Chapter 46.09 RCW
OFF-ROAD, NONHIGHWAY, AND WHEELED ALL-TERRAIN VEHICLES

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GENERAL PROVISIONS

RCW 46.09.300 Application of chapter—Permission necessary to enter upon private lands. The provisions of this chapter shall apply to all lands in this state. Nothing in this chapter, RCW 79A.35.040, 79A.35.070, 79A.35.090, 79A.35.110, and 79A.35.120 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner. [2005 c 213 s 2; 1972 ex.s. c 153 s 2; 1971 ex.s. c 47 s 6. Formerly RCW 46.09.010.]

Findings—Construction—2005 c 213: "The legislature finds that off-road recreational vehicles (ORVs) provide opportunities for a wide variety of outdoor recreation activities. The legislature further finds that the limited amount of ORV recreation areas presents a challenge for ORV recreational users, natural resource land managers, and private landowners. The legislature further finds that many nonhighway roads provide opportunities for ORV use and that these opportunities may reduce conflicts between users and facilitate responsible ORV recreation. However, restrictions intended for motor vehicles may prevent ORV use on certain roads, including forest service roads. Therefore, the legislature finds that local, state, and federal jurisdictions should be given the flexibility to allow ORV use on nonhighway roads they own and manage or for which they are authorized to allow public ORV use under an easement granted by the owner. Nothing in this act authorizes trespass on private property." [2005 c 213 s 1.]

Effective date—2005 c 213: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2005." [2005 c 213 s 9.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

RCW 46.09.310 Definitions. 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) "Board" means the recreation and conservation funding board established in RCW 79A.25.110.

(3) "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) "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) "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) "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) "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 years; or (b) maintenance in the last four years.

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

(18) "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) "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. [2013 2nd sp.s. c 23 s 3; (2013 2nd sp.s. c 23 s 2 expired July 1, 2015); 2013 c 225 s 607; 2010 c 161 s 213; 2007 c 241 s 13; 2004 c 105 s 1; 1986 c 206 s 1; 1979 c 158 s 129; 1977 ex.s. c 220 s 1; 1972 ex.s. c 153 s 3; 1971 ex.s. c 47 s 7. Formerly RCW 46.09.020.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Effective date—2013 2nd sp.s. c 23 s 3: "Section 3 of this act takes effect July 1, 2015." [2013 2nd sp.s. c 23 s 28.]

Expiration date—2013 2nd sp.s. c 23 s 2: "Section 2 of this act expires July 1, 2015." [2013 2nd sp.s. c 23 s 27.]

Effective date—2013 2nd sp.s. c 23: "Except for sections 3 and 25 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state

government and its existing public institutions, and takes effect July 28, 2013." [2013 2nd sp.s. c 23 s 26.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 c 225: See note following RCW 82.38.010.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session —2010 c 161: See notes following RCW 46.04.013.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Effective date—1986 c 206: "This act shall take effect on June 30, 1986." [1986 c 206 s 17.]

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.320 Certificates of title. (1) The application for a certificate of title of an off-road vehicle must be made by the owner or owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the off-road vehicle, including make, model, vehicle identification number or engine serial number if no vehicle identification number exists, type of body, and model year of the vehicle;

(b) The name and address of the person who is the registered owner of the off-road vehicle and, if the off-road vehicle is subject to a security interest, the name and address of the secured party; and

(c) Other information the department may require.

(2) The application for a certificate of title must be signed by the person applying to be the registered owner and be sworn to by that person in the manner described under chapter 5.50 RCW.

(3) The owner must pay the fee established under RCW 46.17.100.

(4) Issuance of the certificate of title does not qualify the off-road vehicle for registration under chapter 46.16A RCW. [2019 c 232 s 17; 2016 c 84 s 2; 2011 c 171 s 24; 2010 c 161 s 214.]

Effective date—2016 c 84 ss 2 and 5: "Sections 2 and 5 of this act take effect July 1, 2017." [2016 c 84 s 6.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session —2010 c 161: See notes following RCW 46.04.013.

RCW 46.09.325 Vehicle identification number inspection—Exemption for vehicles titled. Vehicles titled under this chapter are

exempt from the vehicle identification number inspection required in RCW 46.12.560. [2025 c 10 s 2.]

Effective date—2025 c 10: See note following RCW 46.12.560.

RCW 46.09.330 Off-road vehicle dealers—Licenses—Fee—License plates—Title application upon sale—Violation. (1) Each dealer of off-road vehicles in this state shall obtain either a miscellaneous vehicle dealer license as defined in RCW 46.70.011 or an off-road vehicle dealer license from the department in a manner prescribed by the department. Upon receipt of an application for an off-road vehicle dealer license and the fee described under subsection (2) of this section, the dealer is licensed and an off-road vehicle dealer license number must be assigned.

(2) The annual fee for an off-road vehicle dealer license is twenty-five dollars, which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer must have separate registrations.

(3) Upon the issuance of an off-road vehicle dealer license, each dealer may purchase, at a cost to be determined by the department, off-road vehicle dealer license plates of a size and color to be determined by the department. The off-road vehicle dealer license plates must contain the off-road vehicle dealer license number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display dealer license plates assigned by the department.

(4) A dealer, dealer representative, or prospective customer may only use dealer license plates for the purposes prescribed in subsection (3) of this section.

(5) Off-road vehicle dealer license numbers are nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless the dealer has either a miscellaneous vehicle dealer license as defined in RCW 46.70.011 or an off-road vehicle dealer license as required under this section.

(7) When an off-road vehicle is sold by a dealer, the dealer shall apply for a certificate of title in the purchaser's name within fifteen days following the sale.

(8) Except as provided in RCW 46.09.420, it is unlawful for any dealer to sell at retail an off-road vehicle without registration required in RCW 46.09.440. [2010 c 161 s 220; 2010 c 8 s 9002; 1990 c 250 s 24; 1986 c 206 s 5; 1977 ex.s. c 220 s 7; 1972 ex.s. c 153 s 9; 1971 ex.s. c 47 s 13. Formerly RCW 46.09.080.]

Reviser's note: RCW 46.09.080 was amended twice during the 2010 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1986 c 206: See note following RCW 46.09.310.

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.340 Nonhighway and off-road vehicle activities advisory committee. (1) The board shall establish the nonhighway and off-road vehicle activities advisory committee to provide advice regarding the administration of this chapter. The committee consists of governmental representatives, land managers, and a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with off-road vehicle, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience.

(2) After the advisory committee has made recommendations regarding the expenditure of the fuel tax revenue portion of the nonhighway and off-road vehicle account moneys, the advisory committee's off-road vehicle and mountain biking recreationists, governmental representatives, and land managers will make recommendations regarding the expenditure of funds received under RCW 46.68.045.

(3) At least once a year, the board, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall report to the nonhighway and off-road vehicle activities advisory committee on the expenditures of funds received under RCW 46.68.045 and 46.09.520 and must proactively seek the advisory committee's advice regarding proposed expenditures.

(4) The advisory committee shall advise these agencies regarding the allocation of funds received under RCW 46.09.520 to ensure that overall expenditures reflect consideration of the results of the most recent fuel use study. [2010 c 161 s 224; 2007 c 241 s 19; 2004 c 105 s 8; 2003 c 185 s 1; 1986 c 206 s 13. Formerly RCW 46.09.280.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Effective date—1986 c 206: See note following RCW 46.09.310.

RCW 46.09.350 Accident reports. The operator of any nonhighway vehicle involved in any accident resulting in injury to or death of any person, or property damage to another to an apparent extent equal to or greater than the minimum amount established by rule adopted by the chief of the Washington state patrol in accordance with chapter 46.52 RCW, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, and the provisions of chapter 46.52 RCW applies to the reports when submitted. [1990 c 250 s 25; 1977 ex.s. c 220 s 12; 1971 ex.s. c 47 s 19. Formerly RCW 46.09.140.]

RCW 46.09.360 Regulation by local political subdivisions or state agencies. (1) Notwithstanding any of the provisions of this chapter, any city, town, county, or other political subdivision of

this state, or any state agency, may regulate the operation of nonhighway vehicles on public lands, waters, and other properties under its jurisdiction, and on streets, roads, or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. However, the legislative body of a city or town with a population of less than three thousand persons may, by ordinance, designate a street or highway within its boundaries to be suitable for use by off-road vehicles. The legislative body of a county may, by ordinance, designate a road or highway within its boundaries to be suitable for use by off-road vehicles.

(2) For purposes of this section, "off-road vehicles" does not include wheeled all-terrain vehicles. [2013 2nd sp.s. c 23 s 11; 2006 c 212 s 4; 1977 ex.s. c 220 s 15; 1971 ex.s. c 47 s 23. Formerly RCW 46.09.180.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

RCW 46.09.370 Statewide plan. The board shall maintain a statewide plan which shall be updated at least once every third biennium and shall be used by all participating agencies to guide distribution and expenditure of funds under this chapter. [2007 c 241 s 18; 1986 c 206 s 11; 1977 ex.s. c 220 s 18. Formerly RCW 46.09.250.]

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Effective date—1986 c 206: See note following RCW 46.09.310.

RCW 46.09.380 Enforcement. The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, fish and wildlife officers, state park rangers, and those employees of the department of natural resources designated by the commissioner of public lands under RCW *43.30.310, 76.04.035, and 76.04.045. [2001 c 253 s 3; 1986 c 100 s 52; 1971 ex.s. c 47 s 25. Formerly RCW 46.09.200.]

***Reviser's note:** RCW 43.30.310 was recodified as RCW 43.12.065 pursuant to 2003 c 334 s 127.

RCW 46.09.385 Separate registration category for wheeled all-terrain vehicles. The department must track wheeled all-terrain vehicles in a separate registration category for reporting purposes. [2013 2nd sp.s. c 23 s 8.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

RCW 46.09.390 Concurrent licenses for use as a wheeled all-terrain vehicle and tracked all-terrain vehicle—Department shall establish a declaration—Department may adopt rules. (1) It is the intent of the legislature to create a concurrent licensing process to allow the owner of a wheeled all-terrain vehicle to maintain concurrent but separate registrations for the vehicle, for use as a wheeled all-terrain vehicle and for use as a tracked all-terrain vehicle.

(2) The department shall allow the owner of a wheeled all-terrain vehicle to maintain concurrent licenses for the vehicle for use as a wheeled all-terrain vehicle and for use as a tracked all-terrain vehicle. When the vehicle is registered as a wheeled all-terrain vehicle, the terms of the registration are those under this chapter that apply to wheeled all-terrain vehicles, including applicable fees. When the vehicle is registered as a tracked all-terrain vehicle, the terms of the registration are those under chapter 46.10 RCW that apply to snowmobiles, including applicable fees.

(3) The department shall establish a declaration, which must be submitted by the wheeled all-terrain vehicle owner when initially applying for a snowmobile registration under chapter 46.10 RCW for the use of the converted wheeled all-terrain vehicle as a tracked all-terrain vehicle. The declaration must include a statement signed by the owner that a wheeled all-terrain vehicle that had been previously converted to a tracked all-terrain vehicle must conform with all applicable federal motor vehicle safety standards and state standards while in use as a wheeled all-terrain vehicle upon public roads, streets, or highways. Once submitted by the wheeled all-terrain vehicle owner, the declaration is valid until the vehicle is sold or the title is otherwise transferred.

(4) The department may adopt rules to implement this section. [2021 c 86 s 4.]

REGISTRATIONS AND USE PERMITS

RCW 46.09.400 Issuance—Decals—Fees. The department shall:

(1) Issue registrations and temporary ORV use permits for off-road vehicles, excluding wheeled all-terrain vehicles subject to subsection (4) of this section;

(2) Issue decals for off-road vehicles, excluding wheeled all-terrain vehicles subject to subsection (4) of this section. The decals serve the same function as license plates for vehicles registered under chapter 46.16A RCW;

(3)(a) Except as provided in (b) of this subsection, charge a fee for each decal covering the actual cost of the decal;

(b) Charge no fee for the decal, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for either an original Washington ORV registration or a renewal of a Washington ORV registration, the resident presents the following documents issued by the other state:

(i) The resident's unexpired driver's license; and (ii) the current registration or permit for the off-road vehicle; and

(4) Issue metal tags, off-road vehicle registrations, and on-road vehicle registrations for wheeled all-terrain vehicles. [2021 c 216 s 2; 2013 2nd sp.s. c 23 s 12; 2011 c 171 s 25; 2010 c 161 s 215; 1990 c 250 s 23; 1986 c 206 s 2; 1977 ex.s. c 220 s 2; 1972 ex.s. c 153 s 4; 1971 ex.s. c 47 s 8. Formerly RCW 46.09.030.]

Effective date—2021 c 216: See note following RCW 46.09.420.

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1986 c 206: See note following RCW 46.09.310.

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.410 Registrations—Original and renewal application—Requirements—Decals—Out-of-state operators. (1)(a) The application for an original ORV registration has the same requirements as described for original vehicle registrations in RCW 46.16A.040 and, except as provided in (b) of this subsection, must be accompanied by the annual off-road vehicle license fee required under RCW 46.17.350, in addition to any other fees or taxes due for the application.

(b) The license fee provided in RCW 46.17.350 is not required with an application for an original ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for an original Washington ORV registration, the resident presents the following documents issued by the other state: (i) The resident's unexpired driver's license; and (ii) the current registration or permit for the off-road vehicle.

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

(b) The license fee provided in RCW 46.17.350 is not required with an application for renewal of an ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application for a renewal of a Washington ORV registration, the resident presents the following documents issued by the other state: (i) The resident's unexpired

driver's license; and (ii) the current registration or permit for the off-road vehicle.

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

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

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

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

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

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

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

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

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

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

(9) This section does not apply to wheeled all-terrain vehicles registered for use under RCW 46.09.442. [2022 c 40 s 1; 2021 c 216 s 3; 2013 2nd sp.s. c 23 s 13; 2010 c 161 s 218; 2004 c 106 s 1; 2002 c 352 s 1; 1997 c 241 s 1; 1986 c 206 s 4; 1977 ex.s. c 220 s 6; 1972 ex.s. c 153 s 8; 1971 ex.s. c 47 s 12. Formerly RCW 46.09.070.]

Effective date—2021 c 216: See note following RCW 46.09.420.

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session —2010 c 161: See notes following RCW 46.04.013.

Effective date—2004 c 106 s 1: "Section 1 of this act takes effect with registrations that are due or become due November 1, 2004, or later." [2004 c 106 s 2.]

Effective dates—2002 c 352: "Sections 7, 9, and 28 of this act are effective with registrations that are due or will become due September 1, 2002, and thereafter. Section 26 of this act takes effect October 1, 2002. The remainder of this act takes effect July 1, 2002." [2002 c 352 s 30.]

Effective date—1986 c 206: See note following RCW 46.09.310.

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.420 Registrations and decals—Exemptions. ORV registrations and decals are required under this chapter except for the following:

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

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

(3) Off-road vehicles operated on and across agricultural and timberlands owned, leased, or managed by the off-road vehicle owner or operator or operator's employer.

(4)(a) Off-road vehicles owned by a resident of another state that have a valid ORV use permit or vehicle registration issued in accordance with the laws of the other state. This exemption applies only to the extent that a similar exemption or privilege is granted under the laws of that state.

(b) The exemption in (a) of this subsection does not apply to an off-road vehicle owned by a resident of a state that borders Washington and that does not impose a retail sales and use tax on the sales or use of off-road vehicles.

(5) Off-road vehicles while being used for emergency management purposes under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency as defined in RCW 16.52.011.

(6) Vehicles registered under chapter 46.16A RCW or, in the case of nonresidents, vehicles validly registered for operation over public highways in the jurisdiction of the owner's residence.

(7) Off-road vehicles operated by persons who, in good faith, render emergency care or assistance with respect to an incident involving off-road vehicles. Persons who operate off-road vehicles to render such care, assistance, or advice are not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or willful or wanton misconduct. [2021 c 216 s 1; 2013 2nd sp.s. c 23 s 14; 2011 c 171 s 26; 2010 c 161 s 217; 2004 c 105 s 9; 1986 c 206 s 3; 1977 ex.s. c 220 s 4; 1972 ex.s. c 153 s 6; 1971 ex.s. c 47 s 10. Formerly RCW 46.09.050.]

Effective date—2021 c 216: "This act takes effect October 1, 2021." [2021 c 216 s 8.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1986 c 206: See note following RCW 46.09.310.

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.430 Use permits—Application requirements. (1) The application for a temporary ORV use permit must be made by the owner or the owner's authorized representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application must contain:

(a) The name and address of each owner of the off-road vehicle; and

(b) Other information that the department may require.

(2) The owner or the owner's authorized representative shall sign the application for a temporary ORV use permit.

(3) The application for a temporary ORV use permit must be accompanied by the temporary ORV use permit fee required under RCW 46.17.400, in addition to any other fees or taxes due for the application.

(4) A temporary ORV use permit:

(a) Is valid for sixty days; and

(b) Must be carried on the vehicle for which it was issued at all times during its operation in this state. [2010 c 161 s 219.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.09.440 Prerequisite to operation. Except as provided in this chapter, a person shall not operate an off-road vehicle within this state unless the off-road vehicle has been assigned an ORV registration or temporary ORV use permit and displays current decals and tabs as required under this chapter. [2010 c 161 s 216; 1977 ex.s. c 220 s 3; 1972 ex.s. c 153 s 5; 1971 ex.s. c 47 s 9. Formerly RCW 46.09.040.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.442 Wheeled all-terrain vehicles—Metal tags—Off-road, on-road registration, tabs—Exemption. (1) Any wheeled all-terrain vehicle operated within this state must display a metal tag to be affixed to the rear of the wheeled all-terrain vehicle. The initial metal tag must be issued with an original off-road vehicle registration and, except as provided in subsection (7) of this section, upon payment of the initial vehicle license fee under RCW

46.17.350(1)(s). The metal tag must be replaced every seven years at a cost of two dollars. Revenue from replacement metal tags must be deposited into the nonhighway and off-road vehicle activities program account. The department must design the metal tag, which must:

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

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

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

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

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

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

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

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

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

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

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

(7)(a) The license fee provided in RCW 46.17.350 is not required with an application for an original ORV registration or the renewal of an ORV registration, if the vehicle is also properly registered or permitted in another state to a resident of the state, and, at the time of application, the resident presents the following documents issued by the other state: (i) The resident's unexpired driver's license; and (ii) the current registration or permit for the off-road vehicle.

(b) The department must issue a metal tag and either the off-road tab, on-road tab, or both, as appropriate, following the ORV registration under (a) of this subsection. [2022 c 40 s 2; 2021 c 216 s 4; 2016 c 84 s 3; 2013 2nd sp.s. c 23 s 4.]

Effective date—2021 c 216: See note following RCW 46.09.420.

Finding—Intent—2013 2nd sp.s. c 23: "(1) The legislature finds that off-road vehicle users have been overwhelmed with varied confusing rules, regulations, and ordinances from federal, state, county, and city land managers throughout the state to the extent standardization statewide is needed to maintain public safety and good order.

(2) It is the intent of the legislature to: (a) Increase opportunities for safe, legal, and environmentally acceptable motorized recreation; (b) decrease the amount of unlawful or environmentally harmful motorized recreation; (c) generate funds for use in maintenance, signage, education, and enforcement of motorized recreation opportunities; (d) advance a culture of self-policing and abuse intolerance among motorized recreationists; (e) cause no change in the policies of any governmental agency with respect to public land; (f) not change any current ORV usage routes as authorized in chapter 213, Laws of 2005; (g) stimulate rural economies by opening certain roadways to use by motorized recreationists which will in turn stimulate economic activity through expenditures on gasoline, lodging, food and drink, and other entertainment purposes; and (h) require all wheeled all-terrain vehicles to obtain a metal tag." [2013 2nd sp.s. c 23 s 1.]

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

RCW 46.09.444 Wheeled all-terrain vehicles—Driver's license requirement—Penalty—Training course. (1) A person may not operate a wheeled all-terrain vehicle upon a public roadway of this state, not including nonhighway roads and trails, without (a) first obtaining a valid driver's license issued to Washington residents in compliance with chapter 46.20 RCW or (b) possessing a valid driver's license issued by the state of the person's residence if the person is a nonresident.

(2) A person who operates a wheeled all-terrain vehicle under this section is granted all rights and is subject to all duties applicable to the operator of a motorcycle under RCW 46.37.530 and chapter 46.61 RCW, unless otherwise stated in chapter 23, Laws of 2013 2nd sp. sess., except that wheeled all-terrain vehicles may not be operated side-by-side in a single lane of traffic.

(3) Wheeled all-terrain vehicles are subject to chapter 46.55 RCW.

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

(5) The department may develop and implement an online training course for persons that register wheeled all-terrain vehicles and utility-type vehicles for use on a public roadway of this state. The department is granted rule-making authority for the training course. Any future costs associated with the training course must be appropriated from the highway safety account [fund] and any fees collected must be distributed to the highway safety account [fund]. [2013 2nd sp.s. c 23 s 5.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

USES AND VIOLATIONS

RCW 46.09.450 Authorized and prohibited uses for off-road vehicles. (1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon:

(a) A nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority responsible for the management of the nonhighway road authorizes the use of off-road vehicles;

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

(c) Any trail, nonhighway road, or highway within the state while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

(2) An off-road vehicle operated on a nonhighway road or on a street, road, or highway as authorized under RCW 46.09.360 and this section is exempt from both registration requirements of chapter 46.16A RCW and vehicle lighting and equipment requirements of chapter 46.37 RCW.

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

(4) Nothing in this section authorizes trespass on private property.

(5) The provisions of RCW 4.24.210(5) apply to public and private landowners who allow members of the public to use public facilities accessed by a highway, street, or nonhighway road for recreational off-road vehicle use. [2013 2nd sp.s. c 23 s 15; 2011 c 171 s 27; 2010 c 161 s 221; 2006 c 212 s 2; 2005 c 213 s 4. Formerly RCW 46.09.115.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session —2010 c 161: See notes following RCW 46.04.013.

Findings—Construction—Effective date—2005 c 213: See notes following RCW 46.09.300.

RCW 46.09.455 Authorized and prohibited uses for wheeled all-terrain vehicles. (1) A person may operate a wheeled all-terrain vehicle upon any public roadway of this state, not including nonhighway roads and trails, having a speed limit of thirty-five miles per hour or less subject to the following restrictions and requirements:

(a) A person may not operate a wheeled all-terrain vehicle upon state highways that are listed in chapter 47.17 RCW; however, a person may operate a wheeled all-terrain vehicle upon a segment of a state highway listed in chapter 47.17 RCW if the segment is within the limits of a city or town, or if the county in which the segment is located has first consulted with the department of transportation, and then adopted an ordinance approving the operation of wheeled all-terrain vehicles on that segment, and the speed limit on the segment is thirty-five miles per hour or less;

(b)(i) A person operating a wheeled all-terrain vehicle may not cross a public roadway, not including nonhighway roads and trails, with a speed limit in excess of thirty-five miles per hour, except as follows: A person operating a wheeled all-terrain vehicle may cross a public roadway with a speed limit of sixty miles per hour or less, but more than thirty-five miles per hour, at an intersection of approximately ninety degrees if the roadway that intersects the public roadway with a speed limit of sixty miles per hour or less, but more than thirty-five miles per hour, is a roadway upon which the operation of wheeled all-terrain vehicles has been approved or is otherwise allowed under this section.

(ii) A county, city, or town may by ordinance prohibit a person operating a wheeled all-terrain vehicle from crossing a public roadway with a speed limit of sixty miles per hour or less, but more than thirty-five miles per hour, at specific intersections or along the entirety of the route within the jurisdiction.

(iii) The operator of a wheeled all-terrain vehicle may not cross at an uncontrolled intersection of a public highway listed under chapter 47.17 RCW;

(c)(i) A person may not operate a wheeled all-terrain vehicle on a public roadway within the boundaries of a county, not including nonhighway roads and trails, with a population of fifteen thousand or more unless the county by ordinance has approved the operation of

wheeled all-terrain vehicles on county roadways, not including nonhighway roads and trails.

(ii) Except as otherwise provided in (a) of this subsection, the legislative body of a county with a population of fewer than fifteen thousand may, by ordinance, designate roadways or highways within its boundaries to be unsuitable for use by wheeled all-terrain vehicles.

(iii) Any public roadways, not including nonhighway roads and trails, authorized by a legislative body of a county under (c)(i) of this subsection or designated as unsuitable under (c)(ii) of this subsection must be listed publicly and made accessible from the main page of the county website.

(iv) This subsection (1)(c) does not affect any roadway that was designated as open or closed as of January 1, 2013;

(d)(i) A person may not operate a wheeled all-terrain vehicle on a public roadway within the boundaries of a city or town, not including nonhighway roads and trails, unless the city or town by ordinance has approved the operation of wheeled all-terrain vehicles on city or town roadways, not including nonhighway roads and trails.

(ii) Any public roadways, not including nonhighway roads and trails, authorized by a legislative body of a city or town under (d)(i) of this subsection must be listed publicly and made accessible from the main page of the city or town website.

(iii) This subsection (1)(d) does not affect any roadway that was designated as open or closed as of January 1, 2013;

(e) Any person who violates this subsection commits a traffic infraction.

(2) Local authorities may not establish requirements for the registration of wheeled all-terrain vehicles.

(3) A person may operate a wheeled all-terrain vehicle upon any public roadway, trail, nonhighway road, or highway within the state while being used under the authority or direction of an appropriate agency that engages in emergency management, as defined in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a law enforcement agency, as defined in RCW 16.52.011, within the scope of the agency's official duties.

(4) A wheeled all-terrain vehicle is an off-road vehicle for the purposes of chapter 4.24 RCW. [2021 c 121 s 1; 2017 c 26 s 1; 2013 2nd sp.s. c 23 s 6.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

RCW 46.09.457 Equipment and declaration requirements for wheeled all-terrain vehicles—Exception. (1) A person may operate a wheeled all-terrain vehicle upon any public roadway of this state, not including nonhighway roads and trails, subject to RCW 46.09.455 and the following equipment and declaration requirements:

(a) A person who operates a wheeled all-terrain vehicle must comply with the following equipment requirements:

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

(ii) One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a highway; however, a utility-type vehicle, as described under RCW 46.09.310, must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a highway;

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

(iv) Reflectors meeting the requirements of RCW 46.37.060;

(v) During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

(vi) A mirror attached to either the right or 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; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;

(vii) A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington state patrol;

(viii) A horn or warning device meeting the requirements of RCW 46.37.380;

(ix) Brakes in working order;

(x) A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and

(xi) For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

(b) A person who operates a wheeled all-terrain vehicle upon a public roadway must provide a declaration that includes the following:

(i) Documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington that must outline the vehicle information and certify under oath that all wheeled all-terrain vehicle equipment as required under this section meets the requirements outlined in state and federal law. A person who makes a false statement regarding the inspection of equipment required under this section is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040;

(ii) Documentation that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop did not charge more than fifty dollars per safety inspection and that the entire safety inspection fee is paid directly and only to the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop;

(iii) A statement that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop is entitled to the full amount charged for the safety inspection;

(iv) A vehicle identification number verification that must be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington;

(v) A release, on a form to be supplied by the department, signed by the owner of the wheeled all-terrain vehicle and verified by the department, county auditor or other agent, or subagent appointed by the director that releases the state, counties, cities, and towns from any liability; and

(vi) A statement that outlines that the owner understands that the original wheeled all-terrain vehicle was not manufactured for on-road use and that it has been modified for use on public roadways.

(2) This section does not apply to emergency services vehicles, vehicles used for emergency management purposes, or vehicles used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the wheeled all-terrain vehicle or the operator's employer. [2016 c 84 s 4; 2015 c 160 s 1; 2013 2nd sp.s. c 23 s 7.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

RCW 46.09.460 Operation by persons under sixteen. (1) Except as specified in subsection (2) of this section, no person under sixteen years of age may operate an off-road vehicle on or across a highway or nonhighway road in this state without direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under chapter 46.20 RCW. This prohibition does not apply when a person under sixteen years of age is acting in accordance with RCW 46.09.420 (5) and (7).

(2) Persons under sixteen years of age may operate an off-road vehicle across a highway, if at that crossing signs indicate that wheeled all-terrain vehicles or off-road vehicles may be crossing, or on a nonhighway road designated for off-road vehicle use, under the direct supervision of a person eighteen years of age or older possessing a valid license to operate a motor vehicle under chapter 46.20 RCW.

(3) This section does not apply to vehicles used in the production of agricultural or timber products on and across lands owned, leased, or managed by the owner or operator of a wheeled all-terrain vehicle or the operator's employer. [2013 2nd sp.s. c 23 s 16; 2005 c 213 s 5. Formerly RCW 46.09.117.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

Findings—Construction—Effective date—2005 c 213: See notes following RCW 46.09.300.

RCW 46.09.470 Operating violations—Exceptions. (1) Except as provided in subsection (4) of this section, it is a traffic infraction for any person to operate any nonhighway vehicle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Subsection (3)(a) of this section does not apply to an off-road vehicle used in production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the off-road vehicle or the operator's employer.

(4) It is not a traffic infraction to operate an off-road vehicle on a street, road, or highway as authorized under RCW 46.09.360, 46.61.705, or 46.09.455. [2013 2nd sp.s. c 23 s 17. Prior: 2011 c 171 s 28; 2011 c 121 s 4; 2006 c 212 s 3; 2005 c 213 s 3; 2003 c 377 s 1; 1979 ex.s. c 136 s 41; 1977 ex.s. c 220 s 10; 1972 ex.s. c 153 s 12; 1971 ex.s. c 47 s 17. Formerly RCW 46.09.120.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—2011 c 121: See note following RCW 46.04.363.

Findings—Construction—Effective date—2005 c 213: See notes following RCW 46.09.300.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.480 Additional violations—Penalty. (1) No person may operate a nonhighway vehicle in such a way as to endanger human life.

(2) No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of fish and wildlife under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

(3) For the purposes of this section, "hunt" means any effort to kill, injure, capture, or purposely disturb a wild animal or bird.

(4) Violation of this section is a gross misdemeanor. [2004 c 105 s 4; (2004 c 105 s 3 expired July 1, 2004); 2003 c 53 s 233; 1994 c 264 s 35; 1989 c 297 s 3; 1986 c 206 s 7; 1977 ex.s. c 220 s 11; 1971 ex.s. c 47 s 18. Formerly RCW 46.09.130.]

Rules of court: *Bail in criminal traffic offense cases—Mandatory appearance—CrRLJ 3.2.*

Expiration dates—Effective dates—2004 c 105 ss 3-6: "(1) Section 3 of this act expires July 1, 2004.

(2) Section 4 of this act takes effect July 1, 2004.

(3) Section 5 of this act expires June 30, 2005.

(4) Section 6 of this act takes effect June 30, 2005." [2004 c 105 s 11.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Effective date—1986 c 206: See note following RCW 46.09.310.

RCW 46.09.485 Operating violations for wheeled all-terrain vehicles—Notice of infraction, issuance and procedure. (1) A person who operates a wheeled all-terrain vehicle consistent with RCW 46.09.470(1) (g), (h), or (i) or inconsistent with the emergency exemption under RCW 46.09.420 is [commits] a traffic infraction.

(2) Any law enforcement officer may issue a notice of traffic infraction for a violation of subsection (1) of this section whether or not the infraction was committed in the officer's presence, as long as there is reasonable evidence presented that the operator of the wheeled all-terrain vehicle committed a violation of subsection (1) of this section. At a minimum, the evidence must include information relating to the time and location at which the violation occurred, and the wheeled all-terrain vehicle metal tag number or a description of the vehicle involved in the violation. If, after an investigation of a reported violation of subsection (1) of this section, the law enforcement officer is able to identify the operator and has probable cause to believe a violation of subsection (1) of this section has occurred, the law enforcement officer shall prepare a notice of traffic infraction and have it served upon the operator of the wheeled all-terrain vehicle. [2013 2nd sp.s. c 23 s 9.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

RCW 46.09.490 General penalty—Civil liability. (1) Except as provided in RCW 46.09.470(2) and 46.09.480 as now or hereafter amended, violation of the provisions of this chapter is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, or growing crops injured as the result of travel by the nonhighway vehicle. The owner of such property may recover from the person responsible three times the amount of damage. [2011 c 171 s 29; 1979 ex.s. c 136 s 42; 1977 ex.s. c 220 s 16; 1972 ex.s. c 153 s 16; 1971 ex.s. c 47 s 24. Formerly RCW 46.09.190.]

Rules of court: *Monetary penalty schedule—IRLJ 6.2.*

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.495 Failure to title or register an off-road vehicle—Penalty, circumstances when. (1) It is a gross misdemeanor, punishable as provided under chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140, to:

(a) Knowingly fail to apply for a Washington state certificate of title for, or to knowingly fail to register, an off-road vehicle within fifteen days of receiving or refusing a notice issued by the department under RCW 46.93.210; or

(b) Register an off-road vehicle in another state to avoid retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(2) For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, which may not be suspended, except as provided in RCW 10.05.180.

(3) Excise taxes owed and fines assessed must be deposited in the manner provided under RCW 46.16A.030(6). [2021 c 216 s 6; 2017 c 218 s 2.]

Effective date—2021 c 216: See note following RCW 46.09.420.

Finding—Intent—2017 c 218: "The legislature finds that many residents of Washington enjoy recreational opportunities for off-road vehicle and snowmobile use afforded by the natural beauty of the state and do so in compliance with vehicle titling and registration laws and other laws that govern off-road vehicle and snowmobile use. At the same time, the legislature recognizes that the current law and corresponding enforcement regime may not be robust enough to ensure full compliance with legal registration requirements and a level playing field for all users. It is therefore the intent of the legislature to modify the statutory framework governing penalties for off-road vehicle and snowmobile registration violations and to add requirements to the department of licensing in order to improve registration compliance." [2017 c 218 s 1.]

Effective date—2017 c 218: "This act takes effect August 1, 2017." [2017 c 218 s 6.]

REVENUE

RCW 46.09.500 Motor vehicle fuel excise taxes on fuel for nonhighway vehicles not refundable. Motor vehicle fuel excise taxes paid on fuel used and purchased for providing the motive power for nonhighway vehicles shall not be refundable in accordance with the provisions of *RCW 82.36.280 as it now exists or is hereafter amended. [1977 ex.s. c 220 s 13; 1974 ex.s. c 144 s 1; 1972 ex.s. c 153 s 13; 1971 ex.s. c 47 s 20. Formerly RCW 46.09.150.]

***Reviser's note:** Chapter 82.36 RCW was repealed in its entirety by 2013 c 225 s 501, effective July 1, 2016.

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.510 Nonhighway and off-road vehicle activities program account. The nonhighway and off-road vehicle activities program account is created in the state treasury. Moneys in this account are subject to legislative appropriation. The recreation and conservation funding board shall administer the account for purposes specified in this chapter and shall hold it separate and apart from all other money, funds, and accounts of the board. Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and any moneys made available to the state of Washington by the federal government for outdoor recreation may be deposited into the account. During the 2025-2027 fiscal biennium, funds may be used for recreation-based appropriations at the department of natural resources. [2025 c 424 s 962; 2007 c 241 s 15; 1995 c 166 s 11. Formerly RCW 46.09.165.]

Effective date—2025 c 424: See note following RCW 9.46.100.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

RCW 46.09.520 Refunds from motor vehicle fund—Distribution—Use. (1) From time to time, but at least once each year, the state treasurer must refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.38 RCW, based on: (a) A tax rate of: (i) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (ii) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (iii) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (iv) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; (v) twenty-three cents per gallon of motor vehicle fuel from July 1, 2011, through July 31, 2015; (vi) thirty cents per gallon of motor vehicle fuel from August 1, 2015, through June 30, 2016; and (vii) thirty-four and nine-tenths cents per gallon of motor vehicle fuel from July 1, 2016, through June 30, 2031; and (b) beginning July 1, 2031, and thereafter, the state's motor vehicle fuel tax rate in existence at the time of the fuel purchase, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer must place these funds in the general fund as follows:

(a) Thirty-six percent must be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent must be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent must be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development,

maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent must be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection must be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.68.045, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) are known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.68.045, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources to install consistent off-road vehicle signage at department-managed recreation sites, and to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission. The legislature finds that the appropriation of funds from the NOVA account during the 2009-2011 fiscal biennium for maintenance and operation of state parks or to improve accessibility for boaters and off-road vehicle users at state parks will benefit boaters and off-road vehicle users and others who use nonhighway and nonmotorized recreational facilities. The appropriations under this subsection are not required to follow the specific distribution specified in subsection (2) of this section.

(5) During the 2021-2023 and 2025-2027 fiscal biennia, the legislature may appropriate moneys from the NOVA account to the department of natural resources to support programs that benefit ORV, nonhighway road, and nonmotorized recreational facilities. [2025 c 424 s 963; 2021 c 334 s 985; 2015 3rd sp.s. c 44 s 110. Prior: (2015 3rd sp.s. c 44 s 109 expired July 1, 2016); (2015 2nd sp.s. c 9 s 2 repealed by 2015 3rd sp.s. c 44 s 111); 2013 c 225 s 608; prior: 2010 1st sp.s. c 37 s 936; 2010 c 161 s 222; prior: 2009 c 564 s 944; 2009 c 187 s 2; prior: 2007 c 522 s 953; 2007 c 241 s 16; 2004 c 105 s 6; (2004 c 105 s 5 expired June 30, 2005); prior: (2003 1st sp.s. c 26 s 920 expired June 30, 2005); 2003 1st sp.s. c 25 s 922; 2003 c 361 s 407; 1995 c 166 s 9; 1994 c 264 s 36; 1990 c 42 s 115; 1988 c 36 s 25;

1986 c 206 s 8; 1979 c 158 s 130; 1977 ex.s. c 220 s 14; 1975 1st ex.s. c 34 s 1; 1974 ex.s. c 144 s 3; 1972 ex.s. c 153 s 15; 1971 ex.s. c 47 s 22. Formerly RCW 46.09.170.]

Effective date—2025 c 424: See note following RCW 9.46.100.

Conflict with federal requirements—Effective date—2021 c 334: See notes following RCW 43.79.555.

Effective date—2015 3rd sp.s. c 44 ss 103, 105, and 110: See note following RCW 82.38.030.

Contingent expiration date—2015 3rd sp.s. c 44 ss 101, 102, 104, and 109: See note following RCW 82.38.030.

Findings—Intent—2015 2nd sp.s. c 9: "The legislature finds that through statutory mechanisms and voter-approved initiatives, a long-standing commitment has been in place to direct refunds from fuel tax purchases made by boaters, off-road and nonhighway vehicle riders and drivers, and snowmobilers into dedicated nonhighway-purpose accounts that provide infrastructure grants and operating assistance to those nonhighway users.

The legislature finds that the state departed from its commitment in 2003 and 2005 when motor vehicle fuel tax increases of five cents and nine and one-half cents contained no statutory direction to dedicate the refund percentage from the fourteen and one-half cents of fuel tax purchases made by boaters, off-road and nonhighway vehicle riders and drivers, and snowmobilers into the appropriate nonhighway-purpose user accounts.

The legislature intends to remedy this problem by fully restoring the refund percentages into nonhighway-purpose accounts established to benefit nonhighway users of fuel. The legislature also intends to honor its commitment when the refund amounts from nonhighway-purpose fuel tax purchases are no longer necessary to repay bonded debt associated with the 2003 and 2005 motor vehicle fuel tax increases. The legislature also intends to specify that as of July 1, 2031, the state will apply the total percentage of nonhighway-purpose fuel tax refunds into the proper nonhighway user accounts for boaters, off-road and nonhighway vehicle riders and drivers, and snowmobilers." [2015 2nd sp.s. c 9 s 1.]

Effective date—2013 c 225: See note following RCW 82.38.010.

Effective date—2010 1st sp.s. c 37: See note following RCW 13.06.050.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—2009 c 564: See note following RCW 2.68.020.

Severability—Effective date—2007 c 522: See notes following RCW 15.64.050.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Expiration dates—Effective dates—2004 c 105 ss 3-6: See note following RCW 46.09.480.

Expiration date—Effective dates—2003 1st sp.s. c 26: See notes following RCW 43.88.032.

Severability—Effective date—2003 1st sp.s. c 25: See note following RCW 19.28.351.

Findings—2003 c 361: See note following RCW 82.38.030.

Effective dates—2003 c 361: See note following RCW 82.08.020.

Purpose—Effective dates—Application—Implementation—1990 c 42: See notes following RCW 46.68.090.

Effective date—1986 c 206: See note following RCW 46.09.310.

Effective date—1975 1st ex.s. c 34: "This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1975." [1975 1st ex.s. c 34 s 4.]

Purpose—1972 ex.s. c 153: See RCW 79A.35.070.

RCW 46.09.530 Administration and distribution of off-road vehicle moneys. (1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the board shall, at least once each year, distribute the funds it receives under RCW 46.68.045 and 46.09.520 to state agencies, counties, municipalities, federal agencies, nonprofit off-road vehicle organizations, and Indian tribes. Funds distributed under this section to nonprofit off-road vehicle organizations may be spent only on projects or activities that benefit off-road vehicle recreation on publicly owned lands or lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

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

(3) The board shall require each applicant for acquisition or development funds under this section to comply with the requirements of either the state environmental policy act, chapter 43.21C RCW, or the national environmental policy act (42 U.S.C. Sec. 4321 et seq.). [2013 2nd sp.s. c 23 s 18; 2010 c 161 s 223; 2007 c 241 s 17; 2004 c

105 s 7; 1998 c 144 s 1; 1991 c 363 s 122; 1986 c 206 s 9; 1977 ex.s. c 220 s 17. Formerly RCW 46.09.240.]

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Effective date—1986 c 206: See note following RCW 46.09.310.

RCW 46.09.540 Multiuse roadway safety account. (1) The multiuse roadway safety account is created in the motor vehicle fund. All receipts from vehicle license fees under RCW 46.17.350(1)(r) must be deposited into the account. Moneys in the account may be spent only after appropriation. Except as provided in (e) of this subsection and subsection (3) of this section, expenditures from the account may be used only for grants administered by the department of transportation to: (a) Counties to perform safety engineering analysis of mixed vehicle use on any road within a county; (b) local governments to provide funding to erect signs providing notice to the motoring public that (i) wheeled all-terrain vehicles are present or (ii) wheeled all-terrain vehicles may be crossing; (c) the state patrol or local law enforcement for purposes of defraying the costs of enforcement of chapter 23, Laws of 2013 2nd sp. sess.; (d) law enforcement to investigate accidents involving wheeled all-terrain vehicles; and (e) during the 2025-2027 biennium grants may be made to counties and cities to (i) enhance or maintain any segment of a road within the jurisdiction in which the segment has been designated as part of a travel or tourism route for use by wheeled all-terrain vehicles; and (ii) purchase, print, develop, or use educational brochures or mapping technology that aids in the safety and direction of users of wheeled all-terrain vehicle routes.

(2) The department of transportation must prioritize grant awards in the following priority order:

(a) For the purpose of marking highway crossings with signs warning motorists that wheeled all-terrain vehicles may be crossing when an ORV recreation facility parking lot is on the other side of a public roadway from the actual ORV recreation facility; and

(b) For the purpose of marking intersections with signs where a wheeled all-terrain vehicle may cross a public road to advise motorists of the upcoming intersection. Such signs must conform to the manual on uniform traffic control devices.

(3)(a) During the 2025-2027 fiscal biennium, expenditures from the account may be used for interagency transfers to the departments

of natural resources and fish and wildlife, during the second year of the fiscal biennium, with respect to roads that are comanaged by the agencies and which are open for use by wheeled all-terrain vehicles, for the purposes of:

(i) Mitigating impacts to road surfaces caused by wheeled all-terrain vehicles on public roadways authorized for wheeled all-terrain vehicle travel;

(ii) Erecting signage to identify the designation of public roadways as either open or closed to wheeled all-terrain vehicles, depending on whether the roadway has been authorized for wheeled all-terrain vehicle travel; or

(iii) Purchasing, printing, developing, or using educational brochures or mapping technology that aids in the safety and direction of users of wheeled all-terrain vehicle routes.

(b) The department of transportation must limit the interagency transfers to the departments of natural resources and fish and wildlife under this subsection (3) such that a minimum of $80,000 is available to be allocated for grants to eligible local governments during the biennium.

(c) Prior to an interagency transfer to either the department of natural resources or the department of fish and wildlife under this subsection (3), the county or counties in which the proposed project will take place must first submit a letter of support to the implementing department and to the department of transportation. [2025 c 416 s 703; 2021 c 333 s 720; 2013 2nd sp.s. c 23 s 10.]

Effective date—2025 c 416: See note following RCW 36.79.020.

Effective date—2021 c 333: See note following RCW 43.19.642.

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.