

Department of Social and Health Services or his designee. The nine persons appointed by the Governor are defined by quite precise categories in the bill. While membership reflecting the interests described in section 19 is generally desirable, it is excessively restrictive to mandate in every instance the categories of persons who must be included on the Council. Accordingly, I have vetoed that item from section 19 which requires that specific categories of persons be appointed to the Advisory Council.

Veto
Message

With the exception of this one item in section 19, I have approved the remainder of the bill."

CHAPTER 153

[Substitute House Bill No. 29]

OUTDOOR RECREATION--ALL-TERRAIN VEHICLES

AN ACT Relating to outdoor recreation; amending section 2, chapter 216, Laws of 1967 as amended by section 2, chapter 24, Laws of 1969 ex. sess. and RCW 4.24.210; amending section 8, chapter 76, Laws of 1970 ex. sess. as amended by section 2, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.080; amending section 6, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.010; amending section 7, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.020; amending section 8, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.030; amending section 9, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.040; amending section 10, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.050; amending section 11, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.060; amending section 12, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.070; amending section 13, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.080; amending section 14, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.090; amending section 16, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.110; amending section 17, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.120; amending section 20, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.150; amending section 21, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.160; amending section 22, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.170; amending section 24, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.190; amending section 4, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.040; amending section 7, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.070; amending section 8, chapter 29, Laws of 1971 ex. sess. and RCW

46.10.080; amending section 11, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.110; amending section 12, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.120; amending section 27, chapter 47, Laws of 1971 ex. sess.; adding new sections to chapter 46.09 RCW; adding a new section to chapter 29, Laws of 1971 ex. sess. and to chapter 46.10 RCW; repealing section 15, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.100; making appropriations; and declaring an emergency.

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

Section 1. Section 8, chapter 76, Laws of 1970 ex. sess. as amended by section 2, chapter 47, Laws of 1971 ex. sess. and RCW 67.32.080 are each amended to read as follows:

The following ((five)) seven categories of trails or areas 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(=);

(6) All-terrain vehicle trails which are suitable for use by both four-wheel drive vehicles and two-wheel vehicles. Such trails may be included as a part of the trail systems enumerated in subsections (1) through (5) of this section or may be separately designated;

(7) Off-road and off-trail areas which are suitable for use by both four-wheel drive vehicles and two-wheel vehicles. IAC shall coordinate an inventory and classification of such areas giving consideration to the type of use such areas will receive from persons operating four-wheel drive vehicles and two-wheel vehicles.

The planning and designation of trails shall take into account and give due regard to the interest 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 and federally owned lands ((under the jurisdiction of the department of natural resources, the department of game, and the state parks and recreation commission)) and private lands where access may be obtained. It is the intent of the legislature that public recreation facilities be developed as fully as possible to provide greater recreation opportunities for the citizens of the state. The purpose of this 1972 amendatory act is to increase the availability of trails and areas for all-terrain vehicles by granting authority to state and local governments to maintain a system of ATV trails and areas, and to fund the program to provide for such development. State lands should be used as fully as possible for all public recreation which is compatible with the income-producing requirements of the various trusts.

Sec. 2. Section 6, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.010 are each amended to read as follows:

The provisions of this chapter shall apply to all lands in this state. Nothing in ((this 1974 amendatory act)) chapter 43.09 RCW, RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130 or 67.32.140 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner.

Sec. 3. Section 7, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.020 are each amended to read as follows:

As used in this chapter 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)) when used for cross-country travel on trails and nonhighway roads 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)) wheel drive 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 and private forestry vehicles, snowmobiles or any military or law enforcement vehicles.

"ATV ((registration)) use permit" means the ((registration of)) permit system established for an all-terrain vehicle, in this

state, pursuant to this chapter.

"Trail" for the purpose of this chapter, 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 chapter, 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.))

"Nonhighway road" shall mean any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and which are private roads or controlled and maintained by the department of natural resources, the state parks and recreation commission and the state game department: PROVIDED, That such roads are not built or maintained by appropriations from the motor vehicle fund.

"Highway" for the purpose of this chapter only shall mean the entire width between the boundary lines of every way publicly maintained by the state department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

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

Sec. 4. Section 3, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.030 are each amended to read as follows:

(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 46.42 RCW and such rules and regulations as the department may adopt.) The department shall provide for the issuance of use permits for all-terrain vehicles and may appoint agents for collecting fees and issuing permits. The provisions of RCW 46.01.130 and 46.01.140 shall apply to the issuance of use permits for all-terrain vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees: PROVIDED, That filing fees for ATV use permits collected by the director shall be certified to the state treasurer and deposited to the credit of the outdoor recreation account.

Sec. 5. Section 9, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.040 are each amended to read as follows:

Except as provided in this chapter, no person shall operate any all-terrain vehicle within this state after ((August 9, 1974)) the effective date of sections 2 through 21 of this 1972 amendatory act unless such all-terrain vehicle has been ((registered)) assigned an ATV use permit and displays an ATV tag in accordance with the provisions of this chapter: PROVIDED, That the 1972 registration, licensing, and display thereof shall be deemed to have complied with this section for the 1972 registration period.

Sec. 6. Section 10, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.050 are each amended to read as follows:

ATV ((registration)) use permits and ATV tags shall be required under the provisions of this chapter 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 on privately owned or leased land: PROVIDED, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: PROVIDED FURTHER, That such exemption shall be strictly construed.

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

(5) All-terrain vehicles which are ((operated exclusively on roadways)) validly licensed to operate over a highway of this state or if owned by nonresidents of this state, all-terrain vehicles which are validly licensed for operation over public highways in the state of the owner's residence.

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

(7) All-terrain vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(8) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation.

Sec. 7. Section 11, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.060 are each amended to read as follows:

The ATV ((registration)) use permit period established by the department shall be concurrent with the registration period established by the department for motor vehicles pursuant to chapter 46.16 RCW.

Sec. 8. Section 12, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.070 are each amended to read as follows:

Application for an ATV ((registration)) use permit shall be made to the department or its authorized agent 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)) use permit 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 a use permit number tag or decal, which shall be affixed to the all-terrain vehicle in a manner prescribed by the department. The department may utilize applications, registration and license forms and registration numbering provided for use prior to the effective date of this 1972 amendatory act for the balance of 1972 and such shall constitute use permits, tags or decals for 1972.

The ATV ((registration)) use permit 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)) Use permits shall be renewable each year 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)) for which a use permit has been issued under the provisions of this chapter must, within ((ten)) fifteen days of the acquisition or purchase of such all-terrain vehicle make application

to the department or its authorized agent for transfer of such ATV ((registration)) use permit, 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 chapter and if an ATV ((registration)) use permit is required under this chapter, he shall obtain a nonresident ATV ((registration)) use permit number and tag, valid for not more than sixty days or an annual permit and tag. 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.

Sec. 9. Section 13, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.080 are each amended to read as follows:

((Six months after August 9, 1974, 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 chapter.))

(1) Each dealer of all-terrain vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW, shall obtain a dealer ATV permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for a dealer ATV permit and the fee provided for in subsection (2) of this section, such dealer shall be registered and an ATV dealer permit number assigned.

(2) The ATV fee for dealers shall be twenty-five dollars per year, which shall be deposited in the outdoor recreation account, and such fee shall cover all of the all-terrain vehicles owned by a dealer and not rented: PROVIDED, That all-terrain vehicles rented on a regular, commercial basis by a dealer shall have separate use permits under the provisions of this 1972 amendatory act.

(3) Upon the issuance of an ATV dealer permit each dealer shall purchase, at a cost to be determined by the department, ATV dealer number plates of a size and color to be determined by the department, which shall contain the dealer ATV permit number assigned to the dealer. Each all-terrain vehicle operated by a dealer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer permit provisions as provided for in chapter 46.70 RCW or this section, in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display number plates as prescribed in subsection (3) of this

section, and no dealer or representative thereof shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ATV dealer permit numbers shall be nontransferable.

(6) On and after January 1, 1973, it shall be unlawful for any dealer to sell any all-terrain vehicle at wholesale or retail, or to test or demonstrate any all-terrain vehicle within the state, unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ATV dealer permit number in accordance with the provisions of this section.

Sec. 10. Section 14, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.090 are each amended to read as follows:

((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 46.64.130 and 46.64.140 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.))

All ATV use permit tags and ATV dealer tags shall be displayed in a manner prescribed by the department on all-terrain vehicles when required by this 1972 amendatory act except as provided in section 6 of this 1972 amendatory act.

Sec. 11. Section 16, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.110 are each amended to read as follows:

The moneys collected by the department as ATV ((registration)) use permit 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 August 9, 1971, and twenty percent each year for each year thereafter shall be retained by the department.)) The department shall retain enough money to cover expenses incurred in the administration

of this chapter; PROVIDED, That such retention shall never exceed eighteen percent of fees collected.

(2) ((Twenty percent each year for the first two years after August 9, 1974, 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 chapter.

(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.) The remaining funds shall be deposited in the outdoor recreation account of the general fund to be distributed by the interagency committee to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. The interagency committee shall prescribe methods, rules, and standards by which such departments, counties or municipalities may apply for and obtain moneys from the outdoor recreation account for defraying expenses and costs for planning, development, acquisition, and management of ATV recreational areas and trails and the committee shall also apply for applicable federal matching funds; PROVIDED, That agencies constructing all-terrain vehicle trails, campgrounds, and recreational areas and facilities, shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources or other agencies to employ the youth development and conservation corps or other youth crews to construct or assist in construction of such all-terrain vehicle trails, campgrounds and recreational areas and facilities.

The department of natural resources may use up to five percent of the use permit fees for administration cost and for implementing this chapter.

Sec. 12. Section 17, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.120 are each amended to read as follows:

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~~) a controlled substance;

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

(3) On lands not owned by the operator or owner of the all-terrain vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(4) On lands not owned by the operator or owner of the all-terrain vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(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) On lands not owned by the operator or owner of the all-terrain vehicle upon the shoulder or inside bank or slope of any (~~roadway~~) nonhighway road or highway, or upon the median of any divided highway;

(8) On lands not owned by the operator or owner of the all-terrain vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(9) On lands not owned by the operator or owner of the all-terrain vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel;

(10) On any public lands in violation of rules and regulations of the agency administering such lands.

Sec. 13. Section 20, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.150 are each amended to read as follows:

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 chapter 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.

Sec. 14. Section 21, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.160 are each amended to read as follows:

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 August 9, 1971, and ten thousand dollars in each succeeding biennium in which such a determination is to be made.

Sec. 15. Section 22, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.170 are each amended to read as follows:

From time to time, but at least once each biennium, the director of the department of motor vehicles 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 in an amount not to exceed one million dollars for the 1971-73 biennium, 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)) departments of state government, to counties, and to municipalities on a ((pro rata)) basis determined by the ((number of miles of agency designated and maintained)) amount of present or proposed ATV trails or areas on which they permit ATV use. Such ((agency designation)) distribution shall be reviewed and may be 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-)) trail and area related expenses.

Sec. 16. Section 24, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.190 are each amended to read as follows:

(1) Except as provided in RCW 46.09.130, any person violating the provisions of this chapter 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 (~~if~~ whichever is greater).

Sec. 17. Section 2, chapter 216, Laws of 1967 as amended by section 2, chapter 24, Laws of 1969 ex. sess. and RCW 4.24.210 are each amended to read as follows:

Any public or private landowners or others in lawful possession and control of agricultural or forest lands or water areas or channels and rural lands adjacent to such areas or channels who allow members of the public to use them for the purposes of outdoor recreation, which term includes hunting, fishing, camping, picnicking, swimming, hiking, pleasure driving, the pleasure driving of all-terrain vehicles, snowmobiles, and other vehicles, boating, nature study, winter or water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, without charging a fee of any kind therefor, shall not be liable for unintentional injuries to such users: PROVIDED, That nothing in this section shall prevent the liability of such a landowner or others in lawful possession and control for injuries sustained to users by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted: PROVIDED FURTHER, That nothing in RCW 4.24.200 and 4.24.210 limits or expands in any way the doctrine of attractive nuisance.

NEW SECTION. Sec. 18. There is added to chapter 46.09 RCW a new section to read as follows:

The department of natural resources shall coordinate the implementation and administration of this chapter.

NEW SECTION. Sec. 19. There is added to chapter 46.09 RCW a new section to read as follows:

All 1971 registration fees collected pursuant to chapter 47, Laws of 1971 ex. sess. and chapter 46.09 RCW by the department of motor vehicles from August 9, 1971, through the effective date of this 1972 amendatory act shall be credited to the 1972 or 1973 permit fee.

Sec. 20. Section 4, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.040 are each amended to read as follows:

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~~) five 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 RCW 46.10.070.

The registration provided in this section shall be valid for a period of ~~((three))~~ one year~~((s))~~. 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))~~ one year~~((s))~~, upon payment of a renewal fee of ~~((fifteen))~~ five dollars.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter 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.

Sec. 21. Section 7, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.070 are each amended to read as follows:

The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon ~~((each))~~ the right 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))~~ on a plate of such size as authorized by the department of motor vehicles; except dealer number plates as provided for in RCW 46.10.050 may be temporarily affixed.

Sec. 22. Section 8, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.080 are each amended to read as follows:

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 August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(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))~~ administering this chapter.

(3) For the first two years after August 9, 1971, 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.

Sec. 23. Section 11, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.110 are each amended to read as follows:

Notwithstanding the provisions of RCW 46.10.100, 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 by the responsible governing body to motor vehicle traffic during the winter months; or

~~((Where))~~ When the responsible governing body gives notice that such roadway or highway is ~~((posted))~~ open 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 such impassible to travel by automobile ~~((impractical))~~; or

When traveling along a designated snowmobile trail.

Sec. 24. Section 12, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.120 are each amended to read as follows:

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))~~ sixteen 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; PROVIDED, That persons under sixteen years of age who have not been

certified as qualified snowmobile operators may operate a snowmobile under the direct supervision of a qualified snowmobile operator.

NEW SECTION. Sec. 25. There is added to chapter 29, Laws of 1971 ex. sess. and to chapter 46.10 RCW a new section to read as follows:

Notwithstanding any other provisions of this chapter, the local governing body may provide for the safety and convenience of snowmobiles and snowmobile operators. Such provisions may include, but shall not necessarily be limited to, the clearing of areas for parking automobiles, the construction and maintenance of rest areas, and the designation and development of given areas for snowmobile use.

Sec. 26. Section 27, chapter 47, Laws of 1971 ex. sess. is amended to read as follows:

To carry out the provisions of ((section 46(3) of this 1971)) this 1972 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)) permit fees and dealer permit and tag fees, in the sum of one million dollars, or such lesser amounts ((as represent fifty-five percent)) of the all-terrain vehicle ((registration)) use permit fees and dealer permit and tag fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of ((section 22 of this 1971)) this 1972 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 24 of this 1971)) this 1972 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. 27. Section 15, chapter 47, Laws of 1971 ex. sess. and RCW 46.09.100 is hereby repealed.

NEW SECTION. Sec. 28. This 1972 amendatory 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 House February 18, 1972.

Passed the Senate February 17, 1972.

Approved by the Governor February 27, 1972.

Filed in Office of Secretary of State February 28, 1972.