to nonprofit off-road vehicle
30 organizations may be spent only on projects or activities that benefit
31 off-road vehicle recreation on publicly owned lands or lands once
32 publicly owned that come into private ownership in a federally approved
33 land exchange completed between January 1, 1998, and January 1, 2005.

34 (2) The board shall adopt rules governing applications for funds
35 administered by the recreation and conservation office under this
36 chapter and shall determine the amount of money distributed to each
37 applicant. Agencies receiving funds under this chapter for capital

1 purposes shall consider the possibility of contracting with the state
 2 parks and recreation commission, the department of natural resources,
 3 or other federal, state, and local agencies to employ the youth
 4 development and conservation corps or other youth crews in completing
 5 the project.

6 (3) The board shall require each applicant for acquisition or
 7 development funds under this section to comply with the requirements of
 8 either the state environmental policy act, chapter 43.21C RCW, or the
 9 national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

10 **Sec. 19.** RCW 46.17.350 and 2010 c 161 s 531 are each amended to
 11 read as follows:

12 (1) Before accepting an application for a vehicle registration, the
 13 department, county auditor or other agent, or subagent appointed by the
 14 director shall require the applicant, unless specifically exempt, to
 15 pay the following vehicle license fee by vehicle type:

16	VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
17	(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
18	(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
19	(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
20	(d) For hire vehicle, six seats	\$ 30.00	\$ 30.00	RCW 46.68.030
21	or less			
22	(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
23	(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
24	(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
25	(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
26	(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
27	(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
28	(k) Private use single-axle	\$ 15.00	\$ 15.00	RCW 46.68.035(((2)))
29	trailer			
30	(l) Snowmobile	\$ 30.00	\$ 30.00	RCW 46.68.350
31	(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
32	(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
33	(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
34	(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
35	(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030

1	<u>(r) Wheeled all-terrain vehicle,</u>	<u>\$12.00</u>	<u>\$12.00</u>	<u>Section 10 of this act</u>
2	<u>on-road use</u>			
3	<u>(s) Wheeled all-terrain vehicle,</u>	<u>\$18.00</u>	<u>\$18.00</u>	<u>RCW 46.09.510</u>
4	<u>off-road use</u>			

5 (2) The vehicle license fee required in subsection (1) of this
6 section is in addition to the filing fee required under RCW 46.17.005,
7 and any other fee or tax required by law.

8 **Sec. 20.** RCW 46.30.020 and 2013 c 157 s 1 are each amended to read
9 as follows:

10 (1)(a) No person may operate a motor vehicle subject to
11 registration under chapter 46.16A RCW in this state unless the person
12 is insured under a motor vehicle liability policy with liability limits
13 of at least the amounts provided in RCW 46.29.090, is self-insured as
14 provided in RCW 46.29.630, is covered by a certificate of deposit in
15 conformance with RCW 46.29.550, or is covered by a liability bond of at
16 least the amounts provided in RCW 46.29.090. Proof of financial
17 responsibility for motor vehicle operation must be provided on the
18 request of a law enforcement officer in the format specified under RCW
19 46.30.030.

20 (b) A person who drives a motor vehicle that is required to be
21 registered in another state that requires drivers and owners of
22 vehicles in that state to maintain insurance or financial
23 responsibility shall, when requested by a law enforcement officer,
24 provide evidence of financial responsibility or insurance as is
25 required by the laws of the state in which the vehicle is registered.

26 (c) When asked to do so by a law enforcement officer, failure to
27 display proof of financial responsibility for motor vehicle operation
28 as specified under RCW 46.30.030 creates a presumption that the person
29 does not have motor vehicle insurance.

30 (d) Failure to provide proof of motor vehicle insurance is a
31 traffic infraction and is subject to penalties as set by the supreme
32 court under RCW 46.63.110 or community restitution.

33 (e) For the purposes of this section, when a person uses a portable
34 electronic device to display proof of financial security to a law
35 enforcement officer, the officer may only view the proof of financial

1 security and is otherwise prohibited from viewing any other content on
2 the portable electronic device.

3 (f) Whenever a person presents a portable electronic device
4 pursuant to this section, that person assumes all liability for any
5 damage to the portable electronic device.

6 (2) If a person cited for a violation of subsection (1) of this
7 section appears in person before the court or a violations bureau and
8 provides written evidence that at the time the person was cited, he or
9 she was in compliance with the financial responsibility requirements of
10 subsection (1) of this section, the citation shall be dismissed and the
11 court or violations bureau may assess court administrative costs of
12 twenty-five dollars at the time of dismissal. In lieu of personal
13 appearance, a person cited for a violation of subsection (1) of this
14 section may, before the date scheduled for the person's appearance
15 before the court or violations bureau, submit by mail to the court or
16 violations bureau written evidence that at the time the person was
17 cited, he or she was in compliance with the financial responsibility
18 requirements of subsection (1) of this section, in which case the
19 citation shall be dismissed without cost, except that the court or
20 violations bureau may assess court administrative costs of twenty-five
21 dollars at the time of dismissal.

22 (3) The provisions of this chapter shall not govern:

23 (a) The operation of a motor vehicle registered under RCW 46.18.220
24 or 46.18.255, governed by RCW 46.16A.170, or registered with the
25 Washington utilities and transportation commission as common or
26 contract carriers; or

27 (b) The operation of a motorcycle as defined in RCW 46.04.330, a
28 motor-driven cycle as defined in RCW 46.04.332, ~~((or))~~ a moped as
29 defined in RCW 46.04.304, or a wheeled all-terrain vehicle as defined
30 in RCW 46.09.310.

31 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle
32 liability policies required by this chapter but only those certified
33 for the purposes stated in chapter 46.29 RCW.

34 **Sec. 21.** RCW 46.63.020 and 2013 c 135 s 2 are each amended to read
35 as follows:

36 Failure to perform any act required or the performance of any act
37 prohibited by this title or an equivalent administrative regulation or

1 local law, ordinance, regulation, or resolution relating to traffic
2 including parking, standing, stopping, and pedestrian offenses, is
3 designated as a traffic infraction and may not be classified as a
4 criminal offense, except for an offense contained in the following
5 provisions of this title or a violation of an equivalent administrative
6 regulation or local law, ordinance, regulation, or resolution:

7 (1) Section 7(1)(b)(i) of this act relating to a false statement
8 regarding the inspection of and installation of equipment on wheeled
9 all-terrain vehicles;

10 (2) RCW 46.09.470(2) relating to the operation of a nonhighway
11 vehicle while under the influence of intoxicating liquor or a
12 controlled substance;

13 ~~((2))~~ (3) RCW 46.09.480 relating to operation of nonhighway
14 vehicles;

15 ~~((3))~~ (4) RCW 46.10.490(2) relating to the operation of a
16 snowmobile while under the influence of intoxicating liquor or
17 narcotics or habit-forming drugs or in a manner endangering the person
18 of another;

19 ~~((4))~~ (5) RCW 46.10.495 relating to the operation of snowmobiles;

20 ~~((5))~~ (6) Chapter 46.12 RCW relating to certificates of title,
21 registration certificates, and markings indicating that a vehicle has
22 been destroyed or declared a total loss;

23 ~~((6))~~ (7) RCW 46.16A.030 and 46.16A.050(3) relating to the
24 nonpayment of taxes and fees by failure to register a vehicle and
25 falsifying residency when registering a motor vehicle;

26 ~~((7))~~ (8) RCW 46.16A.520 relating to permitting unauthorized
27 persons to drive;

28 ~~((8))~~ (9) RCW 46.16A.320 relating to vehicle trip permits;

29 ~~((9))~~ (10) RCW 46.19.050 relating to knowingly providing false
30 information in conjunction with an application for a special placard or
31 license plate for disabled persons' parking;

32 ~~((10))~~ (11) RCW 46.20.005 relating to driving without a valid
33 driver's license;

34 ~~((11))~~ (12) RCW 46.20.091 relating to false statements regarding
35 a driver's license or instruction permit;

36 ~~((12))~~ (13) RCW 46.20.0921 relating to the unlawful possession
37 and use of a driver's license;

1 (~~(13)~~) (14) RCW 46.20.342 relating to driving with a suspended or
2 revoked license or status;
3 (~~(14)~~) (15) RCW 46.20.345 relating to the operation of a motor
4 vehicle with a suspended or revoked license;
5 (~~(15)~~) (16) RCW 46.20.410 relating to the violation of
6 restrictions of an occupational driver's license, temporary restricted
7 driver's license, or ignition interlock driver's license;
8 (~~(16)~~) (17) RCW 46.20.740 relating to operation of a motor
9 vehicle without an ignition interlock device in violation of a license
10 notation that the device is required;
11 (~~(17)~~) (18) RCW 46.20.750 relating to circumventing an ignition
12 interlock device;
13 (~~(18)~~) (19) RCW 46.25.170 relating to commercial driver's
14 licenses;
15 (~~(19)~~) (20) Chapter 46.29 RCW relating to financial
16 responsibility;
17 (~~(20)~~) (21) RCW 46.30.040 relating to providing false evidence of
18 financial responsibility;
19 (~~(21)~~) (22) RCW 46.35.030 relating to recording device
20 information;
21 (~~(22)~~) (23) RCW 46.37.435 relating to wrongful installation of
22 sunscreening material;
23 (~~(23)~~) (24) RCW 46.37.650 relating to the sale, resale,
24 distribution, or installation of a previously deployed air bag;
25 (~~(24)~~) (25) RCW 46.37.671 through 46.37.675 relating to signal
26 preemption devices;
27 (~~(25)~~) (26) RCW 46.37. . . (section 1, chapter 135, Laws of 2013)
28 relating to switching or flipping license plates, utilizing technology
29 to flip or change the appearance of a license plate, selling a license
30 plate flipping device or technology used to change the appearance of a
31 license plate, or falsifying a vehicle registration;
32 (~~(26)~~) (27) RCW 46.44.180 relating to operation of mobile home
33 pilot vehicles;
34 (~~(27)~~) (28) RCW 46.48.175 relating to the transportation of
35 dangerous articles;
36 (~~(28)~~) (29) RCW 46.52.010 relating to duty on striking an
37 unattended car or other property;

1 ~~((+29+))~~ (30) RCW 46.52.020 relating to duty in case of injury to
2 or death of a person or damage to an attended vehicle;
3 ~~((+30+))~~ (31) RCW 46.52.090 relating to reports by repairers,
4 storage persons, and appraisers;
5 ~~((+31+))~~ (32) RCW 46.52.130 relating to confidentiality of the
6 driving record to be furnished to an insurance company, an employer,
7 and an alcohol/drug assessment or treatment agency;
8 ~~((+32+))~~ (33) RCW 46.55.020 relating to engaging in the activities
9 of a registered tow truck operator without a registration certificate;
10 ~~((+33+))~~ (34) RCW 46.55.035 relating to prohibited practices by tow
11 truck operators;
12 ~~((+34+))~~ (35) RCW 46.55.300 relating to vehicle immobilization;
13 ~~((+35+))~~ (36) RCW 46.61.015 relating to obedience to police
14 officers, flaggers, or firefighters;
15 ~~((+36+))~~ (37) RCW 46.61.020 relating to refusal to give information
16 to or cooperate with an officer;
17 ~~((+37+))~~ (38) RCW 46.61.022 relating to failure to stop and give
18 identification to an officer;
19 ~~((+38+))~~ (39) RCW 46.61.024 relating to attempting to elude
20 pursuing police vehicles;
21 ~~((+39+))~~ (40) RCW 46.61.212(4) relating to reckless endangerment of
22 emergency zone workers;
23 ~~((+40+))~~ (41) RCW 46.61.500 relating to reckless driving;
24 ~~((+41+))~~ (42) RCW 46.61.502 and 46.61.504 relating to persons under
25 the influence of intoxicating liquor or drugs;
26 ~~((+42+))~~ (43) RCW 46.61.503 relating to a person under age twenty-
27 one driving a motor vehicle after consuming alcohol;
28 ~~((+43+))~~ (44) RCW 46.61.520 relating to vehicular homicide by motor
29 vehicle;
30 ~~((+44+))~~ (45) RCW 46.61.522 relating to vehicular assault;
31 ~~((+45+))~~ (46) RCW 46.61.5249 relating to first degree negligent
32 driving;
33 ~~((+46+))~~ (47) RCW 46.61.527(4) relating to reckless endangerment of
34 roadway workers;
35 ~~((+47+))~~ (48) RCW 46.61.530 relating to racing of vehicles on
36 highways;
37 ~~((+48+))~~ (49) RCW 46.61.655(7) (a) and (b) relating to failure to
38 secure a load;

1 ~~((49))~~ (50) RCW 46.61.685 relating to leaving children in an
2 unattended vehicle with the motor running;
3 ~~((50))~~ (51) RCW 46.61.740 relating to theft of motor vehicle
4 fuel;
5 ~~((51))~~ (52) RCW 46.64.010 relating to unlawful cancellation of or
6 attempt to cancel a traffic citation;
7 ~~((52))~~ (53) RCW 46.64.048 relating to attempting, aiding,
8 abetting, coercing, and committing crimes;
9 ~~((53))~~ (54) Chapter 46.65 RCW relating to habitual traffic
10 offenders;
11 ~~((54))~~ (55) RCW 46.68.010 relating to false statements made to
12 obtain a refund;
13 ~~((55))~~ (56) Chapter 46.70 RCW relating to unfair motor vehicle
14 business practices, except where that chapter provides for the
15 assessment of monetary penalties of a civil nature;
16 ~~((56))~~ (57) Chapter 46.72 RCW relating to the transportation of
17 passengers in for hire vehicles;
18 ~~((57))~~ (58) RCW 46.72A.060 relating to limousine carrier
19 insurance;
20 ~~((58))~~ (59) RCW 46.72A.070 relating to operation of a limousine
21 without a vehicle certificate;
22 ~~((59))~~ (60) RCW 46.72A.080 relating to false advertising by a
23 limousine carrier;
24 ~~((60))~~ (61) Chapter 46.80 RCW relating to motor vehicle wreckers;
25 ~~((61))~~ (62) Chapter 46.82 RCW relating to driver's training
26 schools;
27 ~~((62))~~ (63) RCW 46.87.260 relating to alteration or forgery of a
28 cab card, letter of authority, or other temporary authority issued
29 under chapter 46.87 RCW;
30 ~~((63))~~ (64) RCW 46.87.290 relating to operation of an
31 unregistered or unlicensed vehicle under chapter 46.87 RCW.

32 **Sec. 22.** RCW 79A.80.010 and 2012 c 261 s 1 are each amended to
33 read as follows:

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

36 (1) "Agency" or "agencies" means the department of fish and

1 wildlife, the department of natural resources, and the parks and
2 recreation commission.

3 (2) "Annual natural investment permit" means the annual permit
4 issued by the parks and recreation commission for the purpose of
5 launching boats from the designated state parks boat launch sites.

6 (3) "Camper registration" means proof of payment of a camping fee
7 on recreational lands managed by the parks and recreation commission.

8 (4) "Day-use permit" means the permit created in RCW 79A.80.030.

9 (5) "Discover pass" means the annual pass created in RCW
10 79A.80.020.

11 (6) "Motor vehicle" has the same meaning as defined in RCW
12 46.04.320 and which are required to be registered under chapter 46.16A
13 RCW. "Motor vehicle" does not include those motor vehicles exempt from
14 registration under RCW 46.16A.080, wheeled all-terrain vehicles
15 registered for use under section 4 of this act, and state and publicly
16 owned motor vehicles as provided in RCW 46.16A.170.

17 (7) "Recreation site or lands" means a state park, state lands and
18 state forest lands as those terms are defined in RCW 79.02.010, natural
19 resources conservation areas as that term is defined in RCW 79.71.030,
20 natural area preserves as that term is defined in RCW 79.70.020, and
21 fish and wildlife conservation sites including water access areas, boat
22 ramps, wildlife areas, parking areas, roads, and trailheads.

23 (8) "Sno-park seasonal permit" means the seasonal permit issued by
24 the parks and recreation commission for providing access to winter
25 recreational facilities for the period of November 1st through March
26 31st.

27 (9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

28 **Sec. 23.** RCW 46.63.030 and 2011 c 375 s 5 are each amended to read
29 as follows:

30 (1) A law enforcement officer has the authority to issue a notice
31 of traffic infraction:

32 (a) When the infraction is committed in the officer's presence,
33 except as provided in section 9 of this act;

34 (b) When the officer is acting upon the request of a law
35 enforcement officer in whose presence the traffic infraction was
36 committed;

1 (c) If an officer investigating at the scene of a motor vehicle
2 accident has reasonable cause to believe that the driver of a motor
3 vehicle involved in the accident has committed a traffic infraction;

4 (d) When the infraction is detected through the use of an automated
5 traffic safety camera under RCW 46.63.170; or

6 (e) When the infraction is detected through the use of an automated
7 school bus safety camera under RCW 46.63.180.

8 (2) A court may issue a notice of traffic infraction upon receipt
9 of a written statement of the officer that there is reasonable cause to
10 believe that an infraction was committed.

11 (3) If any motor vehicle without a driver is found parked,
12 standing, or stopped in violation of this title or an equivalent
13 administrative regulation or local law, ordinance, regulation, or
14 resolution, the officer finding the vehicle shall take its registration
15 number and may take any other information displayed on the vehicle
16 which may identify its user, and shall conspicuously affix to the
17 vehicle a notice of traffic infraction.

18 (4) In the case of failure to redeem an abandoned vehicle under RCW
19 46.55.120, upon receiving a complaint by a registered tow truck
20 operator that has incurred costs in removing, storing, and disposing of
21 an abandoned vehicle, an officer of the law enforcement agency
22 responsible for directing the removal of the vehicle shall send a
23 notice of infraction by certified mail to the last known address of the
24 person responsible under RCW 46.55.105. The notice must be entitled
25 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.
26 The officer shall append to the notice of infraction, on a form
27 prescribed by the department of licensing, a notice indicating the
28 amount of costs incurred as a result of removing, storing, and
29 disposing of the abandoned vehicle, less any amount realized at
30 auction, and a statement that monetary penalties for the infraction
31 will not be considered as having been paid until the monetary penalty
32 payable under this chapter has been paid and the court is satisfied
33 that the person has made restitution in the amount of the deficiency
34 remaining after disposal of the vehicle.

35 **Sec. 24.** RCW 43.84.092 and 2013 2nd sp.s. c 1 s 15 are each
36 amended to read as follows:

1 (1) All earnings of investments of surplus balances in the state
2 treasury shall be deposited to the treasury income account, which
3 account is hereby established in the state treasury.

4 (2) The treasury income account shall be utilized to pay or receive
5 funds associated with federal programs as required by the federal cash
6 management improvement act of 1990. The treasury income account is
7 subject in all respects to chapter 43.88 RCW, but no appropriation is
8 required for refunds or allocations of interest earnings required by
9 the cash management improvement act. Refunds of interest to the
10 federal treasury required under the cash management improvement act
11 fall under RCW 43.88.180 and shall not require appropriation. The
12 office of financial management shall determine the amounts due to or
13 from the federal government pursuant to the cash management improvement
14 act. The office of financial management may direct transfers of funds
15 between accounts as deemed necessary to implement the provisions of the
16 cash management improvement act, and this subsection. Refunds or
17 allocations shall occur prior to the distributions of earnings set
18 forth in subsection (4) of this section.

19 (3) Except for the provisions of RCW 43.84.160, the treasury income
20 account may be utilized for the payment of purchased banking services
21 on behalf of treasury funds including, but not limited to, depository,
22 safekeeping, and disbursement functions for the state treasury and
23 affected state agencies. The treasury income account is subject in all
24 respects to chapter 43.88 RCW, but no appropriation is required for
25 payments to financial institutions. Payments shall occur prior to
26 distribution of earnings set forth in subsection (4) of this section.

27 (4) Monthly, the state treasurer shall distribute the earnings
28 credited to the treasury income account. The state treasurer shall
29 credit the general fund with all the earnings credited to the treasury
30 income account except:

31 (a) The following accounts and funds shall receive their
32 proportionate share of earnings based upon each account's and fund's
33 average daily balance for the period: The aeronautics account, the
34 aircraft search and rescue account, the Alaskan Way viaduct replacement
35 project account, the brownfield redevelopment trust fund account, the
36 budget stabilization account, the capital vessel replacement account,
37 the capitol building construction account, the Cedar River channel
38 construction and operation account, the Central Washington University

1 capital projects account, the charitable, educational, penal and
2 reformatory institutions account, the cleanup settlement account, the
3 Columbia river basin water supply development account, the Columbia
4 river basin taxable bond water supply development account, the Columbia
5 river basin water supply revenue recovery account, the common school
6 construction fund, the county arterial preservation account, the county
7 criminal justice assistance account, the deferred compensation
8 administrative account, the deferred compensation principal account,
9 the department of licensing services account, the department of
10 retirement systems expense account, the developmental disabilities
11 community trust account, the drinking water assistance account, the
12 drinking water assistance administrative account, the drinking water
13 assistance repayment account, the Eastern Washington University capital
14 projects account, the Interstate 405 express toll lanes operations
15 account, the education construction fund, the education legacy trust
16 account, the election account, the energy freedom account, the energy
17 recovery act account, the essential rail assistance account, The
18 Evergreen State College capital projects account, the federal forest
19 revolving account, the ferry bond retirement fund, the freight mobility
20 investment account, the freight mobility multimodal account, the grade
21 crossing protective fund, the public health services account, the high
22 capacity transportation account, the state higher education
23 construction account, the higher education construction account, the
24 highway bond retirement fund, the highway infrastructure account, the
25 highway safety fund, the high occupancy toll lanes operations account,
26 the hospital safety net assessment fund, the industrial insurance
27 premium refund account, the judges' retirement account, the judicial
28 retirement administrative account, the judicial retirement principal
29 account, the local leasehold excise tax account, the local real estate
30 excise tax account, the local sales and use tax account, the marine
31 resources stewardship trust account, the medical aid account, the
32 mobile home park relocation fund, the motor vehicle fund, the
33 motorcycle safety education account, the multimodal transportation
34 account, the multiuse roadway safety account, the municipal criminal
35 justice assistance account, the natural resources deposit account, the
36 oyster reserve land account, the pension funding stabilization account,
37 the perpetual surveillance and maintenance account, the public
38 employees' retirement system plan 1 account, the public employees'

1 retirement system combined plan 2 and plan 3 account, the public
2 facilities construction loan revolving account beginning July 1, 2004,
3 the public health supplemental account, the public works assistance
4 account, the Puget Sound capital construction account, the Puget Sound
5 ferry operations account, the real estate appraiser commission account,
6 the recreational vehicle account, the regional mobility grant program
7 account, the resource management cost account, the rural arterial trust
8 account, the rural mobility grant program account, the rural Washington
9 loan fund, the site closure account, the skilled nursing facility
10 safety net trust fund, the small city pavement and sidewalk account,
11 the special category C account, the special wildlife account, the state
12 employees' insurance account, the state employees' insurance reserve
13 account, the state investment board expense account, the state
14 investment board commingled trust fund accounts, the state patrol
15 highway account, the state route number 520 civil penalties account,
16 the state route number 520 corridor account, the state wildlife
17 account, the supplemental pension account, the Tacoma Narrows toll
18 bridge account, the teachers' retirement system plan 1 account, the
19 teachers' retirement system combined plan 2 and plan 3 account, the
20 tobacco prevention and control account, the tobacco settlement account,
21 the toll facility bond retirement account, the transportation 2003
22 account (nickel account), the transportation equipment fund, the
23 transportation fund, the transportation improvement account, the
24 transportation improvement board bond retirement account, the
25 transportation infrastructure account, the transportation partnership
26 account, the traumatic brain injury account, the tuition recovery trust
27 fund, the University of Washington bond retirement fund, the University
28 of Washington building account, the volunteer firefighters' and reserve
29 officers' relief and pension principal fund, the volunteer
30 firefighters' and reserve officers' administrative fund, the Washington
31 judicial retirement system account, the Washington law enforcement
32 officers' and firefighters' system plan 1 retirement account, the
33 Washington law enforcement officers' and firefighters' system plan 2
34 retirement account, the Washington public safety employees' plan 2
35 retirement account, the Washington school employees' retirement system
36 combined plan 2 and 3 account, the Washington state economic
37 development commission account, the Washington state health insurance
38 pool account, the Washington state patrol retirement account, the

1 Washington State University building account, the Washington State
2 University bond retirement fund, the water pollution control revolving
3 administration account, the water pollution control revolving fund, and
4 the Western Washington University capital projects account. Earnings
5 derived from investing balances of the agricultural permanent fund, the
6 normal school permanent fund, the permanent common school fund, the
7 scientific permanent fund, the state university permanent fund, and the
8 state reclamation revolving account shall be allocated to their
9 respective beneficiary accounts.

10 (b) Any state agency that has independent authority over accounts
11 or funds not statutorily required to be held in the state treasury that
12 deposits funds into a fund or account in the state treasury pursuant to
13 an agreement with the office of the state treasurer shall receive its
14 proportionate share of earnings based upon each account's or fund's
15 average daily balance for the period.

16 (5) In conformance with Article II, section 37 of the state
17 Constitution, no treasury accounts or funds shall be allocated earnings
18 without the specific affirmative directive of this section.

19 **Sec. 25.** RCW 43.84.092 and 2013 2nd sp.s. c 1 s 16 are each
20 amended to read as follows:

21 (1) All earnings of investments of surplus balances in the state
22 treasury shall be deposited to the treasury income account, which
23 account is hereby established in the state treasury.

24 (2) The treasury income account shall be utilized to pay or receive
25 funds associated with federal programs as required by the federal cash
26 management improvement act of 1990. The treasury income account is
27 subject in all respects to chapter 43.88 RCW, but no appropriation is
28 required for refunds or allocations of interest earnings required by
29 the cash management improvement act. Refunds of interest to the
30 federal treasury required under the cash management improvement act
31 fall under RCW 43.88.180 and shall not require appropriation. The
32 office of financial management shall determine the amounts due to or
33 from the federal government pursuant to the cash management improvement
34 act. The office of financial management may direct transfers of funds
35 between accounts as deemed necessary to implement the provisions of the
36 cash management improvement act, and this subsection. Refunds or

1 allocations shall occur prior to the distributions of earnings set
2 forth in subsection (4) of this section.

3 (3) Except for the provisions of RCW 43.84.160, the treasury income
4 account may be utilized for the payment of purchased banking services
5 on behalf of treasury funds including, but not limited to, depository,
6 safekeeping, and disbursement functions for the state treasury and
7 affected state agencies. The treasury income account is subject in all
8 respects to chapter 43.88 RCW, but no appropriation is required for
9 payments to financial institutions. Payments shall occur prior to
10 distribution of earnings set forth in subsection (4) of this section.

11 (4) Monthly, the state treasurer shall distribute the earnings
12 credited to the treasury income account. The state treasurer shall
13 credit the general fund with all the earnings credited to the treasury
14 income account except:

15 (a) The following accounts and funds shall receive their
16 proportionate share of earnings based upon each account's and fund's
17 average daily balance for the period: The aeronautics account, the
18 aircraft search and rescue account, the Alaskan Way viaduct replacement
19 project account, the brownfield redevelopment trust fund account, the
20 budget stabilization account, the capital vessel replacement account,
21 the capitol building construction account, the Cedar River channel
22 construction and operation account, the Central Washington University
23 capital projects account, the charitable, educational, penal and
24 reformatory institutions account, the cleanup settlement account, the
25 Columbia river basin water supply development account, the Columbia
26 river basin taxable bond water supply development account, the Columbia
27 river basin water supply revenue recovery account, the Columbia river
28 crossing project account, the common school construction fund, the
29 county arterial preservation account, the county criminal justice
30 assistance account, the deferred compensation administrative account,
31 the deferred compensation principal account, the department of
32 licensing services account, the department of retirement systems
33 expense account, the developmental disabilities community trust
34 account, the drinking water assistance account, the drinking water
35 assistance administrative account, the drinking water assistance
36 repayment account, the Eastern Washington University capital projects
37 account, the Interstate 405 express toll lanes operations account, the
38 education construction fund, the education legacy trust account, the

1 election account, the energy freedom account, the energy recovery act
2 account, the essential rail assistance account, The Evergreen State
3 College capital projects account, the federal forest revolving account,
4 the ferry bond retirement fund, the freight mobility investment
5 account, the freight mobility multimodal account, the grade crossing
6 protective fund, the public health services account, the high capacity
7 transportation account, the state higher education construction
8 account, the higher education construction account, the highway bond
9 retirement fund, the highway infrastructure account, the highway safety
10 fund, the high occupancy toll lanes operations account, the hospital
11 safety net assessment fund, the industrial insurance premium refund
12 account, the judges' retirement account, the judicial retirement
13 administrative account, the judicial retirement principal account, the
14 local leasehold excise tax account, the local real estate excise tax
15 account, the local sales and use tax account, the marine resources
16 stewardship trust account, the medical aid account, the mobile home
17 park relocation fund, the motor vehicle fund, the motorcycle safety
18 education account, the multimodal transportation account, the multiuse
19 roadway_safety_account, the municipal criminal justice assistance
20 account, the natural resources deposit account, the oyster reserve land
21 account, the pension funding stabilization account, the perpetual
22 surveillance and maintenance account, the public employees' retirement
23 system plan 1 account, the public employees' retirement system combined
24 plan 2 and plan 3 account, the public facilities construction loan
25 revolving account beginning July 1, 2004, the public health
26 supplemental account, the public works assistance account, the Puget
27 Sound capital construction account, the Puget Sound ferry operations
28 account, the real estate appraiser commission account, the recreational
29 vehicle account, the regional mobility grant program account, the
30 resource management cost account, the rural arterial trust account, the
31 rural mobility grant program account, the rural Washington loan fund,
32 the site closure account, the skilled nursing facility safety net trust
33 fund, the small city pavement and sidewalk account, the special
34 category C account, the special wildlife account, the state employees'
35 insurance account, the state employees' insurance reserve account, the
36 state investment board expense account, the state investment board
37 commingled trust fund accounts, the state patrol highway account, the
38 state route number 520 civil penalties account, the state route number

1 520 corridor account, the state wildlife account, the supplemental
2 pension account, the Tacoma Narrows toll bridge account, the teachers'
3 retirement system plan 1 account, the teachers' retirement system
4 combined plan 2 and plan 3 account, the tobacco prevention and control
5 account, the tobacco settlement account, the toll facility bond
6 retirement account, the transportation 2003 account (nickel account),
7 the transportation equipment fund, the transportation fund, the
8 transportation improvement account, the transportation improvement
9 board bond retirement account, the transportation infrastructure
10 account, the transportation partnership account, the traumatic brain
11 injury account, the tuition recovery trust fund, the University of
12 Washington bond retirement fund, the University of Washington building
13 account, the volunteer firefighters' and reserve officers' relief and
14 pension principal fund, the volunteer firefighters' and reserve
15 officers' administrative fund, the Washington judicial retirement
16 system account, the Washington law enforcement officers' and
17 firefighters' system plan 1 retirement account, the Washington law
18 enforcement officers' and firefighters' system plan 2 retirement
19 account, the Washington public safety employees' plan 2 retirement
20 account, the Washington school employees' retirement system combined
21 plan 2 and 3 account, the Washington state economic development
22 commission account, the Washington state health insurance pool account,
23 the Washington state patrol retirement account, the Washington State
24 University building account, the Washington State University bond
25 retirement fund, the water pollution control revolving administration
26 account, the water pollution control revolving fund, and the Western
27 Washington University capital projects account. Earnings derived from
28 investing balances of the agricultural permanent fund, the normal
29 school permanent fund, the permanent common school fund, the scientific
30 permanent fund, the state university permanent fund, and the state
31 reclamation revolving account shall be allocated to their respective
32 beneficiary accounts.

33 (b) Any state agency that has independent authority over accounts
34 or funds not statutorily required to be held in the state treasury that
35 deposits funds into a fund or account in the state treasury pursuant to
36 an agreement with the office of the state treasurer shall receive its
37 proportionate share of earnings based upon each account's or fund's
38 average daily balance for the period.

1 (5) In conformance with Article II, section 37 of the state
2 Constitution, no treasury accounts or funds shall be allocated earnings
3 without the specific affirmative directive of this section.

4 NEW SECTION. **Sec. 26.** Except for sections 3 and 25 of this act,
5 this act is necessary for the immediate preservation of the public
6 peace, health, or safety, or support of the state government and its
7 existing public institutions, and takes effect July 28, 2013.

8 NEW SECTION. **Sec. 27.** Section 2 of this act expires July 1, 2015.

9 NEW SECTION. **Sec. 28.** Section 3 of this act takes effect July 1,
10 2015.

11 NEW SECTION. **Sec. 29.** Section 24 of this act expires if the
12 requirements set out in section 7, chapter 36, Laws of 2012 are met.

13 NEW SECTION. **Sec. 30.** Section 25 of this act takes effect if the
14 requirements set out in section 7, chapter 36, Laws of 2012 are met.

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