

governor (~~may~~) shall decline to honor the demand so long as the person demanded is complying with the support order.

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

(1) Section 6, page 102, Laws of 1854, section 158, page 217, Laws of 1873, section 972, Code of 1881 and RCW 10.88.010;

(2) Section 6, part, page 102, Laws of 1854, section 972, part, Code of 1881 and RCW 10.88.020;

(3) Section 7, page 102, Laws of 1854, section 159, page 218, Laws of 1873, section 973, Code of 1881 and RCW 10.88.030;

(4) Section 8, page 103, Laws of 1854, section 160, page 218, Laws of 1873, section 974, Code of 1881 and RCW 10.88.040;

(5) Section 9, page 103, Laws of 1854, section 161, page 219, Laws of 1873, section 975, Code of 1881 and RCW 10.88.050; and

(6) Section 10, page 103, Laws of 1854, section 162, page 219, Laws of 1873, section 976, Code of 1881 and RCW 10.88.060.

NEW SECTION. Sec. 32. There is added to chapter 10.88 RCW a new section to read as follows:

If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Passed the Senate April 24, 1971.

Passed the House April 21, 1971.

Approved by the Governor May 4, 1971.

Filed in Office of Secretary of State May 5, 1971.

CHAPTER 47

[Engrossed Substitute Senate Bill No. 372]

STATE RECREATION TRAILS--

REGULATION OF ALL-TERRAIN VEHICLES (ATV)

AN ACT Relating to outdoor recreation; amending section 5, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.050; amending section 8, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.080; amending section 10, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.100; adding new sections to chapter 67.32 RCW; creating new sections; prescribing penalties; and making appropriations.

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

Section 1. Section 5, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.050 are each amended to read as follows:

The IAC shall prepare a state trails plan as part of the state-wide outdoor recreation and open space plan. Included in this plan shall be an inventory of existing trails and potential trail routes on all lands within the state presently being used or with potential for use by all types of trail users. Such trails plan may include general routes or corridors within which specific trails or segments thereof may be considered for designation as state recreation trails.

Sec. 2. Section 8, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.080 are each amended to read as follows:

The following five categories of trails are hereby established for purposes of this chapter:

(1) Cross-state trails which connect scenic, historical, geological, geographical, or other significant features which are characteristic of the state;

(2) Water-oriented trails which provide a designated path to, on, or along fresh and/or salt water in which the water is the primary point of interest;

(3) Scenic-access trails which give access to quality recreation, scenic, historic or cultural areas of state-wide or national significance;

(4) Urban trails which provide opportunities within an urban setting for walking, bicycling, horseback riding, or other compatible activities. Where appropriate, they will connect parks, scenic areas, historical points, and neighboring communities;

(5) Historical trails which identify and interpret routes which were significant in the historical settlement and development of the state.

The planning and designation of trails shall take into account and give due regard to the interests of federal agencies, state agencies and bodies, counties, municipalities, private landowners and individuals, and interested recreation organizations. It is not required that the above categories be used to designate specific trails, but the IAC will assure that full consideration is given to including trails from all categories within the system. As it relates to all classes of trails and to all types of trail users, it is herein declared as state policy to increase recreational trail access to and within state lands under the jurisdiction of the department of natural resources, the department of game, and the state parks and recreation commission.

Sec. 3. Section 10, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.100 are each amended to read as follows:

With the concurrence of any federal or state agency administering lands through which a state recreation trail may pass, and after consultation with local governments, private organizations

and landowners which the IAC knows or believes to be concerned, the IAC may issue guidelines including, but not limited to: Encouraging the permissive use of volunteer organizations for planning, maintenance or trail construction assistance; trail construction and maintenance standards, a trail use reporting procedure, and a uniform trail mapping system.

NEW SECTION. Sec. 4. There is added to chapter 67.32 RCW a new section to read as follows:

Volunteer organizations may assist public agencies, with the agency's approval, in the construction and maintenance of recreational trails in accordance with the guidelines issued by the interagency committee. In carrying out such volunteer activities the members of the organizations shall not be considered employees or agents of the public agency administering the trails, and such public agencies shall not be subject to any liability whatsoever arising out of volunteer activities. The liability of public agencies to members of such volunteer organizations shall be limited in the same manner as provided for in RCW 4.24.210.

NEW SECTION. Sec. 5. There is added to chapter 67.32 RCW a new section to read as follows:

The state highways department shall consider plans for trails along and across all new construction projects, improvement projects, and along or across any existing highways in the state system as deemed desirable by the IAC.

NEW SECTION. Sec. 6. The provisions of sections 7 through 28 of this 1971 amendatory act shall apply to all lands in this state. Nothing in this 1971 amendatory act shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

NEW SECTION. Sec. 7. As used in this 1971 amendatory act the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

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

"All-terrain vehicle" shall mean any self-propelled vehicle capable of cross-country travel on or immediately over any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, four-wheeled vehicles, motorcycles, amphibious vehicles, ground effects 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, logging vehicles, or any military or law enforcement vehicles.

"ATV registration" means the registration of an all-terrain vehicle, in this state, pursuant to this 1971 amendatory act.

"Trail" for the purpose of this 1971 amendatory act, shall mean a corridor designated and maintained for recreational travel; by whatever mode of transportation (foot, animal, or vehicular) authorized by the managing authority of the property that the trail traverses.

"Owner" shall mean the person other than the lienholder, having an interest in or title to an all-terrain vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any all-terrain vehicle.

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

"Department" shall mean the department of motor vehicles.

"Director" shall mean the director of the department of motor vehicles.

"Committee" shall mean the interagency committee for outdoor recreation.

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

"Roadway", for purposes of this 1971 amendatory act, shall mean any roads generally capable of being traveled on by conventional two-wheel drive passenger automobiles. It shall not include, private roads, abandoned railway grades, skids, and similar routes generally incapable of being traveled by conventional two-wheel drive vehicles.

"Organized competitive event" shall mean any competition, advertised in advance, sponsored by recognized clubs, and conducted at a predetermined time and place.

NEW SECTION. Sec. 8. A certificate of title shall be issued by the department for any all-terrain vehicle in a similar manner as provided for motor vehicles in chapter 46.12 RCW and such rules and regulations as the department may adopt.

NEW SECTION. Sec. 9. Except as provided in this 1971 amendatory act, no person shall operate any all-terrain vehicle within this state after the effective date of this 1971 amendatory act unless such all-terrain vehicle has been registered in accordance with the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 10. ATV registration shall be required under the provisions of this 1971 amendatory act except for the following:

- (1) All-terrain vehicles owned and operated by the United States, another state, or a political subdivision thereof.
- (2) All-terrain vehicles owned and operated by this state, or

by any municipality or political subdivision thereof.

(3) An all-terrain vehicle owned and/or kept outside of this state, when operating in an organized competitive event: PROVIDED, That such exemption shall be strictly construed.

(4) All-terrain vehicles operated on lands owned by the operator or lands on which the operator has permission to operate without ATV registration.

(5) All-terrain vehicles which are operated exclusively on roadways.

(6) Those two-wheeled vehicles with engines of fifty cubic centimeters or less displacement, on a wheelbase of forty-two inches or less, which are equipped with wheels of fourteen inches or less rim diameter.

NEW SECTION. Sec. 11. ATV registration period shall be concurrent with the registration period established by the department for motor vehicles pursuant to chapter 46.16 RCW.

NEW SECTION. Sec. 12. Application for ATV 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 all-terrain vehicle to be registered, and shall be signed by at least one such owner, and shall be accompanied by a registration fee of five dollars. Upon receipt of the application and the application fee, such all-terrain vehicle shall be registered and an ATV registration number assigned, which shall be affixed to the all-terrain vehicle in a manner prescribed by the department.

The ATV registration provided in this section shall be valid for a period of one year. At the end of such period of ATV registration, every owner of an all-terrain vehicle in this state shall renew his ATV registration in such manner as the department may prescribe, for an additional period of one year, upon payment of a renewal fee of five dollars.

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

Any out-of-state owner of an all-terrain vehicle not registered in this state, shall, when operating in this state, comply with the provisions of this 1971 amendatory act and if ATV registration is required under this 1971 amendatory act, he shall obtain a nonresident ATV registration, valid for not more than sixty days. Application for such a permit shall state name and address of each owner of the all-terrain vehicle 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.

NEW SECTION. Sec. 13. Six months after the effective date of this 1971 amendatory act, it shall be unlawful for any dealer to test or demonstrate or rent any all-terrain vehicle, within the state, without an ATV registration when the same is required by the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 14. An ATV registration number shall be assigned to an all-terrain vehicle in this state at the time of its original ATV registration by the department in a similar manner as provided in RCW 46.01.130 and 46.01.140 and such rules and regulations as the department may adopt. The department shall, upon assignment of such ATV registration number, issue and deliver to the owner a certificate of ATV registration, in such form as the department shall prescribe. The certificate of ATV registration shall not be valid unless signed by the person who signed the application for ATV registration.

At the time of the original ATV registration, and at the time of each subsequent renewal thereof, the department shall issue to the ATV registrant a date tag or tags indicating the validity of the current ATV registration and the expiration date thereof, which validating date tag, or tags, shall be affixed to the all-terrain vehicle in such manner as the department may prescribe. Notwithstanding the fact that an all-terrain vehicle has been assigned an ATV registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current ATV registration certificate have been issued and are in the possession of the operator.

NEW SECTION. Sec. 15. The ATV registration number assigned to each all-terrain vehicle and the validating tag shall be permanently affixed to and prominently displayed upon each all-terrain vehicle as the department may prescribe.

NEW SECTION. Sec. 16. The moneys collected by the department as ATV registration fees shall be distributed from time to time but at least once a year in the following manner:

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

(2) Twenty percent each year for the first two years after the effective date of this 1971 amendatory act, and twenty-five percent each year for each year thereafter shall be distributed to the treasurers of those counties of this state having significant

all-terrain vehicle 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 their enforcing this 1971 amendatory act.

(3) Fifty-five percent each year shall be remitted to the state treasurer for deposit into the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation, and such amount shall be distributed to the department of natural resources, department of game, and to the parks and recreation commission on a pro rata basis determined by the number of miles of agency designated and maintained ATV trails. Such agency designation shall be reviewed and revised by the committee at least once each biennium and the pro rata distribution made current with the number of miles of agency designated and maintained ATV trails. These moneys shall be expended by each agency only for all-terrain vehicle trail-related expenses.

NEW SECTION. Sec. 17. It shall be unlawful for any person to operate any all-terrain vehicle:

(1) While under the influence of intoxicating liquor or narcotics or other drugs;

(2) In such a manner as to endanger the property of another;

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

(4) Without an adequate braking device;

(5) Without a spark arrestor approved by the department of natural resources;

(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. All-terrain vehicles manufactured after January 4, 1973, 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: PROVIDED HOWEVER, That all-terrain vehicles used in organized competition may use a bypass, expansion chamber, or cutout device if the area has been designated as fire safe by the appropriate agency;

(7) Upon the shoulder or inside bank or slope of any roadway or highway, or upon the median of any divided highway;

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

NEW SECTION. Sec. 18. No person shall operate an all-terrain vehicle in such a way as to endanger human life or to run down or

harass deer, elk, or any other wildlife, or any domestic animal, nor shall he carry, transport or convey any loaded weapon in or upon, nor hunt from, any all-terrain vehicle. Violation of this section shall constitute a gross misdemeanor.

NEW SECTION. Sec. 19. The operator of any all-terrain vehicle involved in any accident resulting in injury to or death of any person, or property damage to another in the estimated amount of two hundred dollars or more, or a person acting for the operator 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. 20. Motor vehicle fuel used and purchased for providing the motive power for all-terrain vehicles on other than public highways, shall be considered a nonhighway use of fuel, and for purposes of this 1971 amendatory act shall be known as ATV fuel. Persons purchasing and using ATV 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. 21. 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 taxed on nonhighway use of all-terrain vehicle 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 amendatory act, and ten thousand dollars in each succeeding biennium in which such a determination is to be made.

NEW SECTION. Sec. 22. 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 all-terrain vehicle fuel, and the treasurer shall refund such amounts and place them in the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation, and such amounts shall be distributed to the department of natural resources, the department of game, and the parks and recreation commission on a pro rata basis determined by the number of miles of agency designated and maintained ATV trails. Such agency designation shall be reviewed and revised by the committee at least once each biennium and the pro rata distribution made current with the number of miles of agency designated and maintained ATV

trails. These moneys shall be expended by each agency only for all-terrain vehicle trail-related expenses.

NEW SECTION. Sec. 23. Notwithstanding any of the provisions of this 1971 amendatory act, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of all-terrain vehicles 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 less stringent than the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 24. (1) Except as provided in section 18 of this 1971 amendatory act, any person violating the provisions of this 1971 amendatory act shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any all-terrain vehicle shall be liable for any damage to property including damage to trees, shrubs, growing crops injured as the result of travel by such all-terrain vehicle. The owner of such property may recover from the person responsible nominal damages of not less than one hundred dollars or three times the amount of damage, whichever is greater.

NEW SECTION. Sec. 25. The provisions of this 1971 amendatory 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 wildlife agents and deputy wildlife agents, 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, 76.04.060, and 76.04.080.

NEW SECTION. Sec. 26. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1971 amendatory act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. To carry out the provisions of section 16(3) of this 1971 amendatory act, there is appropriated to the interagency committee for outdoor recreation from the outdoor recreation account those moneys as provided from ATV registration fees, in the sum of one million dollars, or such lesser amounts as represent fifty-five percent of the all-terrain vehicle registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 22 of this 1971 amendatory act there is appropriated to the interagency committee for

outdoor recreation from the outdoor recreation account, those moneys as provided from ATV fuel tax refunds, in the sum of one million dollars, or such lesser amount, as represents the refund of tax on motor vehicle fuel which has been determined to be a tax on all-terrain vehicle fuel, or so much thereof as may be necessary.

To carry out the provisions of section 21 of this 1971 amendatory 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.

NEW SECTION. Sec. 28. ATV as used in this 1971 amendatory act shall include snowmobiles unless the 1971 legislature specifically provides for the registration and regulation of snowmobiles.

Passed the Senate April 26, 1971.

Passed the House April 24, 1971.

Approved by the Governor May 5, 1971.

Filed in Office of Secretary of State May 6, 1971.

CHAPTER 48

[Engrossed Senate Bill No. 37]

REVENUE AND TAXATION--

SEGREGATION OF PROPERTY FOR TAX PURPOSES

AN ACT Relating to tax collection; and amending section 84.56.340, chapter 15, Laws of 1961 and RCW 84.56.340.

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

Section 1. Section 84.56.340, chapter 15, Laws of 1961 and RCW 84.56.340 are each amended to read as follows:

Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: PROVIDED, That excepting when property is being acquired for public use no segregation of property for tax purposes shall be made unless all delinquent taxes and assessments on the entire tract have been paid in full: AND PROVIDED FURTHER, That where the assessed valuation of the tract to be divided exceeds two thousand dollars a notice by registered mail must be given by the assessor to the several owners interested in said tract, if known, and if no protest against said division be filed with the county assessor within twenty days from