

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2074

67th Legislature
2022 Regular Session

Passed by the House February 14, 2022
Yeas 98 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate March 3, 2022
Yeas 46 Nays 0

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 **HOUSE BILL 2074** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2074

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representative Wylie

Read first time 01/21/22. Referred to Committee on Transportation.

1 AN ACT Relating to fees collected from out-of-state residents who
2 register off-road vehicles in Washington; and amending RCW 46.09.410
3 and 46.09.442.

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

5 **Sec. 1.** RCW 46.09.410 and 2021 c 216 s 3 are each amended to
6 read as follows:

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

13 (b) (~~No fee is~~) The license fee provided in RCW 46.17.350 is
14 not required with an application for an original ORV registration, if
15 the vehicle is also properly registered or permitted in another state
16 to a resident of the state, and, at the time of application for an
17 original Washington ORV registration, the resident presents the
18 following documents issued by the other state: (i) The resident's
19 unexpired driver's license; and (ii) the current registration or
20 permit for the off-road vehicle.

1 (2) (a) The application for renewal of an ORV registration has the
2 same requirements as described for the renewal of vehicle
3 registrations in RCW 46.16A.110 and, except as provided in (b) of
4 this subsection, must be accompanied by the annual off-road vehicle
5 license fee required under RCW 46.17.350, in addition to any other
6 fees or taxes due for the application.

7 (b) (~~No fee is~~) The license fee provided in RCW 46.17.350 is
8 not required with an application for renewal of an ORV registration,
9 if the vehicle is also properly registered or permitted in another
10 state to a resident of the state, and, at the time of application for
11 a renewal of a Washington ORV registration, the resident presents the
12 following documents issued by the other state: (i) The resident's
13 unexpired driver's license; and (ii) the current registration or
14 permit for the off-road vehicle.

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

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

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

23 (b) Pay the ORV registration transfer fee required under RCW
24 46.17.410, in addition to any other fees or taxes due at the time of
25 application.

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

28 (a) A properly completed application for an original ORV
29 registration; and

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

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

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

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

1 (9) This section does not apply to wheeled all-terrain vehicles
2 registered for use under RCW 46.09.442.

3 **Sec. 2.** RCW 46.09.442 and 2021 c 216 s 4 are each amended to
4 read as follows:

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

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

16 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the
17 tag;

18 (c) Contain designated identification through a combination of
19 letters and numbers;

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

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

24 (2) Except as provided in subsections (6)(b) and (7) of this
25 section, a person who operates a wheeled all-terrain vehicle must
26 have a current and proper off-road vehicle registration, with the
27 appropriate off-road tab, and pay the annual vehicle license fee as
28 provided in RCW 46.17.350(1)(s), which must be deposited into the
29 nonhighway and off-road vehicle activities program account. The off-
30 road tab must be issued annually by the department upon payment of
31 initial and renewal vehicle license fees under RCW 46.17.350(1)(s),
32 except as provided in subsection (7) of this section.

33 (3) Except as provided in subsections (6)(a) and (7) of this
34 section, a person who operates a wheeled all-terrain vehicle upon a
35 public roadway must have a current and proper on-road vehicle
36 registration, with the appropriate on-road tab, which must be of a
37 bright color that can be seen from a reasonable distance, and pay the
38 annual vehicle license fee as provided in RCW 46.17.350(1)(r). The
39 on-road tab must be issued annually by the department upon payment of

1 initial and renewal vehicle license fees under RCW 46.17.350(1)(r),
2 except as provided in subsection (7) of this section.

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

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

9 (6)(a) A wheeled all-terrain vehicle registration and a metal tag
10 are not required under this chapter for a wheeled all-terrain vehicle
11 that meets the definition in RCW 46.09.310(19), is owned by a
12 resident of another state, and has a vehicle registration and metal
13 tag or license plate issued in accordance with the laws of the other
14 state allowing for on-road travel in that state. This exemption
15 applies only to the extent that: (i) A similar exemption or privilege
16 is granted under the laws of that state for wheeled all-terrain
17 vehicles registered in Washington, and (ii) the other state has
18 equipment requirements for on-road use that meet or exceed the
19 requirements listed in RCW 46.09.457. The department may publish on
20 its website a list of states that meet the exemption requirements
21 under this subsection. The exemption in this subsection does not
22 apply to a wheeled all-terrain vehicle owned by a resident of a state
23 that borders Washington and that does not impose a retail sales and
24 use tax on the sales or use of wheeled all-terrain vehicles.

25 (b) Off-road operation in Washington state of a wheeled all-
26 terrain vehicle owned by a resident of another state and meeting the
27 definition in RCW 46.09.310(19) is governed in the same manner as for
28 other off-road vehicles under RCW 46.09.420(4).

29 (7)(a) (~~No fee is~~) The license fee provided in RCW 46.17.350 is
30 not required with an application for an original ORV registration or
31 the renewal of an ORV registration, if the vehicle is also properly
32 registered or permitted in another state to a resident of the state,
33 and, at the time of application, the resident presents the following
34 documents issued by the other state: (i) The resident's unexpired
35 driver's license; and (ii) the current registration or permit for the
36 off-road vehicle.

1 (b) The department must issue a metal tag and either the off-road
2 tab, on-road tab, or both, as appropriate, following the ORV
3 registration under (a) of this subsection.

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