

# SENATE BILL REPORT

## SB 5751

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As Reported by Senate Committee On:  
Transportation, February 23, 2023

**Title:** An act relating to modifying the definition of nonhighway vehicle for the purposes of chapter 46.09 RCW.

**Brief Description:** Modifying the definition of nonhighway vehicle for the purposes of chapter 46.09 RCW.

**Sponsors:** Senators Lovick and Warnick.

**Brief History:**

**Committee Activity:** Transportation: 2/21/23, 2/23/23 [DP, w/oRec].

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Modifies the definition of wheeled all-terrain vehicle.</li></ul>
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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Liias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; Cleveland, Kauffman, Lovelett, MacEwen, Nobles, Randall, Valdez, Wilson, C. and Wilson, J..

**Minority Report:** That it be referred without recommendation.

Signed by Senators King, Ranking Member; Holy, Assistant Ranking Member; Padden.

**Staff:** Brandon Popovac (786-7465)

**Background:** A wheeled all-terrain vehicle (WATV) is a specific category of off-road vehicle authorized to travel on public roadways under certain circumstances. There are two

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types of WATV. One is a motorized nonhighway vehicle weighing less than 1500 pounds and is equipped with handlebars, four tires of 30 inches or less, and a seat with a height of at least 20 inches. The second is a utility-type vehicle having a maximum width of less than 74 inches, a maximum weight of less than 2000 pounds, a maximum wheelbase of 110 inches or less, and can travel on four or more low pressure tires. This second type must also have a minimum width of 50 inches, a minimum weight of 900 pounds, or a wheelbase of more than 61 inches.

A person who operates a WATV upon a public roadway must have a valid driver's license for travel on public roadways and a current on-road vehicle registration at a cost of \$12 for the WATV. The eligible WATV must display a metal tag affixed to the rear of the vehicle with the appropriate on-road tab. WATV off-road use requires registration and payment of an \$18 fee and the display of a metal tag affixed to the rear of the vehicle with the appropriate off-road tab. WATVs are eligible for operation on public roadways only if the vehicle meets certain equipment requirements and the operator possesses documentation of a safety inspection certifying that the vehicle's equipment meets state and federal requirements.

WATVs may operate on public roadways with a posted speed limit of 35 mph or less, under certain conditions. Any city and any county of 15,000 persons or more must approve the operation of eligible vehicles on roads under its jurisdiction before such travel is allowed. Operation of an eligible WATV is allowed in a county of less than 15,000 persons on public roadways, unless the county designates its roadways to be unsuitable for use by WATVs. Any county or city road which was designated as of January 1, 2013, as either open or closed for WATV use is unaffected by the requirements pertaining to eligible WATV use.

**Summary of Bill:** The definition of wheeled all-terrain vehicle is modified as follows:

- as a motorized nonhighway vehicle, the seat height and tire width requirements are removed and equipped tires must be for nonhighway use; and
- as a utility-type vehicle, minimum wheelbase and width and weight requirements are removed, the maximum weight allowed is increased from 2000 to 3500 pounds, and equipped tires must be for nonhighway use.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The WATV definition has not been updated since first enacted in 2013. There have been many advances in technology for WATVs over the last decade, especially with increased electric battery use. Many other states have

updated their WATV definitions to keep up with the latest and rapidly increasing innovations. Outdoor recreation produces billions of dollars of investment in surrounding economies within the state. Access to federal lands for WATVs depends on their registration status not their overall weight. On such lands, WATVs are allowed on designated trails and roads. Removing obsolete references and updating weight requirements in the WATV definition will keep up with current market interest.

OTHER: The WATV definition was enacted through efforts at determining how local jurisdictions should allow WATV use on public roads, and was not intended to be a state definition. WATVs are also ORVs, as the federal government also calls them off-highway vehicles. DOL has clouded the WATV definition, with expected clarification coming from rule-making efforts. WATVs are capable of traveling at higher speeds but would need further authorization to do so. Multiple agencies will now have to accommodate WATV use.

**Persons Testifying:** PRO: Senator John Lovick, Prime Sponsor; J.R. Burke, Polaris.

OTHER: Ted Jackson, WA ATV Association.

**Persons Signed In To Testify But Not Testifying:** No one.