

new section to read as follows:

The governing boards of each of the state universities, state colleges, and community colleges in addition to their other duties prescribed by law shall have the power and authority to establish programs for intercollegiate athletic competition. Such competition may include participation as a member of an athletic conference or conferences, in accordance with conference rules.

NEW SECTION. Sec. 3. There is added to chapter 28B.10 RCW a new section to read as follows:

Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in intercollegiate athletics in accordance with section 1 *[2] of this 1971 act shall be limited to moneys received as contributed or donated funds, or revenues derived from athletic events, including gate receipts and revenues obtained from the licensing of radio and television broadcasts.

NEW SECTION. Sec. 4. This 1971 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 immediately.

Passed the Senate April 7, 1971.

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CHAPTER 29

[Engrossed Senate Bill No. 156]

SNOWMOBILE ACT

AN ACT Relating to self-propelled vehicles; creating new sections; prescribing penalties; and making appropriations.

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

NEW SECTION. Section 1. As used in this 1971 act the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated:

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or

sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state highway commission, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of motor vehicles.

(10) "Director" shall mean the director of the department of motor vehicles.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird.

NEW SECTION. Sec. 2. Except as provided, in this 1971 act, no person shall operate any snowmobile within this state after the effective date of this 1971 act unless such snowmobile has been registered in accordance with the provisions of this 1971 act.

NEW SECTION. Sec. 3. No registration shall be required under the provisions of this 1971 act for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Snowmobiles owned and operated by this state, or by any

municipality or political subdivision thereof.

(3) A snowmobile owned by a resident of another state if that snowmobile is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for snowmobiles registered in this state: PROVIDED, That any snowmobile which is validly registered in another state and which is physically located in this state for a period of more than sixty consecutive days shall be subject to registration under the provisions of this 1971 act.

(4) Snowmobiles operated exclusively on lands owned and under the control of the owner thereof.

NEW SECTION. Sec. 4. Application for registration shall be made to the department in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by a registration fee of fifteen dollars. Upon receipt of the application and the application fee, such snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in section 7 of this 1971 act.

The registration provided in this section shall be valid for a period of three years. At the end of such period of registration, every owner of a snowmobile in this state shall renew his registration in such manner as the department shall prescribe, for an additional period of three years, upon payment of a renewal fee of fifteen dollars.

Any person acquiring a snowmobile already validly registered under the provisions of this 1971 act must, within ten days of the acquisition or purchase of such snowmobile, make application to the department for transfer of such registration, and such application shall be accompanied by a transfer fee of one dollar.

A snowmobile owned by a resident of another state where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for such a permit shall state name and address of each owner of the snowmobile to be registered and shall be signed by at least one such owner and shall be accompanied by a registration fee of two dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any

snowmobile in this state.

NEW SECTION. Sec. 5. (1) Each dealer of snowmobiles in this state shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles owned by a dealer and not rented on a regular, commercial basis: PROVIDED, That snowmobiles rented on a regular commercial basis by a dealer shall be registered separately under the provisions of sections 2, 4, 6, and 7 of this 1971 act.

(3) Upon registration each dealer shall purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a dealer for the purposes enumerated in subsection (2) of this section shall display such number plates in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display a dealer number plate, and no dealer or a representative thereof shall use a dealer's number plate for any purpose other than the purposes described in subsection (2) of this section.

(5) Dealer registration numbers shall be nontransferable.

(6) Six months after the effective date of this 1971 act, it shall be unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section.

NEW SECTION. Sec. 6. The registration number assigned to a snowmobile in this state at the time of its original registration shall remain with that snowmobile until the vehicle is destroyed, abandoned, or permanently removed from this state, or until changed or terminated by the department. The department shall, upon assignment of such registration number, issue and deliver to the owner a certificate of registration, in such form as the department shall prescribe. The certificate of registration shall not be valid unless signed by the person who signed the application for registration.

At the time of the original registration, and at the time of each subsequent renewal thereof, the department shall issue to the registrant a date tag or tags indicating the validity of the current registration and the expiration date thereof, which validating date,

tag, or tags shall be affixed to the snowmobile in such manner as the department may prescribe. Notwithstanding the fact that a snowmobile has been assigned a registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current registration certificate has been issued.

NEW SECTION. Sec. 7. The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon each side of the front cowling of said snowmobile in painted numbers or decals no less than three inches high, and shall be of contrasting color with the surface on which they are applied and shall be maintained in a legible condition; except dealer number plates as provided for in section 5 of this 1971 act may be temporarily affixed.

NEW SECTION. Sec. 8. The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after the effective date of this 1971 act, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this 1971 act.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county general fund and expended to defray the cost of enforcing this 1971 act.

(3) For the first two years after the effective date of this 1971 act, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not on the acquisition or operation thereof.

NEW SECTION. Sec. 9. It shall be unlawful for any person to operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) While under the influence of intoxicating liquor or

narcotics or habit forming drugs.

(3) In a manner so as to endanger the person or property of another.

(4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(5) Without an adequate braking device which may be operated either by hand or foot.

(6) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

(7) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in sections 10 and 11 of this 1971 act.

(8) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops.

NEW SECTION. Sec. 10. It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

The snowmobile is brought to a complete stop before entering the public roadway or highway; and

The operator of the snowmobile yields the right of way to motor vehicles using the public roadway or highway; and

The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection.

NEW SECTION. Sec. 11. Notwithstanding the provisions of section 10 of this 1971 act, it shall be lawful to operate a snowmobile upon a public roadway or highway:

Where such roadway or highway is completely covered with snow or ice and has been closed to motor vehicle traffic during the winter months; or

Where such roadway or highway is posted to permit snowmobiles or all terrain vehicle use; or

In an emergency during the period of time when and at

locations where snow upon the roadway or highway renders travel by automobile impractical; or

When travelling along a designated snowmobile trail.

NEW SECTION. Sec. 12. No person under twelve years of age shall operate a snowmobile on or across a public roadway or highway in this state, and no person between the ages of twelve and eighteen years of age shall operate a snowmobile on or across a public road or highway in this state unless he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile by an instructor designated by the commission as qualified to conduct such a course and issue such a certificate, and he has on his person at the time he is operating a snowmobile evidence of such certification.

NEW SECTION. Sec. 13. No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any other wildlife, or any domestic animal, nor shall he carry any loaded weapon upon , nor hunt from, any snowmobile. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 14. The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage in the estimated amount of two hundred dollars or more, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, should the operator of the snowmobile be unknown, shall submit such reports as are required under chapter 46.52 RCW, as now enacted or as hereafter amended, and the provisions of chapter 46.52 RCW shall be applicable to such reports when submitted.

NEW SECTION. Sec. 15. From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund, and such amounts shall be credited, in equal amounts, to the commission, the department of natural resources, and the department of game, and shall be expended for the development or operation, but not acquisition of snowmobile facilities.

NEW SECTION. Sec. 16. Motor vehicle fuel used and purchased for providing the motive power for snowmobiles shall be considered a nonhighway use of fuel, but persons so purchasing and using motor vehicle fuel shall not be entitled to a refund of the motor vehicle fuel excise tax paid in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended.

NEW SECTION. Sec. 17. From time, to time, but at least once each four years, the department shall determine the amount or

proportion of moneys paid to it as motor vehicle fuel tax which is tax on snowmobile fuel. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each four year period to the legislature. To offset the cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund, the sum of twenty thousand dollars in the first biennium after the effective date of this 1971 act, and ten thousand dollars in each succeeding biennium.

NEW SECTION. Sec. 18. Notwithstanding any of the provisions of this 1971 act, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of snowmobiles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not inconsistent with the provisions of this 1971 act; and provided further that no such city, county, or other political subdivision of this state, nor any state agency, may adopt a regulation or ordinance which imposes a special fee for the use of public lands or waters by snowmobiles, or for the use of any access thereto which is owned by or under the jurisdiction of either the United States, this state, or any such city, county, or other political subdivision.

NEW SECTION. Sec. 19. (1) Except as provided in section 13 of this 1971 act, any person violating the provisions of this 1971 act shall be guilty of a misdemeanor.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved.

NEW SECTION. Sec. 20. The provisions of this 1971 act 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, state game protectors and deputy game protectors, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, as having police powers to enforce the laws of this state.

NEW SECTION. Sec. 21. If any provision of this 1971 act, or its application to any person or circumstances is held invalid, the remainder of this 1971 act, or the application of the provision to

other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This 1971 act may be known and cited as the "Snowmobile Act".

NEW SECTION. Sec. 23. To carry out the provisions of section 8(3) of this 1971 act there is appropriated to the commission from the general fund, the sum of one hundred thousand dollars, or such lesser amount as represents fifteen percent per year of the snowmobile registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 8(4) of this 1971 act there is appropriated to the commission, to the department of natural resources, and to the department of game, from the general fund, the sums of one hundred thousand dollars for each, or such lesser amounts as represent twenty percent per year of the snowmobile registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 15 of this 1971 act there is appropriated to the commission, to the department of natural resources, and to the department of game, from the general fund, the sum of one hundred thousand dollars for each, or such lesser amounts as represent one third of the refund of tax on motor vehicle fuel which has been determined to be a tax on snowmobile fuel, or so much thereof as may be necessary.

To carry out the provisions of section 17 of this 1971 act, there is appropriated to the department from the motor vehicle fund, the sum of twenty thousand dollars, or so much thereof as may be necessary.

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CHAPTER 30

[Engrossed Senate Bill No. 182]

PHYSICIAN'S ASSISTANTS--

OSTEOPATHIC PHYSICIAN'S ASSISTANTS

AN ACT Relating to physician's assistants and osteopathic physician's assistants; and creating new sections.

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

NEW SECTION. Section 1. (1) "Physician's assistant" means a person who is enrolled in, or who has satisfactorily completed, a board approved training program designed to prepare persons to