

HB 1918 - S COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 38.52.180 and 2011 c 336 s 791 are each amended to  
4 read as follows:

5 (1) There shall be no liability on the part of anyone including  
6 any person, partnership, corporation, the state of Washington or any  
7 political subdivision thereof who owns or maintains any building or  
8 premises which have been designated by a local organization for  
9 emergency management as a shelter from destructive operations or  
10 attacks by enemies of the United States for any injuries sustained by  
11 any person while in or upon said building or premises, as a result of  
12 the condition of said building or premises or as a result of any act  
13 or omission, or in any way arising from the designation of such  
14 premises as a shelter, when such person has entered or gone upon or  
15 into said building or premises for the purpose of seeking refuge  
16 therein during destructive operations or attacks by enemies of the  
17 United States or during tests ordered by lawful authority, except for  
18 an act of willful negligence by such owner or occupant or his or her  
19 servants, agents, or employees.

20 (2) All legal liability for damage to property or injury or death  
21 to persons (except an emergency worker, regularly enrolled and acting  
22 as such), caused by acts done or attempted during or while traveling  
23 to or from an emergency or disaster, search and rescue, or training  
24 or exercise authorized by the department in preparation for an  
25 emergency or disaster or search and rescue, under the color of this  
26 chapter in a bona fide attempt to comply therewith, except as  
27 provided in subsections (3), (4), and (5) of this section regarding  
28 covered volunteer emergency workers, shall be the obligation of the  
29 state of Washington. Suits may be instituted and maintained against  
30 the state for the enforcement of such liability, or for the  
31 indemnification of persons appointed and regularly enrolled as  
32 emergency workers while actually engaged in emergency management  
33 duties, or as members of any agency of the state or political  
34 subdivision thereof engaged in emergency management activity, or

1 their dependents, for damage done to their private property, or for  
2 any judgment against them for acts done in good faith in compliance  
3 with this chapter: PROVIDED, That the foregoing shall not be  
4 construed to result in indemnification in any case of willful  
5 misconduct, gross negligence, or bad faith on the part of any agent  
6 of emergency management: PROVIDED, That should the United States or  
7 any agency thereof, in accordance with any federal statute, rule, or  
8 regulation, provide for the payment of damages to property and/or for  
9 death or injury as provided for in this section, then and in that  
10 event there shall be no liability or obligation whatsoever upon the  
11 part of the state of Washington for any such damage, death, or injury  
12 for which the United States government assumes liability.

13 (3) No act or omission by a covered volunteer emergency worker  
14 while engaged in a covered activity shall impose any liability for  
15 civil damages resulting from such an act or omission upon:

16 (a) The covered volunteer emergency worker;

17 (b) The supervisor or supervisors of the covered volunteer  
18 emergency worker;

19 (c) Any facility or their officers or employees;

20 (d) The employer or sponsoring organization of the covered  
21 volunteer emergency worker;

22 (e) The owner of the property or vehicle where the act or  
23 omission may have occurred during the covered activity;

24 (f) Any local organization that registered the covered volunteer  
25 emergency worker; and

26 (g) The state or any state or local governmental entity.

27 (4) The immunity in subsection (3) of this section applies only  
28 when the covered volunteer emergency worker was engaged in a covered  
29 activity:

30 (a) Within the scope of his or her assigned duties;

31 (b) Under the direction of a local emergency management  
32 organization or the department, or a local law enforcement agency for  
33 search and rescue; and

34 (c) The act or omission does not constitute gross negligence or  
35 willful or wanton misconduct.

36 (5) For purposes of this section:

37 (a) "Covered volunteer emergency worker" means an emergency  
38 worker as defined in RCW 38.52.010 who (i) is not receiving or  
39 expecting compensation as an emergency worker from the state or local

1 government, or (ii) is not a state or local government employee  
2 unless on leave without pay status.

3 (b) "Covered activity" means:

4 (i) Providing assistance or transportation authorized by the  
5 department during an emergency or disaster or search and rescue as  
6 defined in RCW 38.52.010, whether such assistance or transportation  
7 is provided at the scene of the emergency or disaster or search and  
8 rescue, at an alternative care site, at a hospital, or while in route  
9 to or from such sites or between sites; or

10 (ii) Participating in training or exercise authorized by the  
11 department in preparation for an emergency or disaster or search and  
12 rescue.

13 (6) Any requirement for a license to practice any professional,  
14 mechanical, or other skill shall not apply to any authorized  
15 emergency worker who shall, in the course of performing his or her  
16 duties as such, practice such professional, mechanical, or other  
17 skill during an emergency described in this chapter.

18 (7) The provisions of this section shall not affect the right of  
19 any person to receive benefits to which he or she would otherwise be  
20 entitled under this chapter, or under the workers' compensation law,  
21 or under any pension or retirement law, nor the right of any such  
22 person to receive any benefits or compensation under any act of  
23 congress.

24 **Sec. 2.** RCW 46.09.320 and 2011 c 171 s 24 are each amended to  
25 read as follows:

26 ~~((The department shall issue a certificate of title to the owner  
27 of an off-road vehicle. The owner shall pay the fee established under  
28 RCW 46.17.100. Issuance of the certificate of title does not qualify  
29 the vehicle for registration under chapter 46.16A RCW.))~~ (1) The  
30 application for a certificate of title of an off-road vehicle must be  
31 made by the owner or owner's representative to the department, county  
32 auditor or other agent, or subagent appointed by the director on a  
33 form furnished or approved by the department and must contain:

34 (a) A description of the off-road vehicle, including make, model,  
35 vehicle identification number or engine serial number if no vehicle  
36 identification number exists, type of body, and model year of the  
37 vehicle;

38 (b) The name and address of the person who is the registered  
39 owner of the off-road vehicle and, if the off-road vehicle is subject

1 to a security interest, the name and address of the secured party;  
2 and

3 (c) Other information the department may require.

4 (2) The application for a certificate of title must be signed by  
5 the person applying to be the registered owner and be sworn to by  
6 that person in the manner described under RCW 9A.72.085.

7 (3) The owner must pay the fee established under RCW 46.17.100.

8 (4) Issuance of the certificate of title does not qualify the  
9 off-road vehicle for registration under chapter 46.16A RCW.

10 **Sec. 3.** RCW 46.09.442 and 2013 2nd sp.s. c 23 s 4 are each  
11 amended to read as follows:

12 (1) Any wheeled all-terrain vehicle operated within this state  
13 must display a metal tag to be affixed to the rear of the wheeled  
14 all-terrain vehicle. The initial metal tag must be issued with an  
15 original off-road vehicle registration and upon payment of the  
16 initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag  
17 must be replaced every seven years at a cost of two dollars. Revenue  
18 from replacement metal tags must be deposited into the nonhighway and  
19 off-road vehicle activities program account. The department must  
20 design the metal tag, which must:

21 (a) Be the same size as a motorcycle license plate;

22 (b) Have the words "RESTRICTED VEHICLE" listed at the top of the  
23 tag;

24 (c) Contain designated identification through a combination of  
25 letters and numbers;

26 (d) Leave space at the bottom left corner of the tag for an off-  
27 road tab issued under subsection (2) of this section; and

28 (e) Leave space at the bottom right corner of the tag for an on-  
29 road tab, when required, issued under subsection (3) of this section.

30 (2) A person who operates a wheeled all-terrain vehicle must have  
31 a current and proper off-road vehicle registration, with the  
32 appropriate off-road tab, and pay the annual vehicle license fee as  
33 provided in RCW 46.17.350(1)(s), which must be deposited into the  
34 nonhighway and off-road vehicle activities program account. The off-  
35 road tab must be issued annually by the department upon payment of  
36 initial and renewal vehicle license fees under RCW 46.17.350(1)(s).

37 (3) A person who operates a wheeled all-terrain vehicle upon a  
38 public roadway must have a current and proper on-road vehicle  
39 registration, with the appropriate on-road tab, which must be of a

1 bright color that can be seen from a reasonable distance, and pay the  
2 annual vehicle license fee as provided in RCW 46.17.350(1)(r). The  
3 on-road tab must be issued annually by the department upon payment of  
4 initial and renewal vehicle license fees under RCW 46.17.350(1)(r).

5 (4) A wheeled all-terrain vehicle may not be registered for  
6 commercial use.

7 (5) Wheeled all-terrain vehicle registrations and metal tags are  
8 not required under this chapter for a wheeled all-terrain vehicle  
9 owned by a resident of another state that has an on-road vehicle  
10 registration and license plate issued in accordance with the laws of  
11 the other state. This exemption applies only to the extent that: (a)  
12 A similar exemption or privilege is granted under the laws of that  
13 state for wheeled all-terrain vehicles registered in Washington, and  
14 (b) the other state has equipment requirements for on-road use that  
15 meet or exceed the requirements listed in RCW 46.09.457. The  
16 department must publish on its web site a list of states it has  
17 entered into reciprocity agreements with under RCW 46.85.040 related  
18 to wheeled all-terrain vehicles.

19 **Sec. 4.** RCW 46.09.457 and 2013 2nd sp.s. c 23 s 7 are each  
20 amended to read as follows:

21 (1) A person may operate a wheeled all-terrain vehicle upon any  
22 public roadway of this state, not including nonhighway roads and  
23 trails, subject to the following equipment and declaration  
24 requirements:

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

27 (i) Headlights meeting the requirements of RCW 46.37.030 and  
28 46.37.040 and used at all times when the vehicle is in motion upon a  
29 highway;

30 (ii) One tail lamp meeting the requirements of RCW 46.37.525 and  
31 used at all times when the vehicle is in motion upon a highway;  
32 however, a utility-type vehicle, as described under RCW 46.09.310,  
33 must have two tail lamps meeting the requirements of RCW 46.37.070(1)  
34 and to be used at all times when the vehicle is in motion upon a  
35 highway;

36 (iii) A stop lamp meeting the requirements of RCW 46.37.200;

37 (iv) Reflectors meeting the requirements of RCW 46.37.060;

38 (v) During hours of darkness, as defined in RCW 46.04.200, turn  
39 signals meeting the requirements of RCW 46.37.200. Outside of hours

1 of darkness, the operator must comply with RCW 46.37.200 or  
2 46.61.310;

3 (vi) A mirror attached to either the right or left handlebar,  
4 which must be located to give the operator a complete view of the  
5 highway for a distance of at least two hundred feet to the rear of  
6 the vehicle; however, a utility-type vehicle, as described under RCW  
7 46.09.310(19), must have two mirrors meeting the requirements of RCW  
8 46.37.400;

9 (vii) A windshield meeting the requirements of RCW 46.37.430,  
10 unless the operator wears glasses, goggles, or a face shield while  
11 operating the vehicle, of a type conforming to rules adopted by the  
12 Washington state patrol;

13 (viii) A horn or warning device meeting the requirements of RCW  
14 46.37.380;

15 (ix) Brakes in working order;

16 (x) A spark arrester and muffling device meeting the requirements  
17 of RCW 46.09.470; and

18 (xi) For utility-type vehicles, as described under RCW  
19 46.09.310(19), seatbelts meeting the requirements of RCW 46.37.510.

20 (b) A person who operates a wheeled all-terrain vehicle upon a  
21 public roadway must provide a declaration that includes the  
22 following:

23 (i) Documentation of a safety inspection to be completed by a  
24 licensed wheeled all-terrain vehicle dealer or motor vehicle repair  
25 shop in the state of Washington that must outline the vehicle  
26 information and certify under oath that all wheeled all-terrain  
27 vehicle equipment as required under this section meets the  
28 requirements outlined in state and federal law. A person who makes a  
29 false statement regarding the inspection of equipment required under  
30 this section is guilty of false swearing, a gross misdemeanor, under  
31 RCW 9A.72.040;

32 (ii) Documentation that the licensed wheeled all-terrain vehicle  
33 dealer or motor vehicle repair shop did not charge more than fifty  
34 dollars per safety inspection and that the entire safety inspection  
35 fee is paid directly and only to the licensed wheeled all-terrain  
36 vehicle dealer or motor vehicle repair shop;

37 (iii) A statement that the licensed wheeled all-terrain vehicle  
38 dealer or motor vehicle repair shop is entitled to the full amount  
39 charged for the safety inspection;

1 (iv) A vehicle identification number verification that must be  
2 completed by a licensed wheeled all-terrain vehicle dealer or motor  
3 vehicle repair shop in the state of Washington; and

4 (v) A release signed by the owner of the wheeled all-terrain  
5 vehicle and verified by the department, county auditor or other  
6 agent, or subagent appointed by the director that releases the state  
7 from any liability and outlines that the owner understands that the  
8 original wheeled all-terrain vehicle was not manufactured for on-road  
9 use and that it has been modified for use on public roadways.

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

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15 On page 1, line 2 of the title, after "drivers;" strike the  
16 remainder of the title and insert "and amending RCW 38.52.180,  
17 46.09.320, 46.09.442, and 46.09.457."

EFFECT: Provides that another state must have equipment requirements for on-road use that meet or exceed the equipment requirements in Washington in order for a wheeled all-terrain vehicle from another state to be eligible for reciprocity. Also requires the department of licensing to publish a list of states it has entered into reciprocity agreements with related to wheeled all-terrain vehicles on its web site.

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