

WSR 22-19-062

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed September 16, 2022, 1:24 p.m., effective October 17, 2022]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule change makes it so that wheeled all-terrain vehicles no longer need to be retitled after being modified for on-road use.

Citation of Rules Affected by this Order: Amending WAC 308-94A-005.

Statutory Authority for Adoption: RCW 46.01.110.

Adopted under notice filed as WSR 22-14-107 on July 6, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 16, 2022.

Ellis Starrett  
Rules Coordinator

OTS-3880.1

AMENDATORY SECTION (Amending WSR 11-21-068, filed 10/17/11, effective 11/17/11)

**WAC 308-94A-005 Certificates of title and registration.** (1) **Is a certificate of title issued for off-road ((and)) nonhighway vehicles, and wheeled all-terrain vehicles?** Yes, a certificate of title is issued using the same laws, rules, and procedures for other classes of vehicles. The certificate of title will indicate the comment "not eligible for road use" if a vehicle is not manufactured for road use or "modified for on-road use" if an off-road motorcycle as defined in chapter 46.04 RCW has been modified for use on highways and roads.

(2) **What are the licensing options for off-road and nonhighway vehicles described in RCW 46.04.365?** If your vehicle:

(a) Is licensed for road use under chapter 46.16A RCW:

(i) Your license plates will be valid for off-road use, but you may need an ORV license in designated areas;

(ii) You may purchase an annual or temporary off-road use permit.

(b) Is not manufactured for road use, you may only purchase an annual or temporary off-road use permit;

(c) Is an off-road motorcycle as defined in chapter 46.04 RCW, you can license it for road use by complying with chapter 46.61 RCW and filing a motorcycle highway use declaration with the department (~~(d) Is not going to be operated on public roadways or trails, you may title your vehicle without licensing it~~)).

**(3) What is an ORV use permit?**

(a) The temporary ORV use permit authorized under RCW 46.09.430 is:

- (i) Valid for sixty days from the date of application;
- (ii) Available to nonresidents and Washington residents who choose not to annually license their ORV; and
- (iii) Not transferable to another vehicle.

(b) The annual ORV registration authorized under RCW 46.09.410 is:

- (i) Valid for one year from the date of application;
- (ii) Available to Washington residents and nonresidents when the ORV is primarily used in Washington state; and
- (iii) Not transferable to another vehicle.

**(4) What do I do with the annual or temporary off-road permit?**

The permit must be (~~(a)~~

~~(a)~~) carried on the vehicle (~~(b)~~

~~(b)~~) and made available to any law enforcement officer on request.

**(5) May I operate my off-road/nonhighway vehicle using a temporary or annual vehicle use permit on any dirt, gravel road, or trail in Washington?** No. Check with local, state, or federal authorities in the areas you intend to operate the vehicle.

**(6) What are the licensing options for wheeled all-terrain vehicles described in RCW 46.09.310?**

(a) In accordance with RCW 46.09.442, you must minimally register your vehicle for off-road use by purchasing:

(i) A metal tag; and

(ii) An off-road tab.

(b) If your vehicle has been modified for on-road use and you are electing to use it on a public roadway, you must:

(i) Submit the wheeled all-terrain vehicle (WATV) road use declaration; and

(ii) Purchase an off-road and on-road tab.

(c) You may elect to revert to off-road use only at any subsequent registration period. Adding on-road use will not require the re-submission of a WATV road use declaration.

Note: Modifying the vehicle does not require the purchase of an on-road tab.

**(7) Do I need to retitle my wheeled all-terrain vehicle after I have modified it for on-road use?** No, that is a registration activity only.

[Statutory Authority: RCW 46.01.110. WSR 11-21-068, § 308-94A-005, filed 10/17/11, effective 11/17/11. Statutory Authority: RCW 46.16.110. WSR 06-21-024, § 308-94A-005, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.01.110. WSR 01-13-008, § 308-94A-005, filed 6/8/01, effective 7/9/01; WSR 99-24-013, § 308-94A-005, filed 11/22/99, effective 12/23/99.]