
HOUSE BILL 1838

State of Washington

65th Legislature

2017 Regular Session

By Representative Schmick

Read first time 01/31/17. Referred to Committee on Transportation.

1 AN ACT Relating to the crossing of certain public roadways by
2 wheeled all-terrain vehicles; and amending RCW 46.09.455.

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

4 **Sec. 1.** RCW 46.09.455 and 2013 2nd sp.s. c 23 s 6 are each
5 amended to read as follows:

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

10 (a) A person may not operate a wheeled all-terrain vehicle upon
11 state highways that are listed in chapter 47.17 RCW; however, a
12 person may operate a wheeled all-terrain vehicle upon a segment of a
13 state highway listed in chapter 47.17 RCW if the segment is within
14 the limits of a city or town and the speed limit on the segment is
15 thirty-five miles per hour or less;

16 (b)(i) Except as authorized in (b)(ii) of this subsection, a
17 person operating a wheeled all-terrain vehicle may not cross a public
18 roadway, not including nonhighway roads and trails, with a speed
19 limit in excess of thirty-five miles per hour, unless the crossing
20 begins and ends on a public roadway, not including nonhighway roads
21 and trails, or an ORV trail, with a speed limit of thirty-five miles

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

5 (ii) A person operating a wheeled all-terrain vehicle east of the
6 summit of the Cascade mountains in a county with a population of
7 fewer than fifty thousand as of April 1, 2016, may cross a public
8 roadway with a speed limit of sixty miles per hour or less at an
9 intersection of approximately ninety degrees, except that the
10 operator of a wheeled all-terrain vehicle may not cross at an
11 uncontrolled intersection of a public highway listed under chapter
12 47.17 RCW. Any city, town, or county may prohibit wheeled all-terrain
13 vehicles from crossing a public roadway with a speed limit of more
14 than thirty-five miles per hour but less than sixty miles per hour by
15 adoption of an ordinance specifying the public roadway or crossing;

16 (c)(i) A person may not operate a wheeled all-terrain vehicle on
17 a public roadway within the boundaries of a county, not including
18 nonhighway roads and trails, with a population of fifteen thousand or
19 more unless the county by ordinance has approved the operation of
20 wheeled all-terrain vehicles on county roadways, not including
21 nonhighway roads and trails.

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

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

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

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

38 (ii) Any public roadways, not including nonhighway roads and
39 trails, authorized by a legislative body of a city or town under

1 (d)(i) of this subsection must be listed publicly and made accessible
2 from the main page of the city or town web site.

3 (iii) This subsection (1)(d) does not affect any roadway that was
4 designated as open or closed as of January 1, 2013;

5 (e) Any person who violates this subsection commits a traffic
6 infraction.

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

9 (3) A person may operate a wheeled all-terrain vehicle upon any
10 public roadway, trail, nonhighway road, or highway within the state
11 while being used under the authority or direction of an appropriate
12 agency that engages in emergency management, as defined in RCW
13 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a
14 law enforcement agency, as defined in RCW 16.52.011, within the scope
15 of the agency's official duties.

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

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