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HOUSE BILL 1837

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State of Washington

65th Legislature

2017 Regular Session

By Representative Schmick

1 AN ACT Relating to the operation of wheeled all-terrain vehicles  
2 in less populated counties; and amending RCW 46.09.455.

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

4 **Sec. 1.** RCW 46.09.455 and 2013 2nd sp.s. c 23 s 6 are each  
5 amended to read as follows:

6 (1) Except as authorized in subsection (2) of this section, a  
7 person may operate a wheeled all-terrain vehicle upon any public  
8 roadway of this state, not including nonhighway roads and trails,  
9 having a speed limit of thirty-five miles per hour or less subject to  
10 the following restrictions and requirements:

11 (a) A person may not operate a wheeled all-terrain vehicle upon  
12 state highways that are listed in chapter 47.17 RCW; however, a  
13 person may operate a wheeled all-terrain vehicle upon a segment of a  
14 state highway listed in chapter 47.17 RCW if the segment is within  
15 the limits of a city or town and the speed limit on the segment is  
16 thirty-five miles per hour or less;

17 (b) A person operating a wheeled all-terrain vehicle may not  
18 cross a public roadway, not including nonhighway roads and trails,  
19 with a speed limit in excess of thirty-five miles per hour, unless  
20 the crossing begins and ends on a public roadway, not including  
21 nonhighway roads and trails, or an ORV trail, with a speed limit of

1 thirty-five miles per hour or less and occurs at an intersection of  
2 approximately ninety degrees, except that the operator of a wheeled  
3 all-terrain vehicle may not cross at an uncontrolled intersection of  
4 a public highway listed under chapter 47.17 RCW;

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

11 (ii) The legislative body of a county with a population of fewer  
12 than fifteen thousand may, by ordinance, designate roadways or  
13 highways within its boundaries to be unsuitable for use by wheeled  
14 all-terrain vehicles.

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

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

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

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

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

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

35 (2) A person may operate a wheeled all-terrain vehicle upon any  
36 public roadway of this state within a county located east of the  
37 summit of the Cascade mountains with a population of fifty thousand  
38 or less, not including nonhighway roads and trails, having a speed  
39 limit not exceeding the established county road speed limit subject  
40 to the following restrictions and requirements:

1 (a) A person may not operate a wheeled all-terrain vehicle upon  
2 state highways that are listed in chapter 47.17 RCW; however, a  
3 person may operate a wheeled all-terrain vehicle upon a segment of a  
4 state highway listed in chapter 47.17 RCW if the segment is within  
5 the limits of a city or town and the speed limit on the segment is  
6 the established county road speed limit or less.

7 (b) A person operating a wheeled all-terrain vehicle may not  
8 cross a public roadway, not including nonhighway roads and trails,  
9 with a speed limit in excess of the established county road speed  
10 limit, unless the crossing begins and ends on a public roadway, not  
11 including nonhighway roads and trails, or an ORV trail, with a speed  
12 limit not exceeding the established county road speed limit and  
13 occurs at an intersection of approximately ninety degrees, except  
14 that the operator of a wheeled all-terrain vehicle may not cross at  
15 an uncontrolled intersection of a public highway listed under chapter  
16 47.17 RCW.

17 (c) The legislative body of the county may, by ordinance,  
18 designate roadways or highways within its boundaries to be unsuitable  
19 for use by wheeled all-terrain vehicles. Any public roadways  
20 designated as unsuitable must be listed publicly and the list made  
21 accessible from the main page of the county web site.

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

24 ~~((3))~~ (4) A person may operate a wheeled all-terrain vehicle  
25 upon any public roadway, trail, nonhighway road, or highway within  
26 the state while being used under the authority or direction of an  
27 appropriate agency that engages in emergency management, as defined  
28 in RCW 46.09.310, or search and rescue, as defined in RCW 38.52.010,  
29 or a law enforcement agency, as defined in RCW 16.52.011, within the  
30 scope of the agency's official duties.

31 ~~((4))~~ (5) A wheeled all-terrain vehicle is an off-road vehicle  
32 for the purposes of chapter 4.24 RCW.

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