

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1918

Chapter 84, Laws of 2016

64th Legislature
2016 Regular Session

OFF-ROAD, NONHIGHWAY, AND WHEELED ALL-TERRAIN VEHICLES--VARIOUS
PROVISIONS

EFFECTIVE DATE: 6/9/2016 - Except sections 2 and 5, which become
effective 7/1/2017.

Passed by the House March 8, 2016
Yeas 91 Nays 5

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 3, 2016
Yeas 39 Nays 10

BRAD OWEN

President of the Senate

Approved March 31, 2016 10:47 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby
certify that the attached is
ENGROSSED HOUSE BILL 1918 as passed
by House of Representatives and the
Senate on the dates hereon set
forth.

BARBARA BAKER

Chief Clerk

FILED

April 1, 2016

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1918

AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Representatives Shea, Orcutt, Hayes, and Scott

Read first time 02/02/15. Referred to Committee on Transportation.

1 AN ACT Relating to provisions applicable to off-road, nonhighway,
2 and wheeled all-terrain vehicles and their drivers; amending RCW
3 38.52.180, 46.09.320, 46.09.442, 46.09.457, and 46.19.030; and
4 providing an effective date.

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

6 **Sec. 1.** RCW 38.52.180 and 2011 c 336 s 791 are each amended to
7 read as follows:

8 (1) There shall be no liability on the part of anyone including
9 any person, partnership, corporation, the state of Washington or any
10 political subdivision thereof who owns or maintains any building or
11 premises which have been designated by a local organization for
12 emergency management as a shelter from destructive operations or
13 attacks by enemies of the United States for any injuries sustained by
14 any person while in or upon said building or premises, as a result of
15 the condition of said building or premises or as a result of any act
16 or omission, or in any way arising from the designation of such
17 premises as a shelter, when such person has entered or gone upon or
18 into said building or premises for the purpose of seeking refuge
19 therein during destructive operations or attacks by enemies of the
20 United States or during tests ordered by lawful authority, except for

1 an act of willful negligence by such owner or occupant or his or her
2 servants, agents, or employees.

3 (2) All legal liability for damage to property or injury or death
4 to persons (except an emergency worker, regularly enrolled and acting
5 as such), caused by acts done or attempted during or while traveling
6 to or from an emergency or disaster, search and rescue, or training
7 or exercise authorized by the department in preparation for an
8 emergency or disaster or search and rescue, under the color of this
9 chapter in a bona fide attempt to comply therewith, except as
10 provided in subsections (3), (4), and (5) of this section regarding
11 covered volunteer emergency workers, shall be the obligation of the
12 state of Washington. Suits may be instituted and maintained against
13 the state for the enforcement of such liability, or for the
14 indemnification of persons appointed and regularly enrolled as
15 emergency workers while actually engaged in emergency management
16 duties, or as members of any agency of the state or political
17 subdivision thereof engaged in emergency management activity, or
18 their dependents, for damage done to their private property, or for
19 any judgment against them for acts done in good faith in compliance
20 with this chapter: PROVIDED, That the foregoing shall not be
21 construed to result in indemnification in any case of willful
22 misconduct, gross negligence, or bad faith on the part of any agent
23 of emergency management: PROVIDED, That should the United States or
24 any agency thereof, in accordance with any federal statute, rule, or
25 regulation, provide for the payment of damages to property and/or for
26 death or injury as provided for in this section, then and in that
27 event there shall be no liability or obligation whatsoever upon the
28 part of the state of Washington for any such damage, death, or injury
29 for which the United States government assumes liability.

30 (3) No act or omission by a covered volunteer emergency worker
31 while engaged in a covered activity shall impose any liability for
32 civil damages resulting from such an act or omission upon:

33 (a) The covered volunteer emergency worker;

34 (b) The supervisor or supervisors of the covered volunteer
35 emergency worker;

36 (c) Any facility or their officers or employees;

37 (d) The employer of the covered volunteer emergency worker;

38 (e) The owner of the property or vehicle where the act or
39 omission may have occurred during the covered activity;

1 (f) Any local organization that registered the covered volunteer
2 emergency worker; and

3 (g) The state or any state or local governmental entity.

4 (4) The immunity in subsection (3) of this section applies only
5 when the covered volunteer emergency worker was engaged in a covered
6 activity:

7 (a) Within the scope of his or her assigned duties;

8 (b) Under the direction of a local emergency management
9 organization or the department, or a local law enforcement agency for
10 search and rescue; and

11 (c) The act or omission does not constitute gross negligence or
12 willful or wanton misconduct.

13 (5) For purposes of this section:

14 (a) "Covered volunteer emergency worker" means an emergency
15 worker as defined in RCW 38.52.010 who (i) is not receiving or
16 expecting compensation as an emergency worker from the state or local
17 government, or (ii) is not a state or local government employee
18 unless on leave without pay status.

19 (b) "Covered activity" means:

20 (i) Providing assistance or transportation authorized by the
21 department during an emergency or disaster or search and rescue as
22 defined in RCW 38.52.010, whether such assistance or transportation
23 is provided at the scene of the emergency or disaster or search and
24 rescue, at an alternative care site, at a hospital, or while in route
25 to or from such sites or between sites; or

26 (ii) Participating in training or exercise authorized by the
27 department in preparation for an emergency or disaster or search and
28 rescue.

29 (6) Any requirement for a license to practice any professional,
30 mechanical, or other skill shall not apply to any authorized
31 emergency worker who shall, in the course of performing his or her
32 duties as such, practice such professional, mechanical, or other
33 skill during an emergency described in this chapter.

34 (7) The provisions of this section shall not affect the right of
35 any person to receive benefits to which he or she would otherwise be
36 entitled under this chapter, or under the workers' compensation law,
37 or under any pension or retirement law, nor the right of any such
38 person to receive any benefits or compensation under any act of
39 congress.

1 (8) Any act or omission by a covered volunteer emergency worker
2 while engaged in a covered activity using an off-road vehicle,
3 nonhighway vehicle, or wheeled all-terrain vehicle does not impose
4 any liability for civil damages resulting from such an act or
5 omission upon the covered volunteer emergency worker or the worker's
6 sponsoring organization.

7 **Sec. 2.** RCW 46.09.320 and 2011 c 171 s 24 are each amended to
8 read as follows:

9 ~~((The department shall issue a certificate of title to the owner~~
10 ~~of an off-road vehicle. The owner shall pay the fee established under~~
11 ~~RCW 46.17.100. Issuance of the certificate of title does not qualify~~
12 ~~the vehicle for registration under chapter 46.16A RCW.)) (1) The~~

13 application for a certificate of title of an off-road vehicle must be
14 made by the owner or owner's representative to the department, county
15 auditor or other agent, or subagent appointed by the director on a
16 form furnished or approved by the department and must contain:

17 (a) A description of the off-road vehicle, including make, model,
18 vehicle identification number or engine serial number if no vehicle
19 identification number exists, type of body, and model year of the
20 vehicle;

21 (b) The name and address of the person who is the registered
22 owner of the off-road vehicle and, if the off-road vehicle is subject
23 to a security interest, the name and address of the secured party;
24 and

25 (c) Other information the department may require.

26 (2) The application for a certificate of title must be signed by
27 the person applying to be the registered owner and be sworn to by
28 that person in the manner described under RCW 9A.72.085.

29 (3) The owner must pay the fee established under RCW 46.17.100.

30 (4) Issuance of the certificate of title does not qualify the
31 off-road vehicle for registration under chapter 46.16A RCW.

32 **Sec. 3.** RCW 46.09.442 and 2013 2nd sp.s. c 23 s 4 are each
33 amended to read as follows:

34 (1) Any wheeled all-terrain vehicle operated within this state
35 must display a metal tag to be affixed to the rear of the wheeled
36 all-terrain vehicle. The initial metal tag must be issued with an
37 original off-road vehicle registration and upon payment of the
38 initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag

1 must be replaced every seven years at a cost of two dollars. Revenue
2 from replacement metal tags must be deposited into the nonhighway and
3 off-road vehicle activities program account. The department must
4 design the metal tag, which must:

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

6 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
7 tag;

8 (c) Contain designated identification through a combination of
9 letters and numbers;

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

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

14 (2) Except as provided in subsection (6)(b) of this section, a
15 person who operates a wheeled all-terrain vehicle must have a current
16 and proper off-road vehicle registration, with the appropriate off-
17 road tab, and pay the annual vehicle license fee as provided in RCW
18 46.17.350(1)(s), which must be deposited into the nonhighway and off-
19 road vehicle activities program account. The off-road tab must be
20 issued annually by the department upon payment of initial and renewal
21 vehicle license fees under RCW 46.17.350(1)(s).

22 (3) Except as provided in subsection (6)(a) of this section, a
23 person who operates a wheeled all-terrain vehicle upon a public
24 roadway must have a current and proper on-road vehicle registration,
25 with the appropriate on-road tab, which must be of a bright color
26 that can be seen from a reasonable distance, and pay the annual
27 vehicle license fee as provided in RCW 46.17.350(1)(r). The on-road
28 tab must be issued annually by the department upon payment of initial
29 and renewal vehicle license fees under RCW 46.17.350(1)(r).

30 (4) Beginning July 1, 2017, for purposes of subsection (3) of
31 this section, a special year tab issued pursuant to chapter 46.19 RCW
32 to a person with a disability may be displayed on a wheeled all-
33 terrain vehicle in lieu of an on-road tab.

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

36 (6)(a) A wheeled all-terrain vehicle registration and a metal tag
37 are not required under this chapter for a wheeled all-terrain vehicle
38 that meets the definition in RCW 46.09.310(19), is owned by a
39 resident of another state, and has a vehicle registration and metal
40 tag or license plate issued in accordance with the laws of the other

1 state allowing for on-road travel in that state. This exemption
2 applies only to the extent that: (i) A similar exemption or privilege
3 is granted under the laws of that state for wheeled all-terrain
4 vehicles registered in Washington, and (ii) the other state has
5 equipment requirements for on-road use that meet or exceed the
6 requirements listed in RCW 46.09.457. The department may publish on
7 its web site a list of states that meet the exemption requirements
8 under this subsection.

9 (b) Off-road operation in Washington state of a wheeled all-
10 terrain vehicle owned by a resident of another state and meeting the
11 definition in RCW 46.09.310(19) is governed by RCW 46.09.420(4).

12 **Sec. 4.** RCW 46.09.457 and 2015 c 160 s 1 are each amended to
13 read as follows:

14 (1) A person may operate a wheeled all-terrain vehicle upon any
15 public roadway of this state, not including nonhighway roads and
16 trails, subject to RCW 46.09.455 and the following equipment and
17 declaration requirements:

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

20 (i) Headlights meeting the requirements of RCW 46.37.030 and
21 46.37.040 and used at all times when the vehicle is in motion upon a
22 highway;

23 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and
24 used at all times when the vehicle is in motion upon a highway;
25 however, a utility-type vehicle, as described under RCW 46.09.310,
26 must have two tail lamps meeting the requirements of RCW 46.37.070(1)
27 and to be used at all times when the vehicle is in motion upon a
28 highway;

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

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

31 (v) During hours of darkness, as defined in RCW 46.04.200, turn
32 signals meeting the requirements of RCW 46.37.200. Outside of hours
33 of darkness, the operator must comply with RCW 46.37.200 or
34 46.61.310;

35 (vi) A mirror attached to either the right or left handlebar,
36 which must be located to give the operator a complete view of the
37 highway for a distance of at least two hundred feet to the rear of
38 the vehicle; however, a utility-type vehicle, as described under RCW

1 46.09.310(19), must have two mirrors meeting the requirements of RCW
2 46.37.400;

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

7 (viii) A horn or warning device meeting the requirements of RCW
8 46.37.380;

9 (ix) Brakes in working order;

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

12 (xi) For utility-type vehicles, as described under RCW
13 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

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

17 (i) Documentation of a safety inspection to be completed by a
18 licensed wheeled all-terrain vehicle dealer or motor vehicle repair
19 shop in the state of Washington that must outline the vehicle
20 information and certify under oath that all wheeled all-terrain
21 vehicle equipment as required under this section meets the
22 requirements outlined in state and federal law. A person who makes a
23 false statement regarding the inspection of equipment required under
24 this section is guilty of false swearing, a gross misdemeanor, under
25 RCW 9A.72.040;

26 (ii) Documentation that the licensed wheeled all-terrain vehicle
27 dealer or motor vehicle repair shop did not charge more than fifty
28 dollars per safety inspection and that the entire safety inspection
29 fee is paid directly and only to the licensed wheeled all-terrain
30 vehicle dealer or motor vehicle repair shop;

31 (iii) A statement that the licensed wheeled all-terrain vehicle
32 dealer or motor vehicle repair shop is entitled to the full amount
33 charged for the safety inspection;

34 (iv) A vehicle identification number verification that must be
35 completed by a licensed wheeled all-terrain vehicle dealer or motor
36 vehicle repair shop in the state of Washington;

37 (v) A release, on a form to be supplied by the department, signed
38 by the owner of the wheeled all-terrain vehicle and verified by the
39 department, county auditor or other agent, or subagent appointed by

1 the director that releases the state, counties, cities, and towns
2 from any liability; and

3 (vi) A statement that outlines that the owner understands that
4 the original wheeled all-terrain vehicle was not manufactured for on-
5 road use and that it has been modified for use on public roadways.

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

11 **Sec. 5.** RCW 46.19.030 and 2014 c 124 s 4 are each amended to
12 read as follows:

13 (1) The department shall design special license plates for
14 persons with disabilities, parking placards, and year tabs displaying
15 the international symbol of access.

16 (2) Special license plates for persons with disabilities must be
17 displayed on the motor vehicle as standard issue license plates as
18 described in RCW 46.16A.200.

19 (3) Parking placards must include both a serial number and the
20 expiration date on the face of the placard. The expiration date and
21 serial number must be of a sufficient size as to be easily visible
22 from a distance of ten feet from where the placard is displayed.

23 (4) Parking placards must be displayed when the motor vehicle is
24 parked by suspending it from the rearview mirror. In the absence of a
25 rearview mirror, the parking placard must be displayed on the
26 dashboard. The parking placard must be displayed in a manner that
27 allows for the entire placard to be viewed through the vehicle
28 windshield.

29 (5) Special year tabs for persons with disabilities must be
30 displayed on license plates or metal tags issued pursuant to RCW
31 46.09.442, in a manner as defined by the department.

32 (6) Persons who have been issued special license plates for
33 persons with disabilities, parking placards, or special license
34 plates with a special year tab for persons with disabilities may park
35 in places reserved for persons with physical disabilities.

36 NEW SECTION. **Sec. 6.** Sections 2 and 5 of this act take effect
37 July 1, 2017.

Passed by the House March 8, 2016.
Passed by the Senate March 3, 2016.
Approved by the Governor March 31, 2016.
Filed in Office of Secretary of State April 1, 2016.

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