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HOUSE BILL 1870

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State of Washington

67th Legislature

2022 Regular Session

By Representative Klicker

Prefiled 01/07/22.

1 AN ACT Relating to certain wheeled all-terrain vehicles; amending  
2 RCW 46.09.455; and reenacting and amending RCW 46.09.310.

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

4 **Sec. 1.** RCW 46.09.310 and 2013 2nd sp.s. c 23 s 3 are each  
5 reenacted and amended to read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

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

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

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

15 (4) "Direct supervision" means that the supervising adult must be  
16 in a position, on another wheeled all-terrain vehicle or specialty  
17 off-highway vehicle or motorbike or, if on the ground, within a  
18 reasonable distance of the unlicensed operator, to provide close  
19 support, assistance, or direction to the unlicensed operator.

20 (5) "Emergency management" means the carrying out of emergency  
21 functions related to responding and recovering from emergencies and

1 disasters, and to aid victims suffering from injury or damage,  
2 resulting from disasters caused by all hazards, whether natural,  
3 technological, or human caused, and to provide support for search and  
4 rescue operations for persons and property in distress.

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

11 (7) "Nonhighway road" means any road owned or managed by a public  
12 agency, a primitive road, or any private road for which the owner has  
13 granted an easement for public use for which appropriations from the  
14 motor vehicle fund were not used for (a) original construction or  
15 reconstruction in the last twenty-five years; or (b) maintenance in  
16 the last four years.

17 (8) "Nonhighway road recreation facilities" means recreational  
18 facilities that are adjacent to, or accessed by, a nonhighway road  
19 and intended primarily for nonhighway road recreational users.

20 (9) "Nonhighway road recreational user" means a person whose  
21 purpose for consuming fuel on a nonhighway road or off-road is  
22 primarily for nonhighway road recreational purposes, including, but  
23 not limited to, hunting, fishing, camping, sightseeing, wildlife  
24 viewing, picnicking, driving for pleasure, kayaking/canoeing, and  
25 gathering berries, firewood, mushrooms, and other natural products.

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

29 Nonhighway vehicle does not include:

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

32 (b) Snowmobiles or any military vehicles; or

33 (c) Any vehicle eligible for a motor vehicle fuel tax exemption  
34 or rebate under chapter 82.38 RCW while an exemption or rebate is  
35 claimed. This exemption includes but is not limited to farm,  
36 construction, and logging vehicles.

37 (11) "Nonmotorized recreational facilities" means recreational  
38 trails and facilities that are adjacent to, or accessed by, a  
39 nonhighway road and intended primarily for nonmotorized recreational  
40 users.

1 (12) "Nonmotorized recreational user" means a person whose  
2 purpose for consuming fuel on a nonhighway road or off-road is  
3 primarily for nonmotorized recreational purposes including, but not  
4 limited to, walking, hiking, backpacking, climbing, cross-country  
5 skiing, snowshoeing, mountain biking, horseback riding, and pack  
6 animal activities.

7 (13) "Organized competitive event" means any competition,  
8 advertised in advance through written notice to organized clubs or  
9 published in local newspapers, sponsored by recognized clubs, and  
10 conducted at a predetermined time and place.

11 (14) "ORV recreation facilities" include, but are not limited to,  
12 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use  
13 areas, designated for ORV use by the managing authority.

14 (15) "ORV recreational user" means a person whose purpose for  
15 consuming fuel on nonhighway roads or off-road is primarily for ORV  
16 recreational purposes, including but not limited to riding an all-  
17 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle  
18 or dune buggy.

19 (16) "ORV sports park" means a facility designed to accommodate  
20 competitive ORV recreational uses including, but not limited to,  
21 motocross racing, four-wheel drive competitions, and flat track  
22 racing. Use of ORV sports parks can be competitive or noncompetitive  
23 in nature.

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

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

32 (19) "Qualifying WATV" means a wheeled all-terrain vehicle that  
33 includes:

34 (a) Tires that are manufactured in compliance with United States  
35 department of transportation requirements for on-road travel;

36 (b) Hydraulic brakes from the original equipment manufacturer;  
37 and

38 (c) If the wheeled all-terrain vehicle is a utility-type vehicle,  
39 a roll cage from the original equipment manufacturer.

1        (20) "Wheeled all-terrain vehicle" means (a) any motorized  
2 nonhighway vehicle with handlebars that is fifty inches or less in  
3 width, has a seat height of at least twenty inches, weighs less than  
4 one thousand five hundred pounds, and has four tires having a  
5 diameter of thirty inches or less, or (b) a utility-type vehicle  
6 designed for and capable of travel over designated roads that  
7 (~~travels on four or more low-pressure tires of twenty psi or less,~~)  
8 has a maximum width less than seventy-four inches, has a maximum  
9 weight less than (~~two thousand~~) 4,000 pounds, has a wheelbase of  
10 one hundred ten inches or less, and satisfies at least one of the  
11 following: (i) Has a minimum width of fifty inches; (ii) has a  
12 minimum weight of at least nine hundred pounds; or (iii) has a  
13 wheelbase of over sixty-one inches.

14        **Sec. 2.** RCW 46.09.455 and 2021 c 121 s 1 are each amended to  
15 read as follows:

16        (1) A person may operate a wheeled all-terrain vehicle upon any  
17 public roadway of this state, not including nonhighway roads and  
18 trails, having a speed limit of thirty-five miles per hour or less  
19 subject to the following restrictions and requirements:

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

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

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

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

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

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

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

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

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

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

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

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

39 (2)(a) In addition to having the rights and responsibilities  
40 granted with respect to the operation of wheeled all-terrain vehicles

1 under subsection (1) of this section, a person is authorized to  
2 operate a qualifying WATV on county roads, not including nonhighway  
3 roads and trails, with a posted speed limit of 50 miles per hour or  
4 less in a rural county as defined in RCW 82.14.370, subject to the  
5 following restrictions:

6 (i) A county of 15,000 persons or more must first approve such  
7 operation on designated county roads by ordinance.

8 (ii) A county of fewer than 15,000 persons may designate a county  
9 road or roads to be unsuitable for such operation by ordinance.

10 (b) A person operating a qualifying WATV that is not equipped  
11 with a roll cage may not operate the vehicle without a helmet or in  
12 excess of 45 miles per hour.

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

15 ~~((3))~~ (4) A person may operate a wheeled all-terrain vehicle  
16 upon any public roadway, trail, nonhighway road, or highway within  
17 the state while being used under the authority or direction of an  
18 appropriate agency that engages in emergency management, as defined  
19 in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010,  
20 or a law enforcement agency, as defined in RCW 16.52.011, within the  
21 scope of the agency's official duties.

22 ~~((4))~~ (5) A wheeled all-terrain vehicle is an off-road vehicle  
23 for the purposes of chapter 4.24 RCW.

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