

E2SSB 5366 - H COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that off-road vehicle
4 users have been overwhelmed with varied confusing rules, regulations,
5 and ordinances from federal, state, county, and city land managers
6 throughout the state to the extent standardization statewide is needed
7 to maintain public safety and good order.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
9 to read as follows:

10 "Four-wheel all-terrain vehicle" means any motorized nonhighway
11 vehicle with handlebars that is fifty inches or less in width, has a
12 seat height of at least twenty inches, weighs less than one thousand
13 five hundred pounds, and has tires having a diameter of thirty inches
14 or less.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.16A RCW
16 to read as follows:

17 Any four-wheel all-terrain vehicle operated upon a roadway of this
18 state must have in full force and effect a current and proper vehicle
19 registration and a license plate in compliance with this chapter.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61 RCW
21 to read as follows:

22 (1) A person may operate a four-wheel all-terrain vehicle as
23 defined in section 2 of this act upon any roadway of this state having
24 a speed limit of thirty-five miles per hour or less subject to the
25 following restrictions and requirements:

26 (a) A person may not operate a four-wheel all-terrain vehicle upon
27 state highways that are listed in chapter 47.17 RCW; however, a person

1 may operate a four-wheel all-terrain vehicle upon a segment of a state
2 highway listed in chapter 47.17 RCW if the segment is within the limits
3 of a city and the speed limit on the segment is thirty-five miles per
4 hour or less;

5 (b) A person may not operate a four-wheel all-terrain vehicle upon
6 a roadway of this state without first having obtained and having in
7 full force and effect a current and proper vehicle registration, and a
8 license plate in compliance with chapter 46.16A RCW. The license plate
9 must be displayed in compliance with chapter 46.16A RCW. A four-wheel
10 all-terrain vehicle may not be registered for commercial use;

11 (c) A person may not operate a four-wheel all-terrain vehicle upon
12 a roadway of this state without (i) first obtaining a valid driver's
13 license issued to Washington residents in compliance with chapter 46.20
14 RCW, or (ii) possessing a valid driver's license issued by the state of
15 the person's residence if the person is a nonresident;

16 (d) A person may not operate a four-wheel all-terrain vehicle
17 subject to registration under chapter 46.16A RCW on a roadway of this
18 state unless the person is insured under a motor vehicle liability
19 policy in compliance with chapter 46.30 RCW;

20 (e) A person operating a four-wheel all-terrain vehicle may not
21 cross a roadway with a speed limit in excess of thirty-five miles per
22 hour, unless the crossing begins and ends on a roadway, or an ORV trail
23 as defined in RCW 46.09.310, with a speed limit of thirty-five miles
24 per hour or less and occurs at an intersection of approximately ninety
25 degrees, except that the operator of a four-wheel all-terrain vehicle
26 may not cross at an uncontrolled intersection of a public highway
27 listed under chapter 47.17 RCW; and

28 (f)(i) A person may not operate a four-wheel all-terrain vehicle on
29 the roadways within the boundaries of a city with a population of
30 fifteen thousand or more unless the city by ordinance has approved the
31 operation of four-wheel all-terrain vehicles on city roadways.

32 (ii) The legislative body of a city with a population of less than
33 fifteen thousand may, by ordinance, designate a road or highway within
34 its boundaries to be unsuitable for use by four-wheel all-terrain
35 vehicles.

36 (iii) Any roadways authorized by a legislative body of a city under
37 (f)(i) of this subsection or designated as unsuitable under (f)(ii) of

1 this subsection must be listed publicly and made accessible from the
2 main page of the city web site.

3 (2) A person who operates a four-wheel all-terrain vehicle under
4 this section must pay the annual vehicle license fee required in RCW
5 46.17.350(1)(e) for the four-wheel all-terrain vehicle.

6 (3) Any four-wheel all-terrain vehicle operated under this section
7 must have:

8 (a) Headlights meeting the requirements of RCW 46.37.030 and
9 46.37.040 and used at all times when the vehicle is in motion upon a
10 highway;

11 (b) One tail lamp meeting the requirements of RCW 46.37.525;

12 (c) A stop lamp meeting the requirements of RCW 46.37.200;

13 (d) Reflectors meeting the requirements of RCW 46.37.060;

14 (e) Turn signals meeting the requirements of RCW 46.37.200;

15 (f) A mirror on the left handlebar, which must be located to give
16 the operator a complete view of the highway for a distance of at least
17 two hundred feet to the rear of the vehicle;

18 (g) A windshield, unless the operator wears glasses, goggles, or a
19 face shield while operating the vehicle, of a type conforming to rules
20 adopted by the Washington state patrol;

21 (h) A horn or warning device meeting the requirements of RCW
22 46.37.380;

23 (i) Brakes in working order; and

24 (j) A spark arrester and muffling device meeting the requirements
25 of RCW 46.09.470.

26 (4) A person must:

27 (a) Certify under oath, on a form provided by the department, that
28 the equipment listed in subsection (3) of this section has been
29 installed on the four-wheel all-terrain vehicle and that the equipment
30 is operable and meets the requirements of this section. A person who
31 makes a false statement regarding the installation of the equipment
32 listed in subsection (3) of this section is guilty of false swearing,
33 a gross misdemeanor, under RCW 9A.72.040; or

34 (b) Provide a declaration that includes the following:

35 (i) Documentation of a safety inspection to be completed by a
36 licensed four-wheel all-terrain vehicle dealer or repair shop in the
37 state of Washington that must outline the vehicle information and
38 certify under oath that all four-wheel all-terrain vehicle equipment as

1 required under this section meets the requirements outlined in state
2 and federal law. A person who makes a false statement regarding the
3 inspection of equipment required under this section is guilty of false
4 swearing, a gross misdemeanor, under RCW 9A.72.040;

5 (ii) Documentation that the licensed four-wheel all-terrain vehicle
6 dealer or repair shop did not charge more than one hundred dollars per
7 safety inspection and that the entire safety inspection fee is paid
8 directly and only to the licensed four-wheel all-terrain dealer or
9 repair shop;

10 (iii) A statement that the licensed four-wheel all-terrain vehicle
11 dealer or repair shop is entitled to the full amount charged for the
12 safety inspection;

13 (iv) A vehicle identification number verification that must be
14 completed by a licensed four-wheel all-terrain vehicle dealer or repair
15 shop in the state of Washington; and

16 (v) A release signed by the owner of the four-wheel all-terrain
17 vehicle and verified by the department, county auditor or other agent,
18 or subagent appointed by the director that releases the state from any
19 liability and outlines that the owner understands that the original
20 four-wheel all-terrain vehicle was not manufactured for on-road use and
21 that it has been modified for use on public roads.

22 (5) Any four-wheel all-terrain vehicle must have a current and
23 proper off-road vehicle registration or temporary ORV use permit under
24 chapter 46.09 RCW for off-road use.

25 (6) Any four-wheel all-terrain vehicle that is road legal must have
26 a decal identifying the vehicle as being road legal. The department of
27 licensing is directed to design a license plate that can be used on any
28 four-wheel all-terrain vehicle, and will accommodate the decal required
29 under this subsection authorizing on-road usage by four-wheel all-
30 terrain vehicles.

31 (7) Every person operating a four-wheel all-terrain vehicle under
32 this section is granted all rights and is subject to all duties
33 applicable to the operator of a motorcycle under RCW 46.37.530 and
34 chapter 46.61 RCW, unless otherwise stated in this act, except that
35 four-wheel all-terrain vehicles may not be operated side-by-side in a
36 single lane of traffic. Four-wheel all- terrain vehicles are subject
37 to chapter 46.55 RCW.

1 (7) Except as provided in subsection (4) of this section, any
2 person who violates this section commits a traffic infraction.

3 (8) Accidents must be recorded and tracked in compliance with
4 chapter 46.52 RCW. An accident report must indicate and be tracked
5 separately when any of the vehicles involved are a four-wheel all-
6 terrain vehicle.

7 (9) Local authorities may not establish requirements for the
8 registration of four-wheel all-terrain vehicles.

9 (10) This section does not apply to emergency services vehicles or
10 vehicles used to transport agricultural and timber products.

11 **Sec. 5.** RCW 46.09.310 and 2010 c 161 s 213 are each amended to
12 read as follows:

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

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

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

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

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

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

34 (6) "Nonhighway road recreation facilities" means recreational
35 facilities that are adjacent to, or accessed by, a nonhighway road and
36 intended primarily for nonhighway road recreational users.

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

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

10 Nonhighway vehicle does not include:

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

13 (b) Snowmobiles or any military vehicles; or

14 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
15 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
16 This exemption includes but is not limited to farm, construction, and
17 logging vehicles.

18 (9) "Nonmotorized recreational facilities" means recreational
19 trails and facilities that are adjacent to, or accessed by, a
20 nonhighway road and intended primarily for nonmotorized recreational
21 users.

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

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

32 (12) "ORV recreation facilities" include, but are not limited to,
33 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
34 areas, designated for ORV use by the managing authority (~~that are~~
35 ~~intended primarily for ORV recreational users~~)).

36 (13) "ORV recreational user" means a person whose purpose for
37 consuming fuel on nonhighway roads or off-road is primarily for ORV

1 recreational purposes, including but not limited to riding an all-
2 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
3 dune buggy.

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

8 (15) "ORV trail" means a multiple-use corridor designated by the
9 managing authority and maintained for recreational use by motorized
10 vehicles.

11 (16) "Direct supervision" means that the supervising adult must be
12 in a position, on another all-terrain vehicle, utility terrain vehicle,
13 or specialty off-highway vehicle or motorbike or, if on the ground,
14 within three hundred feet of the unlicensed operator, to provide close
15 support, assistance, or direction to the unlicensed operator.

16 (17) "Emergency management" means the preparation for and the
17 carrying out of all emergency functions to mitigate, prepare for,
18 respond to, and recover from emergencies and disasters, and to aid
19 victims suffering from injury or damage, resulting from disasters
20 caused by all hazards, whether natural, technological, or human caused,
21 and to provide support for search and rescue operations for persons and
22 property in distress.

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

28 **Sec. 6.** RCW 46.09.360 and 2006 c 212 s 4 are each amended to read
29 as follows:

30 (1) Notwithstanding any of the provisions of this chapter, any
31 city, county, or other political subdivision of this state, or any
32 state agency, may regulate the operation of nonhighway vehicles on
33 public lands, waters, and other properties under its jurisdiction, and
34 on streets, roads, or highways within its boundaries as outlined in
35 this section, by adopting regulations or ordinances of its governing
36 body, provided such regulations are not less stringent than the
37 provisions of this chapter. (~~However, the legislative body of a city~~

1 ~~with a population of less than three thousand persons may, by~~
2 ~~ordinance, designate a street or highway within its boundaries to be~~
3 ~~suitable for use by off-road vehicles. The legislative body of a~~
4 ~~county may, by ordinance, designate a road or highway within its~~
5 ~~boundaries to be suitable for use by off-road vehicles if the road or~~
6 ~~highway is a direct connection between a city with a population of less~~
7 ~~than three thousand persons and an off-road vehicle recreation~~
8 ~~facility.))~~

9 (2) The legislative body of a city or county may, by ordinance,
10 designate a street, highway, or segment of highway within its
11 boundaries with a speed limit greater than thirty-five miles per hour
12 to be suitable for use by off-road vehicles.

13 (3) The legislative body of a city or county may, by ordinance,
14 designate a road or highway within its boundaries to be unsuitable for
15 use by off-road vehicles.

16 (4) Any roadways authorized by a legislative body of a city or
17 county under this section must be listed publicly and made accessible
18 from the main page of the city or county web site.

19 (5) For purposes of this section, "off-road vehicles" does not
20 include four-wheel all-terrain vehicles as defined in section 2 of this
21 act.

22 **Sec. 7.** RCW 46.09.420 and 2011 c 171 s 26 are each amended to read
23 as follows:

24 ORV registrations and decals are required under this chapter except
25 for the following:

26 (1) Off-road vehicles owned and operated by the United States,
27 another state, or a political subdivision of the United States or
28 another state.

29 (2) Off-road vehicles owned and operated by this state, a
30 municipality, or a political subdivision of this state or the
31 municipality.

32 (3) Off-road vehicles operated on agricultural and timber lands
33 owned or leased by the off-road vehicle owner or operator.

34 (4) Off-road vehicles owned by a resident of another state that
35 have a valid ORV use permit or vehicle registration issued in
36 accordance with the laws of the other state. This exemption applies

1 only to the extent that a similar exemption or privilege is granted
2 under the laws of that state.

3 (5) Off-road vehicles while being used for (~~search and rescue~~)
4 emergency management purposes under the authority or direction of an
5 appropriate search and rescue, emergency management, or law enforcement
6 agency.

7 (6) Vehicles registered under chapter 46.16A RCW except for four-
8 wheel all-terrain vehicles registered for use under section 4 of this
9 act, or, in the case of nonresidents, vehicles validly registered for
10 operation over public highways in the jurisdiction of the owner's
11 residence.

12 (7) Off-road vehicles operated by persons who, in good faith,
13 render emergency care, assistance, or advice with respect to an
14 incident involving off-road vehicles. Persons who operate off-road
15 vehicles to render such care, assistance, or advice are not liable for
16 civil damages resulting from any act or omission in the rendering of
17 such care, assistance, or advice, other than acts or omissions
18 constituting gross negligence or willful or wanton misconduct.

19 **Sec. 8.** RCW 46.09.450 and 2011 c 171 s 27 are each amended to read
20 as follows:

21 (1) Except as otherwise provided in this section, it is lawful to
22 operate an off-road vehicle upon:

23 (a) (~~A nonhighway road and in parking areas serving designated~~
24 ~~off-road vehicle areas if the state, federal, local, or private~~
25 ~~authority responsible for the management of the nonhighway road~~
26 ~~authorizes the use of off-road vehicles)) Any road, nonhighway road, or
27 highway within the state with a posted speed limit of thirty-five miles
28 per hour or less so long as it has not been designated as unsuitable
29 for off-road use under RCW 46.09.360; (~~and~~)~~

30 (b) A street, road, or highway as authorized under RCW 46.09.360;
31 and

32 (c) Any road, trail, nonhighway road, or highway within the state
33 while being used under the authority or direction of an appropriate
34 emergency management, search and rescue, or law enforcement agency
35 within the scope of the agency's official duties.

36 (2) (~~Operations of~~) An off-road vehicle operated on a nonhighway
37 road(~~or~~) or on a street, road, or highway as authorized under RCW

1 46.09.360(~~(, under)~~) and this section is exempt from both registration
2 requirements of chapter 46.16A RCW and vehicle lighting and equipment
3 requirements of chapter 46.37 RCW.

4 (3) It is unlawful to operate an off-road vehicle upon a private
5 nonhighway road if the road owner has not authorized the use of off-
6 road vehicles.

7 (4) It is unlawful to operate an off-road vehicle on any interstate
8 highway, United States highway, numbered state highway, divided
9 highway, or limited access highway and its center median.

10 (5) Nothing in this section authorizes trespass on private
11 property.

12 (~~(+5)~~) (6) The provisions of RCW 4.24.210(5) (~~(shall)~~) apply to
13 public and private landowners who allow members of the public to use
14 public facilities accessed by a highway, street, or nonhighway road for
15 recreational off-road vehicle use.

16 **Sec. 9.** RCW 46.09.460 and 2005 c 213 s 5 are each amended to read
17 as follows:

18 (1) Except as specified in subsection (2) of this section, no
19 person under (~~(thirteen)~~) sixteen years of age may operate an off-road
20 vehicle on or across a highway or nonhighway road in this state. This
21 prohibition does not apply when a person under sixteen years of age is
22 acting in accordance with RCW 46.09.420 (5) and (7).

23 (2) Persons under (~~(thirteen)~~) sixteen years of age may operate an
24 off-road vehicle (~~(on)~~) across a highway, on a nonhighway road
25 designated for off-road vehicle use, or on a primitive road under the
26 direct supervision of a person eighteen years of age or older
27 possessing a valid license to operate a motor vehicle under chapter
28 46.20 RCW.

29 **Sec. 10.** RCW 46.09.530 and 2010 c 161 s 223 are each amended to
30 read as follows:

31 (1) After deducting administrative expenses and the expense of any
32 programs conducted under this chapter, the board shall, at least once
33 each year, distribute the funds it receives under RCW 46.68.045 and
34 46.09.520 to state agencies, counties, municipalities, federal
35 agencies, nonprofit off-road vehicle organizations, and Indian tribes.
36 Funds distributed under this section to nonprofit off-road vehicle

1 organizations may be spent only on projects or activities that benefit
2 off-road vehicle recreation on publicly owned lands or lands once
3 publicly owned that come into private ownership in a federally approved
4 land exchange completed between January 1, 1998, and January 1, 2005.

5 (2) The board shall adopt rules governing applications for funds
6 administered by the recreation and conservation office under this
7 chapter and shall determine the amount of money distributed to each
8 applicant. Agencies receiving funds under this chapter for capital
9 purposes shall consider the possibility of contracting with the state
10 parks and recreation commission, the department of natural resources,
11 or other federal, state, and local agencies to employ the youth
12 development and conservation corps or other youth crews in completing
13 the project.

14 (3) The board shall require each applicant for acquisition or
15 development funds under this section to comply with the requirements of
16 either the state environmental policy act, chapter 43.21C RCW, or the
17 national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

18 **Sec. 11.** RCW 46.17.200 and 2011 c 171 s 56 are each amended to
19 read as follows:

20 (1) In addition to all other fees and taxes required by law, the
21 department, county auditor or other agent, or subagent appointed by the
22 director shall charge:

23 (a) The following license plate fees for each license plate, unless
24 the owner or type of vehicle is exempt from payment:

25 FEE TYPE	FEE	DISTRIBUTION
26 Reflectivity	\$2.00	RCW 46.68.070
27 Replacement	\$10.00	RCW 46.68.070
28 <u>Replacement, four-wheel all-terrain vehicle</u>	<u>\$2.00</u>	<u>Section 19 of this act</u>
29 Replacement, motorcycle	\$2.00	RCW 46.68.070
30 Original issue, moped	\$1.50	RCW 46.68.070

31 (b) A license plate retention fee, as required under RCW
32 46.16A.200(10)((~~a~~)(~~iii~~)) (c), of twenty dollars if the owner wishes
33 to retain the current license plate number upon license plate

1 replacement, unless the owner or type of vehicle is exempt from
2 payment. The twenty dollar fee must be deposited in the multimodal
3 transportation account created in RCW 47.66.070.

4 (c) A ten dollar license plate transfer fee, as required under RCW
5 46.16A.200(8)(a), when transferring standard issue license plates from
6 one vehicle to another, unless the owner or type of vehicle is exempt
7 from payment. The ten dollar license plate transfer fee must be
8 deposited in the motor vehicle fund created in RCW 46.68.070.

9 (d) Former prisoner of war license plates, as described in RCW
10 46.18.235, may be transferred to a replacement vehicle upon payment of
11 a five dollar license plate fee, in addition to any other fee required
12 by law.

13 (2) The department may, upon request, provide license plates that
14 have been used and returned to the department to individuals for
15 nonvehicular use. The department may charge a fee of up to five
16 dollars per license plate to cover costs or recovery for postage and
17 handling. The department may waive the fee for license plates used in
18 educational projects and may, by rule, provide standards for the fee
19 waiver and restrictions on the number of license plates provided to any
20 one person. The fee must be deposited in the motor vehicle fund
21 created in RCW 46.68.070.

22 **Sec. 12.** RCW 46.17.350 and 2010 c 161 s 531 are each amended to
23 read as follows:

24 (1) Before accepting an application for a vehicle registration, the
25 department, county auditor or other agent, or subagent appointed by the
26 director shall require the applicant, unless specifically exempt, to
27 pay the following vehicle license fee by vehicle type:

28 VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
29 (a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
30 (b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
31 (c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
32 (d) For hire vehicle, six seats	\$ 30.00	\$ 30.00	RCW 46.68.030
33 or less			
34 (e) <u>Four-wheel all-terrain</u>	<u>\$ 30.00</u>	<u>\$ 30.00</u>	<u>Section 19 of this act</u>
35 <u>vehicle</u>			

1	(f) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
2	((f)) (g) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
3	((g)) (h) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
4	((h)) (i) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
5	((i)) (j) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
6	((j)) (k) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
7	((k)) (l) Private use single-	\$ 15.00	\$ 15.00	RCW 46.68.035(2)
8	axle trailer			
9	((l)) (m) Snowmobile	\$ 30.00	\$ 30.00	RCW 46.68.350
10	((m)) (n) Snowmobile,	\$ 12.00	\$ 12.00	RCW 46.68.350
11	vintage			
12	((n)) (o) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
13	((o)) (p) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
14	((p)) (q) Trailer, over 2000	\$ 30.00	\$ 30.00	RCW 46.68.030
15	pounds			
16	((q)) (r) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030

17 (2) The vehicle license fee required in subsection (1) of this
18 section is in addition to the filing fee required under RCW 46.17.005,
19 and any other fee or tax required by law.

20 **Sec. 13.** RCW 46.16A.080 and 2011 c 171 s 45 are each amended to
21 read as follows:

22 The following vehicles are not required to be registered under this
23 chapter:

24 (1) Converter gears used to convert a semitrailer into a trailer or
25 a two-axle truck or tractor into a three or more axle truck or tractor
26 or used in any other manner to increase the number of axles of a
27 vehicle;

28 (2) Electric-assisted bicycles;

29 (3)(a) Farm implements, tractors, trailers, and other farm vehicles
30 (i) operated within a radius of fifteen miles of the farm where it is
31 principally used or garaged, including trailers designed as cook or
32 bunk houses, (ii) used exclusively for animal herding, and (iii)
33 temporarily operating or drawn upon the public highways, and (b)
34 trailers used exclusively to transport farm implements from one farm to
35 another during daylight hours or at night when the trailer is equipped
36 with lights that comply with applicable law;

- 1 (4) Forklifts operated during daylight hours on public highways
2 adjacent to and within five hundred feet of the warehouses they serve;
- 3 (5) Golf carts, as defined in RCW 46.04.1945, operating within a
4 designated golf cart zone as described in RCW 46.08.175;
- 5 (6) Motor vehicles operated solely within a national recreation
6 area that is not accessible by a state highway, including motorcycles,
7 motor homes, passenger cars, and sport utility vehicles. This
8 exemption applies only after initial registration;
- 9 (7) Motorized foot scooters;
- 10 (8) Nurse rigs or equipment auxiliary for the use of and designed
11 or modified for the fueling, repairing, or loading of spray and
12 fertilizer applicator rigs and not used, designed, or modified
13 primarily for the purpose of transportation;
- 14 (9) Off-road vehicles operated on a street, road, or highway as
15 authorized under RCW 46.09.360, or nonhighway roads under RCW
16 46.09.450. For purposes of this subsection "off-road vehicles" does
17 not include four-wheel all-terrain vehicles registered for use under
18 section 4 of this act;
- 19 (10) Special highway construction equipment;
- 20 (11) Dump trucks and tractor-dump trailer combinations that are:
- 21 (a) Designed and used primarily for construction work on highways;
- 22 (b) Not designed or used primarily for the transportation of
23 persons or property on a public highway; and
- 24 (c) Only incidentally operated or moved over the highways;
- 25 (12) Spray or fertilizer applicator rigs designed and used
26 exclusively for spraying or fertilization in the conduct of
27 agricultural operations and not primarily for the purpose of
28 transportation;
- 29 (13) Tow dollies;
- 30 (14) Trams used for transporting persons to and from facilities
31 related to the horse racing industry as regulated in chapter 67.16 RCW,
32 as long as the public right-of-way routes over which the trams operate
33 are not more than one mile from end to end, the public rights-of-way
34 over which the tram operates have average daily traffic of not more
35 than fifteen thousand vehicles per day, and the activity is in
36 conformity with federal law. The operator must be a licensed driver
37 and at least eighteen years old. For the purposes of this section,

1 "tram" also means a vehicle, or combination of vehicles linked together
2 with a single mode of propulsion, used to transport persons from one
3 location to another; and

4 (15) Vehicles used by the state parks and recreation commission
5 exclusively for park maintenance and operations upon public highways
6 within state parks.

7 **Sec. 14.** RCW 46.30.020 and 2011 c 171 s 76 are each amended to
8 read as follows:

9 (1)(a) No person may operate a motor vehicle subject to
10 registration under chapter 46.16A RCW in this state unless the person
11 is insured under a motor vehicle liability policy with liability limits
12 of at least the amounts provided in RCW 46.29.090, is self-insured as
13 provided in RCW 46.29.630, is covered by a certificate of deposit in
14 conformance with RCW 46.29.550, or is covered by a liability bond of at
15 least the amounts provided in RCW 46.29.090. Written proof of
16 financial responsibility for motor vehicle operation must be provided
17 on the request of a law enforcement officer in the format specified
18 under RCW 46.30.030.

19 (b) A person who drives a motor vehicle that is required to be
20 registered in another state that requires drivers and owners of
21 vehicles in that state to maintain insurance or financial
22 responsibility shall, when requested by a law enforcement officer,
23 provide evidence of financial responsibility or insurance as is
24 required by the laws of the state in which the vehicle is registered.

25 (c) When asked to do so by a law enforcement officer, failure to
26 display an insurance identification card as specified under RCW
27 46.30.030 creates a presumption that the person does not have motor
28 vehicle insurance.

29 (d) Failure to provide proof of motor vehicle insurance is a
30 traffic infraction and is subject to penalties as set by the supreme
31 court under RCW 46.63.110 or community restitution.

32 (2) If a person cited for a violation of subsection (1) of this
33 section appears in person before the court or a violations bureau and
34 provides written evidence that at the time the person was cited, he or
35 she was in compliance with the financial responsibility requirements of
36 subsection (1) of this section, the citation shall be dismissed and the
37 court or violations bureau may assess court administrative costs of

1 twenty-five dollars at the time of dismissal. In lieu of personal
2 appearance, a person cited for a violation of subsection (1) of this
3 section may, before the date scheduled for the person's appearance
4 before the court or violations bureau, submit by mail to the court or
5 violations bureau written evidence that at the time the person was
6 cited, he or she was in compliance with the financial responsibility
7 requirements of subsection (1) of this section, in which case the
8 citation shall be dismissed without cost, except that the court or
9 violations bureau may assess court administrative costs of twenty-five
10 dollars at the time of dismissal.

11 (3) The provisions of this chapter shall not govern:

12 (a) The operation of a motor vehicle registered under RCW
13 46.18.255, governed by RCW 46.16A.170, or registered with the
14 Washington utilities and transportation commission as common or
15 contract carriers; or

16 (b) The operation of a motorcycle as defined in RCW 46.04.330, a
17 motor-driven cycle as defined in RCW 46.04.332, ~~((or))~~ a moped as
18 defined in RCW 46.04.304, or an off-road vehicle as defined in RCW
19 46.04.365.

20 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle
21 liability policies required by this chapter but only those certified
22 for the purposes stated in chapter 46.29 RCW.

23 **Sec. 15.** RCW 79A.80.010 and 2011 c 320 s 2 are each amended to
24 read as follows:

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

27 (1) "Agency" or "agencies" means the department of fish and
28 wildlife, the department of natural resources, and the parks and
29 recreation commission.

30 (2) "Annual natural investment permit" means the annual permit
31 issued by the parks and recreation commission for the purpose of
32 launching boats from the designated state parks boat launch sites.

33 (3) "Camper registration" means proof of payment of a camping fee
34 on recreational lands managed by the parks and recreation commission.

35 (4) "Day-use permit" means the permit created in RCW 79A.80.030.

36 (5) "Discover pass" means the annual pass created in RCW
37 79A.80.020.

1 (6) "Motor vehicle" has the same meaning as defined in RCW
2 46.04.320 and which are required to be registered under chapter 46.16A
3 RCW. "Motor vehicle" does not include those motor vehicles exempt from
4 registration under RCW 46.16A.080, four-wheel all-terrain vehicles
5 registered for use under section 4 of this act, and state and publicly
6 owned motor vehicles as provided in RCW 46.16A.170.

7 (7) "Recreation site or lands" means a state park or fish and
8 wildlife conservation sites including water access areas, boat ramps,
9 wildlife areas, parking areas, roads, and trailheads, or department of
10 natural resources developed or designated recreation areas, sites,
11 trailheads, and parking areas.

12 (8) "Sno-park seasonal permit" means the seasonal permit issued by
13 the parks and recreation commission for providing access to winter
14 recreational facilities for the period of November 1st through March
15 31st.

16 (9) "Vehicle access pass" means the pass created in RCW 79A.80.040.

17 NEW SECTION. **Sec. 16.** A new section is added to chapter 46.09 RCW
18 to read as follows:

19 (1) A person may operate a nonhighway vehicle upon public lands
20 consistent with the local land management requirements; however, in all
21 events, operation is limited to the roads, trails, and other
22 specifically designated areas.

23 (2) A violation of this section is a traffic infraction with a
24 penalty of up to five hundred dollars.

25 (3) Any law enforcement officer may issue a notice of traffic
26 infraction for a violation of subsection (1) of this section whether or
27 not the infraction was committed in the officer's presence, as long as
28 there is reasonable evidence presented that the operator of the off-
29 road vehicle committed a violation of subsection (1) of this section.
30 At a minimum, the evidence must include information relating to the
31 time and location at which the violation occurred, and the off-road
32 vehicle license plate number or a description of the vehicle involved
33 in the violation.

34 (4) The law enforcement officer shall initiate an investigation of
35 a reported violation of subsection (1) of this section after receiving
36 the evidence described under subsection (3) of this section by
37 contacting the owner of the off-road vehicle involved in the reported

1 violation and requesting the owner to supply information identifying
2 the operator. If, after an investigation, the law enforcement officer
3 is able to identify the operator and has reasonable cause to believe a
4 violation of subsection (1) of this section has occurred, the law
5 enforcement officer shall prepare a notice of traffic infraction and
6 have it served upon the operator of the off-road vehicle.

7 **Sec. 17.** RCW 46.09.470 and 2011 c 171 s 28 and 2011 c 121 s 4 are
8 each reenacted and amended to read as follows:

9 (1) Except as provided in subsection (4) of this section, it is a
10 traffic infraction for any person to operate any nonhighway vehicle:

11 (a) In such a manner as to endanger the property of another;

12 (b) On lands not owned by the operator or owner of the nonhighway
13 vehicle without a lighted headlight and taillight between the hours of
14 dusk and dawn, or when otherwise required for the safety of others
15 regardless of ownership;

16 (c) On lands not owned by the operator or owner of the nonhighway
17 vehicle without an adequate braking device or when otherwise required
18 for the safety of others regardless of ownership;

19 (d) Without a spark arrester approved by the department of natural
20 resources;

21 (e) Without an adequate, and operating, muffling device which
22 effectively limits vehicle noise to no more than eighty-six decibels on
23 the "A" scale at fifty feet as measured by the Society of Automotive
24 Engineers (SAE) test procedure J 331a, except that a maximum noise
25 level of one hundred and five decibels on the "A" scale at a distance
26 of twenty inches from the exhaust outlet shall be an acceptable
27 substitute in lieu of the Society of Automotive Engineers test
28 procedure J 331a when measured:

29 (i) At a forty-five degree angle at a distance of twenty inches
30 from the exhaust outlet;

31 (ii) With the vehicle stationary and the engine running at a steady
32 speed equal to one-half of the manufacturer's maximum allowable ("red
33 line") engine speed or where the manufacturer's maximum allowable
34 engine speed is not known the test speed in revolutions per minute
35 calculated as sixty percent of the speed at which maximum horsepower is
36 developed; and

1 (iii) With the microphone placed ten inches from the side of the
2 vehicle, one-half way between the lowest part of the vehicle body and
3 the ground plane, and in the same lateral plane as the rearmost exhaust
4 outlet where the outlet of the exhaust pipe is under the vehicle;

5 (f) On lands not owned by the operator or owner of the nonhighway
6 vehicle upon the shoulder or inside bank or slope of any nonhighway
7 road or highway, or upon the median of any divided highway;

8 (g) On lands not owned by the operator or owner of the nonhighway
9 vehicle in any area or in such a manner so as to unreasonably expose
10 the underlying soil, or to create an erosion condition, or to injure,
11 damage, or destroy trees, growing crops, or other vegetation;

12 (h) On lands not owned by the operator or owner of the nonhighway
13 vehicle or on any nonhighway road or trail, when these are restricted
14 to pedestrian or animal travel;

15 (i) On any public lands in violation of rules and regulations of
16 the agency administering such lands; and

17 (j) On a private nonhighway road in violation of RCW 46.09.450(3).

18 (2) It is a misdemeanor for any person to operate any nonhighway
19 vehicle while under the influence of intoxicating liquor or a
20 controlled substance.

21 (3)(a) Except for an off-road vehicle equipped with seat belts and
22 roll bars or an enclosed passenger compartment, it is a traffic
23 infraction for any person to operate or ride an off-road vehicle on a
24 nonhighway road without wearing upon his or her head a motorcycle
25 helmet fastened securely while in motion. For purposes of this
26 section, "motorcycle helmet" has the same meaning as provided in RCW
27 46.37.530.

28 (b) Subsection (3)(a) of this section does not apply to an off-road
29 vehicle operator operating on his or her own land.

30 (c) Subsection (3)(a) of this section does not apply to an off-road
31 vehicle operator operating on agricultural lands owned or leased by the
32 off-road vehicle operator or the operator's employer.

33 (4) It is not a traffic infraction to operate an off-road vehicle
34 on a street, road, or highway as authorized under RCW 46.09.360 (~~(e)~~),
35 46.61.705, or section 4 of this act.

36 **Sec. 18.** RCW 46.63.020 and 2010 c 252 s 3, 2010 c 161 s 1125, and
37 2010 c 8 s 9077 are each reenacted and amended to read as follows:

1 Failure to perform any act required or the performance of any act
2 prohibited by this title or an equivalent administrative regulation or
3 local law, ordinance, regulation, or resolution relating to traffic
4 including parking, standing, stopping, and pedestrian offenses, is
5 designated as a traffic infraction and may not be classified as a
6 criminal offense, except for an offense contained in the following
7 provisions of this title or a violation of an equivalent administrative
8 regulation or local law, ordinance, regulation, or resolution:

9 (1) RCW 46.09.470(2) relating to the operation of a nonhighway
10 vehicle while under the influence of intoxicating liquor or a
11 controlled substance;

12 (2) RCW 46.09.480 relating to operation of nonhighway vehicles;

13 (3) RCW 46.10.490(2) relating to the operation of a snowmobile
14 while under the influence of intoxicating liquor or narcotics or habit-
15 forming drugs or in a manner endangering the person of another;

16 (4) RCW 46.10.495 relating to the operation of snowmobiles;

17 (5) Chapter 46.12 RCW relating to certificates of title,
18 registration certificates, and markings indicating that a vehicle has
19 been destroyed or declared a total loss;

20 (6) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of
21 taxes and fees by failure to register a vehicle and falsifying
22 residency when registering a motor vehicle;

23 (7) RCW 46.16A.520 relating to permitting unauthorized persons to
24 drive;

25 (8) RCW 46.16A.320 relating to vehicle trip permits;

26 (9) RCW 46.19.050 relating to knowingly providing false information
27 in conjunction with an application for a special placard or license
28 plate for disabled persons' parking;

29 (10) RCW 46.20.005 relating to driving without a valid driver's
30 license;

31 (11) RCW 46.20.091 relating to false statements regarding a
32 driver's license or instruction permit;

33 (12) RCW 46.20.0921 relating to the unlawful possession and use of
34 a driver's license;

35 (13) RCW 46.20.342 relating to driving with a suspended or revoked
36 license or status;

37 (14) RCW 46.20.345 relating to the operation of a motor vehicle
38 with a suspended or revoked license;

- 1 (15) RCW 46.20.410 relating to the violation of restrictions of an
2 occupational driver's license, temporary restricted driver's license,
3 or ignition interlock driver's license;
- 4 (16) RCW 46.20.740 relating to operation of a motor vehicle without
5 an ignition interlock device in violation of a license notation that
6 the device is required;
- 7 (17) RCW 46.20.750 relating to circumventing an ignition interlock
8 device;
- 9 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 10 (19) Chapter 46.29 RCW relating to financial responsibility;
- 11 (20) RCW 46.30.040 relating to providing false evidence of
12 financial responsibility;
- 13 (21) RCW 46.35.030 relating to recording device information;
- 14 (22) RCW 46.37.435 relating to wrongful installation of
15 sunscreening material;
- 16 (23) RCW 46.37.650 relating to the sale, resale, distribution, or
17 installation of a previously deployed air bag;
- 18 (24) RCW 46.37.671 through 46.37.675 relating to signal preemption
19 devices;
- 20 (25) RCW 46.44.180 relating to operation of mobile home pilot
21 vehicles;
- 22 (26) RCW 46.48.175 relating to the transportation of dangerous
23 articles;
- 24 (27) RCW 46.52.010 relating to duty on striking an unattended car
25 or other property;
- 26 (28) RCW 46.52.020 relating to duty in case of injury to or death
27 of a person or damage to an attended vehicle;
- 28 (29) RCW 46.52.090 relating to reports by repairers, storage
29 persons, and appraisers;
- 30 (30) RCW 46.52.130 relating to confidentiality of the driving
31 record to be furnished to an insurance company, an employer, and an
32 alcohol/drug assessment or treatment agency;
- 33 (31) RCW 46.55.020 relating to engaging in the activities of a
34 registered tow truck operator without a registration certificate;
- 35 (32) RCW 46.55.035 relating to prohibited practices by tow truck
36 operators;
- 37 (33) RCW 46.55.300 relating to vehicle immobilization;

1 (34) RCW 46.61.015 relating to obedience to police officers,
2 flaggers, or firefighters;
3 (35) RCW 46.61.020 relating to refusal to give information to or
4 cooperate with an officer;
5 (36) RCW 46.61.022 relating to failure to stop and give
6 identification to an officer;
7 (37) RCW 46.61.024 relating to attempting to elude pursuing police
8 vehicles;
9 (38) RCW 46.61.212(4) relating to reckless endangerment of
10 emergency zone workers;
11 (39) RCW 46.61.500 relating to reckless driving;
12 (40) RCW 46.61.502 and 46.61.504 relating to persons under the
13 influence of intoxicating liquor or drugs;
14 (41) RCW 46.61.503 relating to a person under age twenty- one
15 driving a motor vehicle after consuming alcohol;
16 (42) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
17 (43) RCW 46.61.522 relating to vehicular assault;
18 (44) RCW 46.61.5249 relating to first degree negligent driving;
19 (45) RCW 46.61.527(4) relating to reckless endangerment of roadway
20 workers;
21 (46) RCW 46.61.530 relating to racing of vehicles on highways;
22 (47) RCW 46.61.655(7) (a) and (b) relating to failure to secure a
23 load;
24 (48) RCW 46.61.685 relating to leaving children in an unattended
25 vehicle with the motor running;
26 (49) Section 4(4) of this act relating to a false statement
27 regarding the inspection of and installation of equipment on four-wheel
28 all-terrain vehicles;
29 (50) RCW 46.61.740 relating to theft of motor vehicle fuel;
30 ~~((+50+))~~ (51) RCW 46.64.010 relating to unlawful cancellation of or
31 attempt to cancel a traffic citation;
32 ~~((+51+))~~ (52) RCW 46.64.048 relating to attempting, aiding,
33 abetting, coercing, and committing crimes;
34 ~~((+52+))~~ (53) Chapter 46.65 RCW relating to habitual traffic
35 offenders;
36 ~~((+53+))~~ (54) RCW 46.68.010 relating to false statements made to
37 obtain a refund;

1 ~~((+54+))~~ (55) Chapter 46.70 RCW relating to unfair motor vehicle
2 business practices, except where that chapter provides for the
3 assessment of monetary penalties of a civil nature;

4 ~~((+55+))~~ (56) Chapter 46.72 RCW relating to the transportation of
5 passengers in for hire vehicles;

6 ~~((+56+))~~ (57) RCW 46.72A.060 relating to limousine carrier
7 insurance;

8 ~~((+57+))~~ (58) RCW 46.72A.070 relating to operation of a limousine
9 without a vehicle certificate;

10 ~~((+58+))~~ (59) RCW 46.72A.080 relating to false advertising by a
11 limousine carrier;

12 ~~((+59+))~~ (60) Chapter 46.80 RCW relating to motor vehicle wreckers;

13 ~~((+60+))~~ (61) Chapter 46.82 RCW relating to driver's training
14 schools;

15 ~~((+61+))~~ (62) RCW 46.87.260 relating to alteration or forgery of a
16 cab card, letter of authority, or other temporary authority issued
17 under chapter 46.87 RCW;

18 ~~((+62+))~~ (63) RCW 46.87.290 relating to operation of an
19 unregistered or unlicensed vehicle under chapter 46.87 RCW.

20 NEW SECTION. **Sec. 19.** A new section is added to chapter 46.68 RCW
21 to read as follows:

22 The multiuse roadway safety account is created in the motor vehicle
23 fund. All receipts from vehicle license fees under RCW 46.17.350(1)(e)
24 and replacement license plate fees for four-wheel all-terrain vehicles
25 under RCW 46.17.200(1) must be deposited into the account. Moneys in
26 the account may be spent only after appropriation. Expenditures from
27 the account may be used only for grants administered by the department
28 of transportation to: (1) Counties to perform safety engineering
29 analysis of mixed vehicle use on any road within a county; (2) local
30 governments to provide funding to erect signs providing notice to the
31 motoring public that four-wheel all-terrain vehicles are present; and
32 (3) local governments to provide funding to erect signs providing
33 notice of an off-road vehicle crossing.

34 **Sec. 20.** RCW 43.84.092 and 2011 1st sp.s. c 16 s 6, 2011 1st sp.s.
35 c 7 s 22, 2011 c 369 s 6, 2011 c 339 s 1, 2011 c 311 s 9, 2011 c 272 s

1 3, 2011 c 120 s 3, and 2011 c 83 s 7 are each reenacted and amended to
2 read as follows:

3 (1) All earnings of investments of surplus balances in the state
4 treasury shall be deposited to the treasury income account, which
5 account is hereby established in the state treasury.

6 (2) The treasury income account shall be utilized to pay or receive
7 funds associated with federal programs as required by the federal cash
8 management improvement act of 1990. The treasury income account is
9 subject in all respects to chapter 43.88 RCW, but no appropriation is
10 required for refunds or allocations of interest earnings required by
11 the cash management improvement act. Refunds of interest to the
12 federal treasury required under the cash management improvement act
13 fall under RCW 43.88.180 and shall not require appropriation. The
14 office of financial management shall determine the amounts due to or
15 from the federal government pursuant to the cash management improvement
16 act. The office of financial management may direct transfers of funds
17 between accounts as deemed necessary to implement the provisions of the
18 cash management improvement act, and this subsection. Refunds or
19 allocations shall occur prior to the distributions of earnings set
20 forth in subsection (4) of this section.

21 (3) Except for the provisions of RCW 43.84.160, the treasury income
22 account may be utilized for the payment of purchased banking services
23 on behalf of treasury funds including, but not limited to, depository,
24 safekeeping, and disbursement functions for the state treasury and
25 affected state agencies. The treasury income account is subject in all
26 respects to chapter 43.88 RCW, but no appropriation is required for
27 payments to financial institutions. Payments shall occur prior to
28 distribution of earnings set forth in subsection (4) of this section.

29 (4) Monthly, the state treasurer shall distribute the earnings
30 credited to the treasury income account. The state treasurer shall
31 credit the general fund with all the earnings credited to the treasury
32 income account except:

33 (a) The following accounts and funds shall receive their
34 proportionate share of earnings based upon each account's and fund's
35 average daily balance for the period: The aeronautics account, the
36 aircraft search and rescue account, the budget stabilization account,
37 the capital vessel replacement account, the capitol building
38 construction account, the Cedar River channel construction and

1 operation account, the Central Washington University capital projects
2 account, the charitable, educational, penal and reformatory
3 institutions account, the cleanup settlement account, the Columbia
4 river basin water supply development account, the Columbia river basin
5 taxable bond water supply development account, the Columbia river basin
6 water supply revenue recovery account, the common school construction
7 fund, the county arterial preservation account, the county criminal
8 justice assistance account, the county sales and use tax equalization
9 account, the deferred compensation administrative account, the deferred
10 compensation principal account, the department of licensing services
11 account, the department of retirement systems expense account, the
12 developmental disabilities community trust account, the drinking water
13 assistance account, the drinking water assistance administrative
14 account, the drinking water assistance repayment account, the Eastern
15 Washington University capital projects account, the Interstate 405
16 express toll lanes operations account, the education construction fund,
17 the education legacy trust account, the election account, the energy
18 freedom account, the energy recovery act account, the essential rail
19 assistance account, The Evergreen State College capital projects
20 account, the federal forest revolving account, the ferry bond
21 retirement fund, the freight congestion relief account, the freight
22 mobility investment account, the freight mobility multimodal account,
23 the grade crossing protective fund, the public health services account,
24 the health system capacity account, the high capacity transportation
25 account, the state higher education construction account, the higher
26 education construction account, the highway bond retirement fund, the
27 highway infrastructure account, the highway safety account, the high
28 occupancy toll lanes operations account, the hospital safety net
29 assessment fund, the industrial insurance premium refund account, the
30 judges' retirement account, the judicial retirement administrative
31 account, the judicial retirement principal account, the local leasehold
32 excise tax account, the local real estate excise tax account, the local
33 sales and use tax account, the marine resources stewardship trust
34 account, the medical aid account, the mobile home park relocation fund,
35 the motor vehicle fund, the motorcycle safety education account, the
36 multiagency permitting team account, the multimodal transportation
37 account, the multiuse roadway safety account, the municipal criminal
38 justice assistance account, the municipal sales and use tax

1 equalization account, the natural resources deposit account, the oyster
2 reserve land account, the pension funding stabilization account, the
3 perpetual surveillance and maintenance account, the public employees'
4 retirement system plan 1 account, the public employees' retirement
5 system combined plan 2 and plan 3 account, the public facilities
6 construction loan revolving account beginning July 1, 2004, the public
7 health supplemental account, the public transportation systems account,
8 the public works assistance account, the Puget Sound capital
9 construction account, the Puget Sound ferry operations account, the
10 Puyallup tribal settlement account, the real estate appraiser
11 commission account, the recreational vehicle account, the regional
12 mobility grant program account, the resource management cost account,
13 the rural arterial trust account, the rural mobility grant program
14 account, the rural Washington loan fund, the site closure account, the
15 skilled nursing facility safety net trust fund, the small city pavement
16 and sidewalk account, the special category C account, the special
17 wildlife account, the state employees' insurance account, the state
18 employees' insurance reserve account, the state investment board
19 expense account, the state investment board commingled trust fund
20 accounts, the state patrol highway account, the state route number 520
21 civil penalties account, the state route number 520 corridor account,
22 the state wildlife account, the supplemental pension account, the
23 Tacoma Narrows toll bridge account, the teachers' retirement system
24 plan 1 account, the teachers' retirement system combined plan 2 and
25 plan 3 account, the tobacco prevention and control account, the tobacco
26 settlement account, the transportation 2003 account (nickel account),
27 the transportation equipment fund, the transportation fund, the
28 transportation improvement account, the transportation improvement
29 board bond retirement account, the transportation infrastructure
30 account, the transportation partnership account, the traumatic brain
31 injury account, the tuition recovery trust fund, the University of
32 Washington bond retirement fund, the University of Washington building
33 account, the volunteer firefighters' and reserve officers' relief and
34 pension principal fund, the volunteer firefighters' and reserve
35 officers' administrative fund, the Washington judicial retirement
36 system account, the Washington law enforcement officers' and
37 firefighters' system plan 1 retirement account, the Washington law
38 enforcement officers' and firefighters' system plan 2 retirement

1 account, the Washington public safety employees' plan 2 retirement
2 account, the Washington school employees' retirement system combined
3 plan 2 and 3 account, the Washington state economic development
4 commission account, the Washington state health insurance pool account,
5 the Washington state patrol retirement account, the Washington State
6 University building account, the Washington State University bond
7 retirement fund, the water pollution control revolving fund, and the
8 Western Washington University capital projects account. Earnings
9 derived from investing balances of the agricultural permanent fund, the
10 normal school permanent fund, the permanent common school fund, the
11 scientific permanent fund, and the state university permanent fund
12 shall be allocated to their respective beneficiary accounts.

13 (b) Any state agency that has independent authority over accounts
14 or funds not statutorily required to be held in the state treasury that
15 deposits funds into a fund or account in the state treasury pursuant to
16 an agreement with the office of the state treasurer shall receive its
17 proportionate share of earnings based upon each account's or fund's
18 average daily balance for the period.

19 (5) In conformance with Article II, section 37 of the state
20 Constitution, no treasury accounts or funds shall be allocated earnings
21 without the specific affirmative directive of this section.

22 NEW SECTION. **Sec. 21.** This act takes effect March 1, 2013."

23 Correct the title.

EFFECT: (1) Incorporates an intent statement.

(2) Four-wheel all-terrain vehicles must have:

(a) One tail lamp meeting the requirements of RCW 46.37.525; and

(b) A mirror required on the left handlebar, which must be located to give the operator a complete view of the highway for a distance of at least two hundred feet to the rear of the vehicle.

(3) Removes the requirements for the fenders on the four-wheel all-terrain vehicles.

(4) Provides for a person to self-certify that the required equipment has been installed on the vehicle or the documentation of a safety inspection to be completed by a licensed four-wheel all-terrain dealer or repair shop and that the shop did not charge more than \$100.

(5) For purposes of a dealer declaration, the owner of the four-

wheel all-terrain vehicle must sign a release relieving the state of liability and must also state that the original was not manufactured for on-road use.

(6) Any four-wheel all-terrain vehicle must have a current and proper off-road vehicle registration or temporary ORV use permit.

(7) Any four-wheel all-terrain vehicle that is road legal must have a decal identifying the vehicle as being road legal. The department of licensing is directed to design a license plate that can be used on any four-wheel all-terrain vehicle, and will accommodate the decal required under this subsection authorizing on-road usage by four-wheel all-terrain vehicles.

(8) The registration and decal requirements do not apply to emergency services vehicles, vehicles used to transport agricultural and timber products, or persons rendering assistance in case of an emergency.

(9) Modifies the definitions of nonhighway road and ORV recreational facilities, and adds definitions for direct supervision, emergency management, and primitive roads.

(10) Removes population thresholds and allows any city or county to designate a road as suitable or unsuitable for off-road use. Requires roadways suitable for off-road use to be listed publicly and made available on the county or city web site.

(11) It is lawful to operate an off-road vehicle upon any road, trail, nonhighway road, or highway within the state while being used under the authority or direction of an appropriate emergency management, search and rescue, or law enforcement agency within the scope of the agency's official duties.

(12) It is unlawful to operate an off-road vehicle on any interstate highway, United States highway, numbered state highway, divided highway, or limited access highway and its median.

(13) No person under sixteen years of age may operate an off-road vehicle on or across a highway or nonhighway road in this state, except in emergency situations. Persons under sixteen years of age may operate an off-road vehicle across a highway, on a nonhighway road designated for off-road vehicle use, or on a primitive road under the direct supervision of a person eighteen years of age or older possessing a valid license.

(14) Authorizes funds to be spent only on projects or activities that benefit off-road vehicle recreation on publicly owned lands.

(15) A person may operate a nonhighway vehicle upon public lands consistent with the local land management requirements; however, in all events, operation is limited to the roads, trails, and other specifically designated areas. A violation of the local land management requirements is a traffic infraction with a penalty of up to five hundred dollars. For these violations, the officer is not required to witness the infraction, provided there is reasonable evidence to initiate an investigation.

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