

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1838

65th Legislature
2017 Regular Session

Passed by the House March 1, 2017
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 6, 2017
Yeas 48 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1838** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1838

Passed Legislature - 2017 Regular Session

State of Washington **65th Legislature** **2017 Regular Session**
By House Transportation (originally sponsored by Representative Schmick)

READ FIRST TIME 02/24/17.

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) A person operating a wheeled all-terrain vehicle may not
17 cross a public roadway, not including nonhighway roads and trails,
18 with a speed limit in excess of thirty-five miles per hour, (~~unless~~
19 ~~the crossing begins and ends on a public roadway, not including~~
20 ~~nonhighway roads and trails, or an ORV trail, with a speed limit of~~
21 ~~thirty-five miles per hour or less and occurs at an intersection of~~

1 ~~approximately ninety degrees, except that))~~ except as follows: A
2 person operating a wheeled all-terrain vehicle may cross a public
3 roadway with a speed limit of sixty miles per hour or less, but more
4 than thirty-five miles per hour, at an intersection of approximately
5 ninety degrees if the roadway that intersects the public roadway with
6 a speed limit of sixty miles per hour or less, but more than thirty-
7 five miles per hour, is a roadway upon which the operation of wheeled
8 all-terrain vehicles has been approved or is otherwise allowed under
9 this section.

10 (ii) A county, city, or town may by ordinance prohibit a person
11 operating a wheeled all-terrain vehicle from crossing a public
12 roadway with a speed limit of sixty miles per hour or less, but more
13 than thirty-five miles per hour, at specific intersections or along
14 the entirety of the route within the jurisdiction.

15 (iii) The operator of a wheeled all-terrain vehicle may not cross
16 at an uncontrolled intersection of a public highway listed under
17 chapter 47.17 RCW;

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

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

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

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

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

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

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

7 (e) Any person who violates this subsection commits a traffic
8 infraction.

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

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

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

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