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**SUBSTITUTE HOUSE BILL 1632**

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**State of Washington**

**63rd Legislature**

**2013 Regular 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, 46.09.360, 46.09.400, 46.09.410,  
3 46.09.420, 46.09.450, 46.09.460, 46.09.530, 46.17.350, 46.30.020,  
4 79A.80.010, and 46.63.030; reenacting and amending RCW 46.09.470,  
5 46.63.020, 43.84.092, and 43.84.092; adding new sections to chapter  
6 46.09 RCW; creating a new section; prescribing penalties; providing an  
7 effective date; providing a contingent effective date; providing a  
8 contingent expiration date; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

36 (7) "Nonhighway road recreational user" means a person whose  
37 purpose for consuming fuel on a nonhighway road or off-road is

1 primarily for nonhighway road recreational purposes, including, but not  
2 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,  
3 picnicking, driving for pleasure, kayaking/canoeing, and gathering  
4 berries, firewood, mushrooms, and other natural products.

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

8 Nonhighway vehicle does not include:

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

11 (b) Snowmobiles or any military vehicles; or

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

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

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

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

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

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

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

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

8 (16) "Direct supervision" means that the supervising adult must be  
9 in a position, on another wheeled all-terrain vehicle or specialty off-  
10 highway vehicle or motorbike or, if on the ground, within one hundred  
11 fifty feet of the unlicensed operator, to provide close support,  
12 assistance, or direction to the unlicensed operator.

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

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

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

36 NEW SECTION. Sec. 3. A new section is added to chapter 46.09 RCW

1 under the subchapter heading "registrations and use permits" to read as  
2 follows:

3 (1) Any wheeled all-terrain vehicle operated within this state must  
4 display a metal tag to be affixed to the rear of the wheeled all-  
5 terrain vehicle. The initial metal tag must be issued with an original  
6 off-road vehicle registration and upon payment of the initial vehicle  
7 license fee under RCW 46.17.350(1)(s). The metal tag must be replaced  
8 every seven years at a cost of two dollars. Revenue from replacement  
9 metal tags must be deposited into the nonhighway and off-road vehicle  
10 activities program account. The department must design the metal tag,  
11 which must:

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

13 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the  
14 tag;

15 (c) Contain designated identification through a combination of  
16 letters and numbers;

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

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

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

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

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

1        NEW SECTION.    **Sec. 4.** A new section is added to chapter 46.09 RCW  
2 under the subchapter heading "registrations and use permits" to read as  
3 follows:

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

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

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

17       (4) Any person who violates this section commits a traffic  
18 infraction.

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

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

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

31       (b) A person operating a wheeled all-terrain vehicle may not cross  
32 a public roadway, not including nonhighway roads and trails, with a  
33 speed limit in excess of thirty-five miles per hour, unless the  
34 crossing begins and ends on a public roadway, not including nonhighway  
35 roads and trails, or an ORV trail, with a speed limit of thirty-five  
36 miles per hour or less and occurs at an intersection of approximately

1 ninety degrees, except that the operator of a wheeled all-terrain  
2 vehicle may not cross at an uncontrolled intersection of a public  
3 highway listed under chapter 47.17 RCW;

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

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

14 (iii) Any public roadways authorized by a legislative body of a  
15 city, town, or county under (c)(i) of this subsection or designated as  
16 unsuitable under (c)(ii) of this subsection must be listed publicly and  
17 made accessible from the main page of the city, town, or county web  
18 site.

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

21 (d) Any person who violates this subsection commits a traffic  
22 infraction.

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

25 (3) A person may operate a wheeled all-terrain vehicle upon any  
26 public roadway, trail, nonhighway road, or highway within the state  
27 while being used under the authority or direction of an appropriate  
28 agency that engages in emergency management, as defined in RCW  
29 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law  
30 enforcement agency, as defined in RCW 16.52.011, within the scope of  
31 the agency's official duties.

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

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

36 (1) A person may operate a wheeled all-terrain vehicle upon any

1 public roadway of this state, not including nonhighway roads and  
2 trails, subject to the following equipment and declaration  
3 requirements:

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

6 (i) Headlights meeting the requirements of RCW 46.37.030 and  
7 46.37.040 and used at all times when the vehicle is in motion upon a  
8 highway;

9 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and  
10 used at all times when the vehicle is in motion upon a highway;  
11 however, a utility-type vehicle, as described under RCW 46.09.310, must  
12 have two tail lamps meeting the requirements of RCW 46.37.070 and to be  
13 used at all times when the vehicle is in motion upon a highway;

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

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

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

19 (vi) A mirror attached to the handlebar, which must be located to  
20 give the operator a complete view of the highway for a distance of at  
21 least two hundred feet to the rear of the vehicle; however, a utility-  
22 type vehicle, as described under RCW 46.09.310(19), must have two  
23 mirrors meeting the requirements of RCW 46.37.400;

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

28 (viii) A horn or warning device meeting the requirements of RCW  
29 46.37.380;

30 (ix) Brakes in working order;

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

33 (xi) For utility-type vehicles, as described under RCW  
34 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

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

37 (i) Documentation of a safety inspection to be completed by a  
38 licensed wheeled all-terrain vehicle dealer or repair shop in the state



1 of Washington that must outline the vehicle information and certify  
2 under oath that all wheeled all-terrain vehicle equipment as required  
3 under this section meets the requirements outlined in state and federal  
4 law. A person who makes a false statement regarding the inspection of  
5 equipment required under this section is guilty of false swearing, a  
6 gross misdemeanor, under RCW 9A.72.040;

7 (ii) Documentation that the licensed wheeled all-terrain vehicle  
8 dealer or repair shop did not charge more than fifty dollars per safety  
9 inspection and that the entire safety inspection fee is paid directly  
10 and only to the licensed wheeled all-terrain vehicle dealer or repair  
11 shop;

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

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

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

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

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.09 RCW  
29 under the subchapter heading "general provisions" to read as follows:

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

32 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.09 RCW  
33 under the subchapter heading "uses and violations" to read as follows:

34 (1) A person who operates a wheeled all-terrain vehicle consistent  
35 with RCW 46.09.470(1) (g), (h), or (i) or inconsistent with the

1 emergency exemption under RCW 46.09.420 is a traffic infraction with a  
2 penalty of up to five hundred dollars.

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

18 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.09 RCW  
19 under the subchapter heading "revenue" to read as follows:

20 (1) The multiuse roadway safety account is created in the motor  
21 vehicle fund. All receipts from vehicle license fees under RCW  
22 46.17.350(1)(r) must be deposited into the account. Moneys in the  
23 account may be spent only after appropriation. Expenditures from the  
24 account may be used only for grants administered by the department of  
25 transportation to: (a) Counties to perform safety engineering analysis  
26 of mixed vehicle use on any road within a county; (b) local governments  
27 to provide funding to erect signs providing notice to the motoring  
28 public that (i) wheeled all-terrain vehicles are present or (ii)  
29 wheeled all-terrain vehicles may be crossing; (c) the state patrol or  
30 local law enforcement for purposes of defraying the costs of  
31 enforcement of this act; and (d) law enforcement to investigate  
32 accidents involving wheeled all-terrain vehicles.

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

35 (a) For the purpose of marking highway crossings with signs warning  
36 motorists that wheeled all-terrain vehicles may be crossing when an ORV

1 recreation facility parking lot is on the other side of a public  
2 roadway from the actual ORV recreation facility; and

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

7 **Sec. 10.** RCW 46.09.360 and 2006 c 212 s 4 are each amended to read  
8 as follows:

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

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

26 **Sec. 11.** RCW 46.09.400 and 2011 c 171 s 25 are each amended to  
27 read as follows:

28 The department shall:

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

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

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

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

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

7 (1) The application for an original ORV registration has the same  
8 requirements as described for original vehicle registrations in RCW  
9 46.16A.040 and must be accompanied by the annual off-road vehicle  
10 license fee required under RCW 46.17.350, in addition to any other fees  
11 or taxes due for the application.

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

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

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

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

25 (b) Pay the ORV registration transfer fee required under RCW  
26 46.17.410, in addition to any other fees or taxes due at the time of  
27 application.

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

30 (a) A properly completed application for an original ORV  
31 registration; and

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

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

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

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

6 (9) This section does not apply to wheeled all-terrain vehicles  
7 registered for use under section 3 of this act.

8 **Sec. 13.** RCW 46.09.420 and 2011 c 171 s 26 are each amended to  
9 read as follows:

10 ORV registrations and decals are required under this chapter except  
11 for the following:

12 (1) Off-road vehicles owned and operated by the United States,  
13 another state, or a political subdivision of the United States or  
14 another state.

15 (2) Off-road vehicles owned and operated by this state, a  
16 municipality, or a political subdivision of this state or the  
17 municipality.

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

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

26 (5) Off-road vehicles while being used for (~~search and rescue~~)  
27 emergency management purposes under the authority or direction of an  
28 appropriate agency that engages in emergency management, as defined in  
29 RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a  
30 law enforcement agency as defined in RCW 16.52.011.

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

34 (7) Off-road vehicles operated by persons who, in good faith,  
35 render emergency care or assistance with respect to an incident  
36 involving off-road vehicles. Persons who operate off-road vehicles to  
37 render such care, assistance, or advice are not liable for civil

1 damages resulting from any act or omission in the rendering of such  
2 care, assistance, or advice, other than acts or omissions constituting  
3 gross negligence or willful or wanton misconduct.

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

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

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

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

14 (c) Any trail, nonhighway road, or highway within the state while  
15 being used under the authority or direction of an appropriate agency  
16 that engages in emergency management, as defined in RCW 46.09.310, or  
17 search and rescue, as defined in RCW 38.52.010, or a law enforcement  
18 agency, as defined in RCW 16.52.011, within the scope of the agency's  
19 official duties.

20 (2) (~~Operations of~~) An off-road vehicle operated on a nonhighway  
21 road(~~or~~) or on a street, road, or highway as authorized under RCW  
22 46.09.360(~~or under~~) and this section is exempt from both registration  
23 requirements of chapter 46.16A RCW and vehicle lighting and equipment  
24 requirements of chapter 46.37 RCW.

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

28 (4) Nothing in this section authorizes trespass on private  
29 property.

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

34 **Sec. 15.** RCW 46.09.460 and 2005 c 213 s 5 are each amended to read  
35 as follows:

36 (1) Except as specified in subsection (2) of this section, no

1 person under (~~thirteen~~) sixteen years of age may operate an off-road  
2 vehicle on or across a highway or nonhighway road in this state. This  
3 prohibition does not apply when a person under sixteen years of age is  
4 acting in accordance with RCW 46.09.420 (5) and (7).

5 (2) Persons under (~~thirteen~~) sixteen years of age may operate an  
6 off-road vehicle (~~on~~) across a highway, if at that crossing signs  
7 indicate that wheeled all-terrain vehicles may be crossing, or on a  
8 nonhighway road or trail designated for off-road vehicle use under the  
9 direct supervision of a person eighteen years of age or older  
10 possessing a valid license to operate a motor vehicle under chapter  
11 46.20 RCW.

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

16 **Sec. 16.** RCW 46.09.470 and 2011 c 171 s 28 and 2011 c 121 s 4 are  
17 each reenacted and amended to read as follows:

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

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

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

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

28 (d) Without a spark arrester approved by the department of natural  
29 resources;

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

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

3 (ii) With the vehicle stationary and the engine running at a steady  
4 speed equal to one-half of the manufacturer's maximum allowable ("red  
5 line") engine speed or where the manufacturer's maximum allowable  
6 engine speed is not known the test speed in revolutions per minute  
7 calculated as sixty percent of the speed at which maximum horsepower is  
8 developed; and

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

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

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

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

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

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

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

29 (3)(a) Except for an off-road vehicle equipped with seat belts and  
30 roll bars or an enclosed passenger compartment, it is a traffic  
31 infraction for any person to operate or ride an off-road vehicle on a  
32 nonhighway road without wearing upon his or her head a motorcycle  
33 helmet fastened securely while in motion. For purposes of this  
34 section, "motorcycle helmet" has the same meaning as provided in RCW  
35 46.37.530.

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



1 (c) Subsection (3)(a) of this section does not apply to an off-road  
2 vehicle (~~operator operating on agricultural lands owned or leased by~~  
3 ~~the off-road vehicle operator or the operator's employer~~) used in  
4 production of agricultural and timber products on and across lands  
5 owned, leased, or managed by the owner or operator of the off-road  
6 vehicle or the operator's employer.

7 (4) It is not a traffic infraction to operate an off-road vehicle  
8 on a street, road, or highway as authorized under RCW 46.09.360 (~~(or)~~),  
9 46.61.705, or section 5 of this act.

10 **Sec. 17.** RCW 46.09.530 and 2010 c 161 s 223 are each amended to  
11 read as follows:

12 (1) After deducting administrative expenses and the expense of any  
13 programs conducted under this chapter, the board shall, at least once  
14 each year, distribute the funds it receives under RCW 46.68.045 and  
15 46.09.520 to state agencies, counties, municipalities, federal  
16 agencies, nonprofit off-road vehicle organizations, and Indian tribes.  
17 Funds distributed under this section to nonprofit off-road vehicle  
18 organizations may be spent only on projects or activities that benefit  
19 off-road vehicle recreation on publicly owned lands or lands once  
20 publicly owned that come into private ownership in a federally approved  
21 land exchange completed between January 1, 1998, and January 1, 2005.

22 (2) The board shall adopt rules governing applications for funds  
23 administered by the recreation and conservation office under this  
24 chapter and shall determine the amount of money distributed to each  
25 applicant. Agencies receiving funds under this chapter for capital  
26 purposes shall consider the possibility of contracting with the state  
27 parks and recreation commission, the department of natural resources,  
28 or other federal, state, and local agencies to employ the youth  
29 development and conservation corps or other youth crews in completing  
30 the project.

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

35 **Sec. 18.** RCW 46.17.350 and 2010 c 161 s 531 are each amended to  
36 read as follows:

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

5 VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
6 (a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
7 (b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
8 (c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
9 (d) For hire vehicle, six seats	\$ 30.00	\$ 30.00	RCW 46.68.030
10 or less			
11 (e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
12 (f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
13 (g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
14 (h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
15 (i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
16 (j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
17 (k) Private use single-axle	\$ 15.00	\$ 15.00	RCW 46.68.035((=2))
18 trailer			
19 (l) Snowmobile	\$ 30.00	\$ 30.00	RCW 46.68.350
20 (m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
21 (n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
22 (o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
23 (p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
24 (q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
25 <u>(r) Wheeled all-terrain vehicle,</u>	<u>\$12.00</u>	<u>\$12.00</u>	<u>Section 9 of this act</u>
26 <u>on-road use</u>			
27 <u>(s) Wheeled all-terrain vehicle,</u>	<u>\$18.00</u>	<u>\$18.00</u>	<u>RCW 46.09.510</u>
28 <u>off-road use</u>			

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

32 **Sec. 19.** RCW 46.30.020 and 2011 c 171 s 76 are each amended to  
 33 read as follows:

34 (1)(a) No person may operate a motor vehicle subject to

1 registration under chapter 46.16A RCW in this state unless the person  
2 is insured under a motor vehicle liability policy with liability limits  
3 of at least the amounts provided in RCW 46.29.090, is self-insured as  
4 provided in RCW 46.29.630, is covered by a certificate of deposit in  
5 conformance with RCW 46.29.550, or is covered by a liability bond of at  
6 least the amounts provided in RCW 46.29.090. Written proof of  
7 financial responsibility for motor vehicle operation must be provided  
8 on the request of a law enforcement officer in the format specified  
9 under RCW 46.30.030.

10 (b) A person who drives a motor vehicle that is required to be  
11 registered in another state that requires drivers and owners of  
12 vehicles in that state to maintain insurance or financial  
13 responsibility shall, when requested by a law enforcement officer,  
14 provide evidence of financial responsibility or insurance as is  
15 required by the laws of the state in which the vehicle is registered.

16 (c) When asked to do so by a law enforcement officer, failure to  
17 display an insurance identification card as specified under RCW  
18 46.30.030 creates a presumption that the person does not have motor  
19 vehicle insurance.

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

23 (2) If a person cited for a violation of subsection (1) of this  
24 section appears in person before the court or a violations bureau and  
25 provides written evidence that at the time the person was cited, he or  
26 she was in compliance with the financial responsibility requirements of  
27 subsection (1) of this section, the citation shall be dismissed and the  
28 court or violations bureau may assess court administrative costs of  
29 twenty-five dollars at the time of dismissal. In lieu of personal  
30 appearance, a person cited for a violation of subsection (1) of this  
31 section may, before the date scheduled for the person's appearance  
32 before the court or violations bureau, submit by mail to the court or  
33 violations bureau written evidence that at the time the person was  
34 cited, he or she was in compliance with the financial responsibility  
35 requirements of subsection (1) of this section, in which case the  
36 citation shall be dismissed without cost, except that the court or  
37 violations bureau may assess court administrative costs of twenty-five  
38 dollars at the time of dismissal.

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

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

6 (b) The operation of a motorcycle as defined in RCW 46.04.330, a  
7 motor-driven cycle as defined in RCW 46.04.332, ~~((or))~~ a moped as  
8 defined in RCW 46.04.304, or a wheeled all-terrain vehicle as defined  
9 in RCW 46.09.310.

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

13 **Sec. 20.** RCW 46.63.020 and 2010 c 252 s 3, 2010 c 161 s 1125, and  
14 2010 c 8 s 9077 are each reenacted and amended to read as follows:

15 Failure to perform any act required or the performance of any act  
16 prohibited by this title or an equivalent administrative regulation or  
17 local law, ordinance, regulation, or resolution relating to traffic  
18 including parking, standing, stopping, and pedestrian offenses, is  
19 designated as a traffic infraction and may not be classified as a  
20 criminal offense, except for an offense contained in the following  
21 provisions of this title or a violation of an equivalent administrative  
22 regulation or local law, ordinance, regulation, or resolution:

23 (1) Section 6(1)(b)(i) of this act relating to a false statement  
24 regarding the inspection of and installation of equipment on wheeled  
25 all-terrain vehicles;

26 (2) RCW 46.09.470(2) relating to the operation of a nonhighway  
27 vehicle while under the influence of intoxicating liquor or a  
28 controlled substance;

29 ~~((+2))~~ (3) RCW 46.09.480 relating to operation of nonhighway  
30 vehicles;

31 ~~((+3))~~ (4) RCW 46.10.490(2) relating to the operation of a  
32 snowmobile while under the influence of intoxicating liquor or  
33 narcotics or habit-forming drugs or in a manner endangering the person  
34 of another;

35 ~~((+4))~~ (5) RCW 46.10.495 relating to the operation of snowmobiles;

36 ~~((+5))~~ (6) Chapter 46.12 RCW relating to certificates of title,

1 registration certificates, and markings indicating that a vehicle has  
2 been destroyed or declared a total loss;  
3 ~~((+6))~~ (7) RCW 46.16A.030 and 46.16A.050(3) relating to the  
4 nonpayment of taxes and fees by failure to register a vehicle and  
5 falsifying residency when registering a motor vehicle;  
6 ~~((+7))~~ (8) RCW 46.16A.520 relating to permitting unauthorized  
7 persons to drive;  
8 ~~((+8))~~ (9) RCW 46.16A.320 relating to vehicle trip permits;  
9 ~~((+9))~~ (10) RCW 46.19.050 relating to knowingly providing false  
10 information in conjunction with an application for a special placard or  
11 license plate for disabled persons' parking;  
12 ~~((+10))~~ (11) RCW 46.20.005 relating to driving without a valid  
13 driver's license;  
14 ~~((+11))~~ (12) RCW 46.20.091 relating to false statements regarding  
15 a driver's license or instruction permit;  
16 ~~((+12))~~ (13) RCW 46.20.0921 relating to the unlawful possession  
17 and use of a driver's license;  
18 ~~((+13))~~ (14) RCW 46.20.342 relating to driving with a suspended or  
19 revoked license or status;  
20 ~~((+14))~~ (15) RCW 46.20.345 relating to the operation of a motor  
21 vehicle with a suspended or revoked license;  
22 ~~((+15))~~ (16) RCW 46.20.410 relating to the violation of  
23 restrictions of an occupational driver's license, temporary restricted  
24 driver's license, or ignition interlock driver's license;  
25 ~~((+16))~~ (17) RCW 46.20.740 relating to operation of a motor  
26 vehicle without an ignition interlock device in violation of a license  
27 notation that the device is required;  
28 ~~((+17))~~ (18) RCW 46.20.750 relating to circumventing an ignition  
29 interlock device;  
30 ~~((+18))~~ (19) RCW 46.25.170 relating to commercial driver's  
31 licenses;  
32 ~~((+19))~~ (20) Chapter 46.29 RCW relating to financial  
33 responsibility;  
34 ~~((+20))~~ (21) RCW 46.30.040 relating to providing false evidence of  
35 financial responsibility;  
36 ~~((+21))~~ (22) RCW 46.35.030 relating to recording device  
37 information;

1        ~~((22))~~ (23) RCW 46.37.435 relating to wrongful installation of  
2        suncreening material;  
3        ~~((23))~~ (24) RCW 46.37.650 relating to the sale, resale,  
4        distribution, or installation of a previously deployed air bag;  
5        ~~((24))~~ (25) RCW 46.37.671 through 46.37.675 relating to signal  
6        preemption devices;  
7        ~~((25))~~ (26) RCW 46.44.180 relating to operation of mobile home  
8        pilot vehicles;  
9        ~~((26))~~ (27) RCW 46.48.175 relating to the transportation of  
10       dangerous articles;  
11       ~~((27))~~ (28) RCW 46.52.010 relating to duty on striking an  
12       unattended car or other property;  
13       ~~((28))~~ (29) RCW 46.52.020 relating to duty in case of injury to  
14       or death of a person or damage to an attended vehicle;  
15       ~~((29))~~ (30) RCW 46.52.090 relating to reports by repairers,  
16       storage persons, and appraisers;  
17       ~~((30))~~ (31) RCW 46.52.130 relating to confidentiality of the  
18       driving record to be furnished to an insurance company, an employer,  
19       and an alcohol/drug assessment or treatment agency;  
20       ~~((31))~~ (32) RCW 46.55.020 relating to engaging in the activities  
21       of a registered tow truck operator without a registration certificate;  
22       ~~((32))~~ (33) RCW 46.55.035 relating to prohibited practices by tow  
23       truck operators;  
24       ~~((33))~~ (34) RCW 46.55.300 relating to vehicle immobilization;  
25       ~~((34))~~ (35) RCW 46.61.015 relating to obedience to police  
26       officers, flaggers, or firefighters;  
27       ~~((35))~~ (36) RCW 46.61.020 relating to refusal to give information  
28       to or cooperate with an officer;  
29       ~~((36))~~ (37) RCW 46.61.022 relating to failure to stop and give  
30       identification to an officer;  
31       ~~((37))~~ (38) RCW 46.61.024 relating to attempting to elude  
32       pursuing police vehicles;  
33       ~~((38))~~ (39) RCW 46.61.212(4) relating to reckless endangerment of  
34       emergency zone workers;  
35       ~~((39))~~ (40) RCW 46.61.500 relating to reckless driving;  
36       ~~((40))~~ (41) RCW 46.61.502 and 46.61.504 relating to persons under  
37       the influence of intoxicating liquor or drugs;

1           ~~((41))~~ (42) RCW 46.61.503 relating to a person under age twenty-  
2 one driving a motor vehicle after consuming alcohol;  
3           ~~((42))~~ (43) RCW 46.61.520 relating to vehicular homicide by motor  
4 vehicle;  
5           ~~((43))~~ (44) RCW 46.61.522 relating to vehicular assault;  
6           ~~((44))~~ (45) RCW 46.61.5249 relating to first degree negligent  
7 driving;  
8           ~~((45))~~ (46) RCW 46.61.527(4) relating to reckless endangerment of  
9 roadway workers;  
10          ~~((46))~~ (47) RCW 46.61.530 relating to racing of vehicles on  
11 highways;  
12          ~~((47))~~ (48) RCW 46.61.655(7) (a) and (b) relating to failure to  
13 secure a load;  
14          ~~((48))~~ (49) RCW 46.61.685 relating to leaving children in an  
15 unattended vehicle with the motor running;  
16          ~~((49))~~ (50) RCW 46.61.740 relating to theft of motor vehicle  
17 fuel;  
18          ~~((50))~~ (51) RCW 46.64.010 relating to unlawful cancellation of or  
19 attempt to cancel a traffic citation;  
20          ~~((51))~~ (52) RCW 46.64.048 relating to attempting, aiding,  
21 abetting, coercing, and committing crimes;  
22          ~~((52))~~ (53) Chapter 46.65 RCW relating to habitual traffic  
23 offenders;  
24          ~~((53))~~ (54) RCW 46.68.010 relating to false statements made to  
25 obtain a refund;  
26          ~~((54))~~ (55) Chapter 46.70 RCW relating to unfair motor vehicle  
27 business practices, except where that chapter provides for the  
28 assessment of monetary penalties of a civil nature;  
29          ~~((55))~~ (56) Chapter 46.72 RCW relating to the transportation of  
30 passengers in for hire vehicles;  
31          ~~((56))~~ (57) RCW 46.72A.060 relating to limousine carrier  
32 insurance;  
33          ~~((57))~~ (58) RCW 46.72A.070 relating to operation of a limousine  
34 without a vehicle certificate;  
35          ~~((58))~~ (59) RCW 46.72A.080 relating to false advertising by a  
36 limousine carrier;  
37          ~~((59))~~ (60) Chapter 46.80 RCW relating to motor vehicle wreckers;

1       (~~(+60+)~~) (61) Chapter 46.82 RCW relating to driver's training  
2 schools;

3       (~~(+61+)~~) (62) RCW 46.87.260 relating to alteration or forgery of a  
4 cab card, letter of authority, or other temporary authority issued  
5 under chapter 46.87 RCW;

6       (~~(+62+)~~) (63) RCW 46.87.290 relating to operation of an  
7 unregistered or unlicensed vehicle under chapter 46.87 RCW.

8       **Sec. 21.** RCW 79A.80.010 and 2012 c 261 s 1 are each amended to  
9 read as follows:

10       The definitions in this section apply throughout this chapter  
11 unless the context clearly requires otherwise.

12       (1) "Agency" or "agencies" means the department of fish and  
13 wildlife, the department of natural resources, and the parks and  
14 recreation commission.

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

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

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

21       (5) "Discover pass" means the annual pass created in RCW  
22 79A.80.020.

23       (6) "Motor vehicle" has the same meaning as defined in RCW  
24 46.04.320 and which are required to be registered under chapter 46.16A  
25 RCW. "Motor vehicle" does not include those motor vehicles exempt from  
26 registration under RCW 46.16A.080, wheeled all-terrain vehicles  
27 registered for use under section 3 of this act, and state and publicly  
28 owned motor vehicles as provided in RCW 46.16A.170.

29       (7) "Recreation site or lands" means a state park, state lands and  
30 state forest lands as those terms are defined in RCW 79.02.010, natural  
31 resources conservation areas as that term is defined in RCW 79.71.030,  
32 natural area preserves as that term is defined in RCW 79.70.020, and  
33 fish and wildlife conservation sites including water access areas, boat  
34 ramps, wildlife areas, parking areas, roads, and trailheads.

35       (8) "Sno-park seasonal permit" means the seasonal permit issued by  
36 the parks and recreation commission for providing access to winter



1 recreational facilities for the period of November 1st through March  
2 31st.

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

4 **Sec. 22.** RCW 46.63.030 and 2011 c 375 s 5 are each amended to read  
5 as follows:

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

8 (a) When the infraction is committed in the officer's presence,  
9 except as provided in section 8 of this act;

10 (b) When the officer is acting upon the request of a law  
11 enforcement officer in whose presence the traffic infraction was  
12 committed;

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

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

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

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

23 (3) If any motor vehicle without a driver is found parked,  
24 standing, or stopped in violation of this title or an equivalent  
25 administrative regulation or local law, ordinance, regulation, or  
26 resolution, the officer finding the vehicle shall take its registration  
27 number and may take any other information displayed on the vehicle  
28 which may identify its user, and shall conspicuously affix to the  
29 vehicle a notice of traffic infraction.

30 (4) In the case of failure to redeem an abandoned vehicle under RCW  
31 46.55.120, upon receiving a complaint by a registered tow truck  
32 operator that has incurred costs in removing, storing, and disposing of  
33 an abandoned vehicle, an officer of the law enforcement agency  
34 responsible for directing the removal of the vehicle shall send a  
35 notice of infraction by certified mail to the last known address of the  
36 person responsible under RCW 46.55.105. The notice must be entitled  
37 "Littering--Abandoned Vehicle" and give notice of the monetary penalty.

1 The officer shall append to the notice of infraction, on a form  
2 prescribed by the department of licensing, a notice indicating the  
3 amount of costs incurred as a result of removing, storing, and  
4 disposing of the abandoned vehicle, less any amount realized at  
5 auction, and a statement that monetary penalties for the infraction  
6 will not be considered as having been paid until the monetary penalty  
7 payable under this chapter has been paid and the court is satisfied  
8 that the person has made restitution in the amount of the deficiency  
9 remaining after disposal of the vehicle.

10 **Sec. 23.** RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c  
11 187 s 14, and 2012 c 83 s 4 are each reenacted and amended to read as  
12 follows:

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

16 (2) The treasury income account shall be utilized to pay or receive  
17 funds associated with federal programs as required by the federal cash  
18 management improvement act of 1990. The treasury income account is  
19 subject in all respects to chapter 43.88 RCW, but no appropriation is  
20 required for refunds or allocations of interest earnings required by  
21 the cash management improvement act. Refunds of interest to the  
22 federal treasury required under the cash management improvement act  
23 fall under RCW 43.88.180 and shall not require appropriation. The  
24 office of financial management shall determine the amounts due to or  
25 from the federal government pursuant to the cash management improvement  
26 act. The office of financial management may direct transfers of funds  
27 between accounts as deemed necessary to implement the provisions of the  
28 cash management improvement act, and this subsection. Refunds or  
29 allocations shall occur prior to the distributions of earnings set  
30 forth in subsection (4) of this section.

31 (3) Except for the provisions of RCW 43.84.160, the treasury income  
32 account may be utilized for the payment of purchased banking services  
33 on behalf of treasury funds including, but not limited to, depository,  
34 safekeeping, and disbursement functions for the state treasury and  
35 affected state agencies. The treasury income account is subject in all  
36 respects to chapter 43.88 RCW, but no appropriation is required for

1 payments to financial institutions. Payments shall occur prior to  
2 distribution of earnings set forth in subsection (4) of this section.

3 (4) Monthly, the state treasurer shall distribute the earnings  
4 credited to the treasury income account. The state treasurer shall  
5 credit the general fund with all the earnings credited to the treasury  
6 income account except:

7 (a) The following accounts and funds shall receive their  
8 proportionate share of earnings based upon each account's and fund's  
9 average daily balance for the period: The aeronautics account, the  
10 aircraft search and rescue account, the Alaskan Way viaduct replacement  
11 project account, the budget stabilization account, the capital vessel  
12 replacement account, the capitol building construction account, the  
13 Cedar River channel construction and operation account, the Central  
14 Washington University capital projects account, the charitable,  
15 educational, penal and reformatory institutions account, the cleanup  
16 settlement account, the Columbia river basin water supply development  
17 account, the Columbia river basin taxable bond water supply development  
18 account, the Columbia river basin water supply revenue recovery  
19 account, the common school construction fund, the county arterial  
20 preservation account, the county criminal justice assistance account,  
21 the deferred compensation administrative account, the deferred  
22 compensation principal account, the department of licensing services  
23 account, the department of retirement systems expense account, the  
24 developmental disabilities community trust account, the drinking water  
25 assistance account, the drinking water assistance administrative  
26 account, the drinking water assistance repayment account, the Eastern  
27 Washington University capital projects account, the Interstate 405  
28 express toll lanes operations account, the education construction fund,  
29 the education legacy trust account, the election account, the energy  
30 freedom account, the energy recovery act account, the essential rail  
31 assistance account, The Evergreen State College capital projects  
32 account, the federal forest revolving account, the ferry bond  
33 retirement fund, the freight congestion relief account, the freight  
34 mobility investment account, the freight mobility multimodal account,  
35 the grade crossing protective fund, the public health services account,  
36 the high capacity transportation account, the state higher education  
37 construction account, the higher education construction account, the  
38 highway bond retirement fund, the highway infrastructure account, the

1 highway safety (~~(account-[fund])~~) fund, the high occupancy toll lanes  
2 operations account, the hospital safety net assessment fund, the  
3 industrial insurance premium refund account, the judges' retirement  
4 account, the judicial retirement administrative account, the judicial  
5 retirement principal account, the local leasehold excise tax account,  
6 the local real estate excise tax account, the local sales and use tax  
7 account, the marine resources stewardship trust account, the medical  
8 aid account, the mobile home park relocation fund, the motor vehicle  
9 fund, the motorcycle safety education account, the multimodal  
10 transportation account, the multiuse roadway safety account, the  
11 municipal criminal justice assistance account, the natural resources  
12 deposit account, the oyster reserve land account, the pension funding  
13 stabilization account, the perpetual surveillance and maintenance  
14 account, the public employees' retirement system plan 1 account, the  
15 public employees' retirement system combined plan 2 and plan 3 account,  
16 the public facilities construction loan revolving account beginning  
17 July 1, 2004, the public health supplemental account, the public  
18 transportation systems account, the public works assistance account,  
19 the Puget Sound capital construction account, the Puget Sound ferry  
20 operations account, the Puyallup tribal settlement account, the real  
21 estate appraiser commission account, the recreational vehicle account,  
22 the regional mobility grant program account, the resource management  
23 cost account, the rural arterial trust account, the rural mobility  
24 grant program account, the rural Washington loan fund, the site closure  
25 account, the skilled nursing facility safety net trust fund, the small  
26 city pavement and sidewalk account, the special category C account, the  
27 special wildlife account, the state employees' insurance account, the  
28 state employees' insurance reserve account, the state investment board  
29 expense account, the state investment board commingled trust fund  
30 accounts, the state patrol highway account, the state route number 520  
31 civil penalties account, the state route number 520 corridor account,  
32 the state wildlife account, the supplemental pension account, the  
33 Tacoma Narrows toll bridge account, the teachers' retirement system  
34 plan 1 account, the teachers' retirement system combined plan 2 and  
35 plan 3 account, the tobacco prevention and control account, the tobacco  
36 settlement account, the toll facility bond retirement account, the  
37 transportation 2003 account (nickel account), the transportation  
38 equipment fund, the transportation fund, the transportation improvement

1 account, the transportation improvement board bond retirement account,  
2 the transportation infrastructure account, the transportation  
3 partnership account, the traumatic brain injury account, the tuition  
4 recovery trust fund, the University of Washington bond retirement fund,  
5 the University of Washington building account, the volunteer  
6 firefighters' and reserve officers' relief and pension principal fund,  
7 the volunteer firefighters' and reserve officers' administrative fund,  
8 the Washington judicial retirement system account, the Washington law  
9 enforcement officers' and firefighters' system plan 1 retirement  
10 account, the Washington law enforcement officers' and firefighters'  
11 system plan 2 retirement account, the Washington public safety  
12 employees' plan 2 retirement account, the Washington school employees'  
13 retirement system combined plan 2 and 3 account, the Washington state  
14 economic development commission account, the Washington state health  
15 insurance pool account, the Washington state patrol retirement account,  
16 the Washington State University building account, the Washington State  
17 University bond retirement fund, the water pollution control revolving  
18 fund, and the Western Washington University capital projects account.  
19 Earnings derived from investing balances of the agricultural permanent  
20 fund, the normal school permanent fund, the permanent common school  
21 fund, the scientific permanent fund, the state university permanent  
22 fund, and the state reclamation revolving account shall be allocated to  
23 their respective beneficiary accounts.

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

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

33 **Sec. 24.** RCW 43.84.092 and 2012 c 198 s 2, 2012 c 196 s 7, 2012 c  
34 187 s 14, 2012 c 83 s 4, and 2012 c 36 s 5 are each reenacted and  
35 amended to read as follows:

36 (1) All earnings of investments of surplus balances in the state

1 treasury shall be deposited to the treasury income account, which  
2 account is hereby established in the state treasury.

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

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

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

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

1 settlement account, the Columbia river basin water supply development  
2 account, the Columbia river basin taxable bond water supply development  
3 account, the Columbia river basin water supply revenue recovery  
4 account, the Columbia river crossing project account, the common school  
5 construction fund, the county arterial preservation account, the county  
6 criminal justice assistance account, the deferred compensation  
7 administrative account, the deferred compensation principal account,  
8 the department of licensing services account, the department of  
9 retirement systems expense account, the developmental disabilities  
10 community trust account, the drinking water assistance account, the  
11 drinking water assistance administrative account, the drinking water  
12 assistance repayment account, the Eastern Washington University capital  
13 projects account, the Interstate 405 express toll lanes operations  
14 account, the education construction fund, the education legacy trust  
15 account, the election account, the energy freedom account, the energy  
16 recovery act account, the essential rail assistance account, The  
17 Evergreen State College capital projects account, the federal forest  
18 revolving account, the ferry bond retirement fund, the freight  
19 congestion relief account, the freight mobility investment account, the  
20 freight mobility multimodal account, the grade crossing protective  
21 fund, the public health services account, the high capacity  
22 transportation account, the state higher education construction  
23 account, the higher education construction account, the highway bond  
24 retirement fund, the highway infrastructure account, the highway safety  
25 (~~account~~—{fund}) fund, the high occupancy toll lanes operations  
26 account, the hospital safety net assessment fund, the industrial  
27 insurance premium refund account, the judges' retirement account, the  
28 judicial retirement administrative account, the judicial retirement  
29 principal account, the local leasehold excise tax account, the local  
30 real estate excise tax account, the local sales and use tax account,  
31 the marine resources stewardship trust account, the medical aid  
32 account, the mobile home park relocation fund, the motor vehicle fund,  
33 the 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 transportation  
4 systems account, the public works assistance account, the Puget Sound  
5 capital construction account, the Puget Sound ferry operations account,  
6 the Puyallup tribal settlement account, the real estate appraiser  
7 commission account, the recreational vehicle account, the regional  
8 mobility grant program account, the resource management cost account,  
9 the rural arterial trust account, the rural mobility grant program  
10 account, the rural Washington loan fund, the site closure account, the  
11 skilled nursing facility safety net trust fund, the small city pavement  
12 and sidewalk account, the special category C account, the special  
13 wildlife account, the state employees' insurance account, the state  
14 employees' insurance reserve account, the state investment board  
15 expense account, the state investment board commingled trust fund  
16 accounts, the state patrol highway account, the state route number 520  
17 civil penalties account, the state route number 520 corridor account,  
18 the state wildlife account, the supplemental pension account, the  
19 Tacoma Narrows toll bridge account, the teachers' retirement system  
20 plan 1 account, the teachers' retirement system combined plan 2 and  
21 plan 3 account, the tobacco prevention and control account, the tobacco  
22 settlement account, the toll facility bond retirement account, the  
23 transportation 2003 account (nickel account), the transportation  
24 equipment fund, the transportation fund, the transportation improvement  
25 account, the transportation improvement board bond retirement account,  
26 the transportation infrastructure account, the transportation  
27 partnership account, the traumatic brain injury account, the tuition  
28 recovery trust fund, the University of Washington bond retirement fund,  
29 the University of Washington building account, the volunteer  
30 firefighters' and reserve officers' relief and pension principal fund,  
31 the volunteer firefighters' and reserve officers' administrative fund,  
32 the Washington judicial retirement system account, the Washington law  
33 enforcement officers' and firefighters' system plan 1 retirement  
34 account, the Washington law enforcement officers' and firefighters'  
35 system plan 2 retirement account, the Washington public safety  
36 employees' plan 2 retirement account, the Washington school employees'  
37 retirement system combined plan 2 and 3 account, the Washington state  
38 economic development commission account, the Washington state health



1 insurance pool account, the Washington state patrol retirement account,  
2 the Washington State University building account, the Washington State  
3 University bond retirement fund, the water pollution control revolving  
4 fund, and the Western Washington University capital projects account.  
5 Earnings derived from investing balances of the agricultural permanent  
6 fund, the normal school permanent fund, the permanent common school  
7 fund, the scientific permanent fund, the state university permanent  
8 fund, and the state reclamation revolving account shall be allocated to  
9 their 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 NEW SECTION. **Sec. 25.** Except for section 24 of this act, this act  
20 is necessary for the immediate preservation of the public peace,  
21 health, or safety, or support of the state government and its existing  
22 public institutions, and takes effect July 1, 2013.

23 NEW SECTION. **Sec. 26.** Section 23 of this act expires if the  
24 requirements set out in section 7, chapter 36, Laws of 2012 are met.

25 NEW SECTION. **Sec. 27.** Section 24 of this act takes effect if the  
26 requirements set out in section 7, chapter 36, Laws of 2012 are met.

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