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SENATE BILL 5800

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators King, Haugen, and Shin

Read first time 02/14/11. Referred to Committee on Transportation.

1            AN ACT Relating to authorizing the use of modified off-road  
2 motorcycles on public roads; amending RCW 46.09.470; adding a new  
3 section to chapter 46.04 RCW; adding a new section to chapter 46.61  
4 RCW; adding a new section to chapter 46.16A RCW; and providing an  
5 effective date.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.04 RCW  
8 to read as follows:

9            "Off-road motorcycle" means a motorcycle as defined in RCW  
10 46.04.330 that is labeled by the manufacturer's statement or  
11 certificate of origin as intended for "off-road use only" or a similar  
12 message stamped into the frame of the motorcycle, contained in the  
13 owner's manual, or affixed to any part of the motorcycle.

14            NEW SECTION.    **Sec. 2.** A new section is added to chapter 46.61 RCW  
15 to read as follows:

16            (1) A person may operate an off-road motorcycle upon a public road,  
17 street, or highway of this state if the person:

1 (a) Files a motorcycle highway use affidavit, as provided under  
2 section 3 of this act, with the department certifying conformance with  
3 all applicable federal motor vehicle safety standards and state  
4 standards;

5 (b) Obtains and has in full force and effect a current and proper  
6 ORV registration or temporary ORV use permit under chapter 46.09 RCW;  
7 and

8 (c) Obtains a valid driver's license and motorcycle endorsement  
9 issued to Washington residents in compliance with chapter 46.20 RCW for  
10 a motorcycle.

11 (2) Any off-road motorcycle operated under this section must have:

12 (a) A head lamp meeting the requirements of RCW 46.37.523 and  
13 46.37.524, and used in accordance with RCW 46.37.522;

14 (b) A tail lamp meeting the requirements of RCW 46.37.525;

15 (c) A stop lamp meeting the requirements of RCW 46.37.525;

16 (d) Reflectors meeting the requirements of RCW 46.37.525;

17 (e) Brakes meeting the requirements of RCW 46.37.527, 46.37.528,  
18 and 46.37.529;

19 (f) A mirror on both the left and right handlebar meeting the  
20 requirements of RCW 46.37.530;

21 (g) A windshield meeting the requirements of RCW 46.37.530, unless  
22 the driver wears glasses, goggles, or a face shield while operating the  
23 motorcycle, of a type conforming to rules adopted by the state patrol;

24 (h) A horn or warning device meeting the requirements of RCW  
25 46.37.380;

26 (i) Tires meeting the requirements of RCW 46.37.420 and 46.37.425;

27 (j) Turn signals meeting the requirements of RCW 46.37.200; and

28 (k) Fenders meeting the requirements of RCW 46.37.500.

29 (3) Every person operating an off-road motorcycle under this  
30 section is granted all rights and is subject to all duties applicable  
31 to the driver of a motorcycle under RCW 46.37.530 and chapter 46.61  
32 RCW.

33 (4) Any person who violates this section commits a traffic  
34 infraction.

35 (5) Accidents must be recorded and tracked in compliance with  
36 chapter 46.52 RCW. An accident report must indicate and be tracked  
37 separately when any of the vehicles involved are an off-road  
38 motorcycle.

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

3        (1) The department shall establish an affidavit, which must be  
4 submitted by an off-road motorcycle owner when applying for on-road  
5 registration of the off-road motorcycle. In order to be registered for  
6 on-road use, an off-road motorcycle must travel on two wheels with a  
7 seat designed to be straddled by the operator and with handlebar-type  
8 steering control.

9        (2) Registration for on-road use of an off-road motorcycle is  
10 prohibited for dune buggies, snowmobiles, trimobiles, mopeds, pocket  
11 bikes, motor vehicles registered by the department, side-by-sides,  
12 utility vehicles, grey-market vehicles, off-road, three-wheeled  
13 vehicles, and, as determined by the department, any other vehicles that  
14 were not originally certified by the manufacturer for use on public  
15 roads.

16        (3) The affidavit must include the following:

17        (a) Documentation of a safety inspection to be completed by a  
18 licensed motorcycle dealer or repair shop in the state of Washington  
19 that must outline the vehicle information and certify that all off-road  
20 to on-road motorcycle equipment as required under section 2 of this act  
21 meets the requirements outlined in state and federal law;

22        (b) Documentation that the licensed motorcycle dealer or repair  
23 shop did not charge more than fifty dollars per safety inspection and  
24 that the entire safety inspection fee is paid directly and only to the  
25 licensed motorcycle dealer or repair shop;

26        (c) The licensed motorcycle dealer or repair shop is entitled to  
27 the full amount charged for the motorcycle safety inspection;

28        (d) A vehicle identification number verification and odometer  
29 reading that must be completed by a licensed motorcycle dealer or  
30 repair shop in the state of Washington; and

31        (e) A release signed by the owner of the off-road motorcycle and  
32 verified by the department, county auditor, or other agent appointed by  
33 the director that releases the state from any liability and outlines  
34 that the owner understands that the original off-road motorcycle was  
35 not manufactured for on-road use and that it has been modified for use  
36 on public roads.

37        (4) The department must track off-road motorcycles in a separate  
38 registration category for reporting purposes.

1       **Sec. 4.** RCW 46.09.470 and 2006 c 212 s 3 are each amended to read  
2 as follows:

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

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

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

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

13       (d) Without a spark arrester approved by the department of natural  
14 resources;

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

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

25       (ii) With the vehicle stationary and the engine running at a steady  
26 speed equal to one-half of the manufacturer's maximum allowable ("red  
27 line") engine speed or where the manufacturer's maximum allowable  
28 engine speed is not known the test speed in revolutions per minute  
29 calculated as sixty percent of the speed at which maximum horsepower is  
30 developed; and

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

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

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

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

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

10 (j) On a private nonhighway road in violation of RCW  
11 (~~(46.09.115(3))~~) 46.09.450(3).

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

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

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

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

27 (4) It is not a traffic infraction to operate an off-road vehicle  
28 on a street, road, or highway as authorized under RCW (~~(46.09.180)~~)  
29 46.09.360 or section 2 of this act.

30 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2012.

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