**5751 AMS LOVI S4568.1 - NOT FOR FLOOR USE**

**SB 5751** - S AMD **512**

By Senator Lovick

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 46.04.365 and 2010 c 161 s 127 are each amended to read as follows:

"Off‑road vehicle" or "ORV" means a nonstreet registered vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. "Off‑road vehicle" or "ORV" includes, but is not limited to, all‑terrain vehicles, recreational off-highway vehicles, motorcycles, four‑wheel drive vehicles, and dune buggies.

**Sec.**  RCW 46.09.310 and 2013 2nd sp.s. c 23 s 3 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the nonhighway and off-road vehicle activities advisory committee established in RCW 46.09.340.

(2) "All-terrain vehicle" means any nonhighway vehicle with handlebars that is 50 inches or less in width, weighs less than 1,500 pounds, and has four or more nonhighway tires.

(3) "Board" means the recreation and conservation funding board established in RCW 79A.25.110.

((~~(3)~~)) (4) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

((~~(4)~~)) (5) "Direct supervision" means that the supervising adult must be in a position, on another wheeled all-terrain vehicle or specialty off-highway vehicle or motorbike or, if on the ground, within a reasonable distance of the unlicensed operator, to provide close support, assistance, or direction to the unlicensed operator.

((~~(5)~~)) (6) "Emergency management" means the carrying out of emergency functions related to responding and recovering from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress.

((~~(6)~~)) (7) "Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

((~~(7)~~)) (8) "Nonhighway road" means any road owned or managed by a public agency, a primitive road, or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last ((~~twenty-five~~)) 25 years; or (b) maintenance in the last four years.

((~~(8)~~)) (9) "Nonhighway road recreation facilities" means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

((~~(9)~~)) (10) "Nonhighway road recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes((~~,~~)) including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

((~~(10)~~)) (11) "Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.38 RCW while an exemption or rebate is claimed. This exemption includes, but is not limited to, farm, construction, and logging vehicles.

((~~(11)~~)) (12) "Nonmotorized recreational facilities" means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

((~~(12)~~)) (13) "Nonmotorized recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

((~~(13)~~)) (14) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

((~~(14)~~)) (15) "ORV recreation facilities" include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority.

((~~(15)~~)) (16) "ORV recreational user" means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

((~~(16)~~)) (17) "ORV sports park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

((~~(17)~~)) (18) "ORV trail" means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

((~~(18)~~)) (19) "Primitive road" means a linear route managed for use by four-wheel drive or high-clearance vehicles that is generally not maintained or paved, a road designated by a county as primitive under RCW 36.75.300, or a road designated by a city or town as primitive under a local ordinance.

((~~(19)~~)) (20) "Recreational off-highway vehicle" means any nonhighway vehicle, other than an all-terrain vehicle, that is 75 inches or less in width, weighs less than 3,500 pounds, and has four or more nonhighway tires.

(21) "Wheeled all-terrain vehicle" means ((~~(a) any motorized nonhighway vehicle with handlebars that is fifty inches or less in width, has a seat height of at least twenty inches, weighs less than one thousand five hundred pounds, and has four tires having a diameter of thirty inches or less, or (b) a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of twenty psi or less, has a maximum width less than seventy-four inches, has a maximum weight less than two thousand pounds, has a wheelbase of one hundred ten inches or less, and satisfies at least one of the following: (i) Has a minimum width of fifty inches; (ii) has a minimum weight of at least nine hundred pounds; or (iii) has a wheelbase of over sixty-one inches~~)) any all-terrain vehicle or recreational off-highway vehicle."

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On page 1, line 1 of the title, after "modifying" strike the remainder of the title and insert "off-road and wheeled all-terrain vehicle definitions; amending RCW 46.04.365; and reenacting and amending RCW 46.09.310."

EFFECT: (1) Removes underlying changes to the definition of wheeled all-terrain vehicle, and defines the term as any all-terrain vehicle or recreational off-highway vehicle.

(2) Creates definitions for all-terrain vehicle and recreational off-highway vehicle.

(3) Adds recreational off-highway vehicle to the definition of off-road vehicle.