

# SENATE BILL REPORT

## SB 5666

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As Reported by Senate Committee On:  
Local Government, February 14, 2019  
Transportation, February 27, 2019

**Title:** An act relating to modifying the types of off-road vehicles subject to local government regulation.

**Brief Description:** Modifying the types of off-road vehicles subject to local government regulation.

**Sponsors:** Senators Sheldon, Fortunato, Warnick, Becker, Short, Takko, Van De Wege and Wilson, L..

**Brief History:**

**Committee Activity:** Local Government: 2/14/19, 2/14/19 [DP].  
Transportation: 2/25/19, 2/27/19 [DPS, w/oRec].

**Brief Summary of First Substitute Bill**

- Expands the current authority cities and towns with populations under 3000 and counties have for designating any road or highway in their respective jurisdiction as suitable for off-road vehicle use to also apply to wheeled all-terrain vehicle use.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

**Staff:** Greg Vogel (786-7413)

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5666 be substituted therefor, and the substitute bill do pass.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Lovelett.

**Staff:** Kim Johnson (786-7472)

**Background:** Off-Road Vehicles. An off-road vehicle (ORV) is a vehicle used for recreational purposes on nonhighway roads, trails, and other natural terrain. ORVs include all-terrain vehicles, certain motorcycles, dune buggies, and certain four-wheel drive vehicles.

An owner of an ORV that wishes to operate the vehicle in the state must first register the vehicle with the Department of Licensing (DOL) and pay a fee of \$18. DOL will issue a decal to the owner of an ORV.

A county, or a city or town of less than 3000 persons, may designate a road or highway within its boundaries to be suitable for use by ORVs. However, wheeled all-terrain vehicles (WATVs) are expressly excluded from the definition of ORV for this purpose.

Wheeled All-Terrain Vehicle. A WATV is a specific category of an ORV regulated separately under some aspects of a state law first enacted in 2013. There are two types of WATVs regulated with respect to travel on public roads. One is a motorized nonhighway vehicle having handlebars 50 inches or less in width, having a seat height of at least 20 inches, weighing less than 1500 pounds, and having four tires with a diameter of 30 inches or less. The second is a utility-type vehicle (UTV) designed for and capable of travel over designated roads, traveling on four or more low-pressure tires of 20 pounds per square inch or less, having a maximum width less than 74 inches, a maximum weight of less than 2000 pounds, and a wheelbase of 110 inches or less.

In addition, to be eligible for travel on public roads, the latter category of WATV must have a minimum width of 50 inches, have a minimum weight of at least 900 pounds, or have a wheelbase of over 61 inches.

A person who operates a WATV upon a public roadway must have a valid driver's license for travel on public roadways and a current on-road vehicle registration at a cost of \$30 for the WATV. The eligible WATV must display a metal tag affixed to the rear of the vehicle with the appropriate on-road tab. Wheeled all-terrain vehicles are eligible for operation on public roadways only if the vehicle meets certain equipment requirements and the operator possesses documentation of a safety inspection that certifies that the vehicle's equipment meets state and federal requirements.

WATVs, may operate on public roadways with a posted speed limit of 35 mph or less, under certain conditions. Any city and any county of 15,000 persons or more must approve the operation of eligible vehicles on roads under its jurisdiction before such travel is allowed. Operation of an eligible WATV is allowed in a county of less than 15,000 persons on public roadways, unless the county designates its roadways to be unsuitable for use by WATVs.

Any county or city road which was designated as of January 1, 2013, as either open or closed for WATV use is unaffected by the requirements pertaining to eligible WATV use. Operation of an eligible WATV on a state route is allowed only inside city limits where the posted speed limit is 35 mph or less.

**Summary of Bill (First Substitute):** The current authority cities and towns with a population under 3000 and counties have for designating any road or highway in their respective jurisdiction as suitable for ORV use is expanded to also include WATV use.

WATVs may operate as an ORV on streets, roads, or highways approved by counties or small cities and towns, regardless of whether the WATV is registered for off-road use only or for both on-road and off-road use.

**EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):** Allows WATVs to operate as an ORV on streets, roads, or highways approved by counties or small cities and towns, regardless of whether the WATV is registered for off-road use only or for both on-road and off-road use.

Removes the language that amended the WATV regulations stating a WATV may operate on a numbered state highway if authorized by a city town or county under the ORV use provision.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Local Government):** PRO: WATV owners are bumping into a disconnect in defined tourism loops because of the 35 mph limitation in areas. Prior to 2013, travel was approved for off-road vehicles on specific roadways that took riders from a small town to a highway road and created a looping type recreational property. The 2013 legislation separated WATVs as a subset of ORVs and eliminated WATV owners' ability to ride on existing routes. The intent of the legislation was to allow them to ride on existing routes.

**Persons Testifying (Local Government):** PRO: Ted Jackson, Washington ATV Association.

**Persons Signed In To Testify But Not Testifying (Local Government):** No one.

**Staff Summary of Public Testimony on Original Bill (Transportation):** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is about tourism. The Chinook Scenic Byway is 92 miles of beautiful views from Naches to Enumclaw. We'd like the opportunity to have WATVs be able to ride on this road. 23 counties currently have WATV ordinances and over 70 cities do to. There is great support for allowing these vehicles on roads, but the law restricts them to 35 mph. There were ORV

trails authorized that allows these vehicles to use small sections of highway that have speeds over 35 mph, but because a WATV can't go on anything over 35 mph they cannot enjoy the same opportunities that ORVs can. WATV registrations have grown exponentially and now out number ORVs and we need to let them use the same road links ORVs enjoy.

**Persons Testifying (Transportation):** PRO: Senator Tim Sheldon, Prime Sponsor; Ted Jackson, Washington ATV Association; Linda Driscoll; Cheryl Marshall, Vice President of Chinook Scenic Byway Board.

**Persons Signed In To Testify But Not Testifying (Transportation):** No one.