
SUBSTITUTE SENATE BILL 5411

State of Washington

64th Legislature

2015 Regular Session

By Senate Government Operations & Security (originally sponsored by Senators Roach, Rivers, Braun, Warnick, Dansel, Honeyford, Hatfield, and Benton)

1 AN ACT Relating to liability immunity for local jurisdictions
2 when wheeled all-terrain vehicles are operated on public roadways;
3 and amending RCW 46.09.457.

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

5 **Sec. 1.** RCW 46.09.457 and 2013 2nd sp.s. c 23 s 7 are each
6 amended to read as follows:

7 (1) A person may operate a wheeled all-terrain vehicle upon any
8 public roadway of this state, not including nonhighway roads and
9 trails, subject to RCW 46.09.455 and the following equipment and
10 declaration requirements:

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

13 (i) Headlights meeting the requirements of RCW 46.37.030 and
14 46.37.040 and used at all times when the vehicle is in motion upon a
15 highway;

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

1 (iii) A stop lamp meeting the requirements of RCW 46.37.200;
2 (iv) Reflectors meeting the requirements of RCW 46.37.060;
3 (v) During hours of darkness, as defined in RCW 46.04.200, turn
4 signals meeting the requirements of RCW 46.37.200. Outside of hours
5 of darkness, the operator must comply with RCW 46.37.200 or
6 46.61.310;
7 (vi) A mirror attached to either the right or left handlebar,
8 which must be located to give the operator a complete view of the
9 highway for a distance of at least two hundred feet to the rear of
10 the vehicle; however, a utility-type vehicle, as described under RCW
11 46.09.310(19), must have two mirrors meeting the requirements of RCW
12 46.37.400;
13 (vii) A windshield meeting the requirements of RCW 46.37.430,
14 unless the operator wears glasses, goggles, or a face shield while
15 operating the vehicle, of a type conforming to rules adopted by the
16 Washington state patrol;
17 (viii) A horn or warning device meeting the requirements of RCW
18 46.37.380;
19 (ix) Brakes in working order;
20 (x) A spark arrester and muffling device meeting the requirements
21 of RCW 46.09.470; and
22 (xi) For utility-type vehicles, as described under RCW
23 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.
24 (b) A person who operates a wheeled all-terrain vehicle upon a
25 public roadway must provide a declaration that includes the
26 following:
27 (i) Documentation of a safety inspection to be completed by a
28 licensed wheeled all-terrain vehicle dealer or repair shop in the
29 state of Washington that must outline the vehicle information and
30 certify under oath that all wheeled all-terrain vehicle equipment as
31 required under this section meets the requirements outlined in state
32 and federal law. A person who makes a false statement regarding the
33 inspection of equipment required under this section is guilty of
34 false swearing, a gross misdemeanor, under RCW 9A.72.040;
35 (ii) Documentation that the licensed wheeled all-terrain vehicle
36 dealer or repair shop did not charge more than fifty dollars per
37 safety inspection and that the entire safety inspection fee is paid
38 directly and only to the licensed wheeled all-terrain vehicle dealer
39 or repair shop;

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

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

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

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

15 (2) This section does not apply to emergency services vehicles,
16 vehicles used for emergency management purposes, or vehicles used in
17 the production of agricultural and timber products on and across
18 lands owned, leased, or managed by the owner or operator of the
19 wheeled all-terrain vehicle or the operator's employer.

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