

government and its existing public institutions, and shall take effect July 1, 1979.

Passed the House April 25, 1979.

Passed the Senate April 28, 1979.

Approved by the Governor May 14, 1979.

Filed in Office of Secretary of State May 14, 1979.

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## CHAPTER 182

[Substitute House Bill No. 1281]

### SNOWMOBILES—ADVISORY COMMITTEE—REGISTRATION— REVENUES—OPERATION—APPROPRIATION

AN ACT Relating to snowmobiles; amending section 1, chapter 29, Laws of 1971 ex. sess. as amended by section 131, chapter ... (HB 849), Laws of 1979 and RCW 46.10.010; amending section 2, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.020; amending section 3, chapter 29, Laws of 1971 ex. sess. as amended by section 1, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.030; amending section 4, chapter 29, Laws of 1971 ex. sess. as last amended by section 1, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.040; amending section 4, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10-.043; amending section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 2, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.080; amending section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090; amending section 13, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.130; amending section 15, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.150; amending section 17, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.170; amending section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190; amending section 5, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.210; adding new sections to chapter 46.10 RCW; repealing section 23, chapter 29, Laws of 1971 ex. sess. (uncodified); repealing section 7, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.081; making an appropriation; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 1, chapter 29, Laws of 1971 ex. sess. as amended by section 131, chapter ... (HB 849), Laws of 1979 and RCW 46.10.010 are each amended to read as follows:

As used in this chapter the (~~following~~) words and phrases in this section 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 department of transportation, 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 licensing.

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

(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.

(13) "Committee" means the Washington state parks and recreation commission snowmobile advisory committee.

NEW SECTION. Sec. 2. There is added to chapter 46.10 RCW a new section to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under (3) (a) and (b) of this section shall commence on July 1 of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee appointed under (3) (a) and (b) of this section shall be reimbursed for travel expenses as provided in RCW 43.03-.050 and 43.03.060 as now or hereafter amended. Expenditures under this subsection shall be from the snowmobile account created by section 7 of this act.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under rules adopted by the committee from those members appointed under (3) (a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt rules to govern its proceedings.

(9) The snowmobile advisory committee of the Washington state parks and recreation commission and its powers and duties shall terminate on June 30, 1983, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.

Sec. 3. Section 2, chapter 29, Laws of 1971 ex. sess. and RCW 46.10-.020 are each amended to read as follows:

(1) Except as provided(;) in this chapter, no person shall own or operate any snowmobile within this state (~~(after August 9, 1971)~~) unless such snowmobile has been registered in accordance with the provisions of this chapter.

(2) A registration number shall be assigned, without payment of a fee, to snowmobiles owned by the state of Washington or its political subdivisions, and the assigned registration number shall be displayed upon each snowmobile in such manner as provided by rules adopted by the department.

Sec. 4. Section 3, chapter 29, Laws of 1971 ex. sess. as amended by section 1, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.030 are each amended to read as follows:

No registration shall be required under the provisions of this chapter 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 fifteen consecutive days shall be subject to registration under the provisions of this chapter.

Sec. 5. Section 4, chapter 29, Laws of 1971 ex. sess. as last amended by section 1, chapter 128, Laws of 1973 1st 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 ~~((five))~~ seven dollars and fifty cents. 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 one year. 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 one year, upon payment of a renewal fee of ~~((five))~~ seven dollars and fifty cents.

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.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070 as now or hereafter amended. In addition to the registration fee provided herein the department shall charge each applicant for registration the actual cost of said decal(~~(, up to fifty cents per pair of decals)~~). The department shall make available replacement decals for a fee (~~(of one dollar and fifty cents per pair)~~) equivalent to the actual cost of the decals.

Sec. 6. Section 4, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.043 are each amended to read as follows:

Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

All registrations for snowmobiles manufactured after January 1, 1975, must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer. Upon the sale of a snowmobile by a dealer, the dealer may issue a temporary registration as provided by rules adopted by the department.

**NEW SECTION.** Sec. 7. There is added to chapter 46.10 RCW a new section to read as follows:

There is created a snowmobile account within the general fund. Snowmobile registration fees and snowmobile fuel tax moneys collected under this chapter and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter shall be deposited in the snowmobile account and shall be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter.

All moneys collected by the department as snowmobile registration fees or moneys from the motor vehicle fund which the director has determined to be a tax on snowmobile fuel prior to the effective date of this 1979 act which remain undistributed and within the general fund shall be transferred to and become a part of the snowmobile account within the general fund.

Sec. 8. Section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 2, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.080 are each amended to read as follows:

The moneys collected by the department as snowmobile registration fees and fuel tax moneys placed in the snowmobile account 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~~) Actual expenses not to exceed three percent for each year shall be retained by the department to cover expenses incurred in the administration of the registration and fuel tax provisions 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 parks and recreation fund and expended for snowmobile purposes.~~

(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: PROVIDED, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in RCW 46.10.150, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year of the biennium shall revert to the snowmobile development and operation fund of the commission, which fund is hereby created.~~

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and forty percent of such fifty percent shall remain in the general fund and shall be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation deposited under this section and under RCW 46.10.150 as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the appropriation under RCW 46.10.081 as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such fifty percent 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 thereof. The commission, the department of natural resources and the department of game shall, not later than July 15 of each year, prepare and submit to the Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended)) The remainder of such funds each year shall be remitted to the state treasurer to be deposited in the snowmobile account of the general fund and shall be appropriated only to the commission to be expended for snowmobile purposes. Such purposes may include but not necessarily be limited to the administration, acquisition, development, operation, and maintenance of snowmobile facilities and development and implementation of snowmobile safety, enforcement, and education programs.

(3) Nothing in this section is intended to discourage any public agency in this state from developing and implementing snowmobile programs. The commission is authorized to make grants to public agencies and to contract with any public or private agency or person for the purpose of developing and implementing snowmobile programs, provided that the programs are not inconsistent with the rules adopted by the commission.

**\* NEW SECTION. Sec. 9. There is added to chapter 46.10 RCW a new section to read as follows:**

***Moneys in the snowmobile account which are not needed to meet the expenses and obligations of the commission for snowmobile programs shall be invested in a manner as provided by law and any interest earned thereon shall be considered moneys in the snowmobile account to be used for the purposes specified in this chapter.***

**\*Sec. 9. was vetoed, see message at end of chapter.**

Sec. 10. Section 9, chapter 29, Laws of 1971 ex. sess. as amended by section 5, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.090 are each amended to read as follows:

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, (a) on snowmobiles manufactured on or before January 4, 1973, which shall effectively limit such noise at a level of eighty-six decibels, or below, on the "A" scale at fifty feet, and (b) on snowmobiles manufactured after January 4, 1973, which shall effectively

~~((maintain))~~ limit such noise at a level of eighty-two decibels, or below, on the "A" scale at ~~((one hundred))~~ fifty feet, and (c) on snowmobiles manufactured after January 1, 1975, which shall effectively limit such noise at a level of seventy-eight decibels, or below, as measured on the "A" scale at a distance of fifty feet, under testing procedures as established by the ~~((Washington state patrol))~~ department of ecology; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device. This section shall not affect the power of the department of ecology to adopt noise performance standards for snowmobiles. Noise performance standards adopted or to be adopted by the department of ecology shall be in addition to the standards contained in this section, but the department's standards shall supersede this section to the extent of any inconsistency.

(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 RCW 46.10.100 and 46.10.110.

(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.

(9) Without a current registration decal affixed thereon, if not exempted under RCW 46.10.030 as now or hereafter amended.

Sec. 11. Section 13, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.130 are each amended to read as follows:

No person shall operate a snowmobile 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 any loaded weapon upon, nor hunt from, any snowmobile. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 12. Section 15, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.150 are each amended to read as follows:

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, less the cost of making the determination under RCW 46.10.170, and place them in the snowmobile account in the general fund~~((; twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other than developed recreational facilities; seventy-five percent of such amounts shall be credited as follows: Forty percent of such seventy-five percent to the general fund to be subject to legislative appropriation until the cumulative totals of such amounts subject to legislative appropriation under this section and under RCW 46.10.080(4) as now or hereafter amended shall equal forty thousand dollars, or shall equal so much of the~~



~~appropriation under RCW 46.10.081 as is actually used if the entire appropriation of forty thousand dollars is not used. The remainder of such seventy-five percent shall be credited in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development and/or operation, but not acquisition, of snowmobile facilities).~~

Sec. 13. Section 17, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.170 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 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 actual 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)~~) a sum equal to such actual cost.

Sec. 14. Section 19, chapter 29, Laws of 1971 ex. sess. as amended by section 6, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.190 are each amended to read as follows:

(1) Except as provided in RCW 46.10.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor: PROVIDED, That the ~~((penalty))~~ fine for failing to ~~((have))~~ display a valid registration decal under RCW 46.10.090 as now or hereafter amended shall, upon conviction or forfeiture of bail, be a fine of twenty-five dollars and sixty percent of such fine shall be remitted to the state treasurer for deposit in the snowmobile account in the general fund to be expended for snowmobile purposes as provided in this chapter and forty percent remitted to the general fund of the local government.

(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.

Sec. 15. Section 5, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.210 are each amended to read as follows:

With the exception of the registration and licensing provisions, this chapter shall be administered by the Washington state parks and recreation commission. The department shall consult with the commission prior to adopting rules to carry out its duties under this chapter. After consultation with the committee, the commission shall adopt such rules as may be necessary to carry out its duties under this chapter. Nothing in this chapter is

intended to discourage experimental or pilot programs which could enhance snowmobile safety or recreational snowmobiling.

NEW SECTION. Sec. 16. There is hereby appropriated from the snowmobile account of the general fund four hundred ninety-five thousand dollars, or so much thereof as may be necessary, for the purposes of RCW 46.10.080 as now or hereafter amended.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

- (1) Section 23, chapter 29, Laws of 1971 ex. sess. (uncodified); and
- (2) Section 7, chapter 181, Laws of 1975 1st ex. sess. and RCW 46.10.081.

Passed the House April 27, 1979.

Passed the Senate April 24, 1979.

Approved by the Governor May 14, 1979, with the exception of Section 9 which is vetoed.

Filed in Office of Secretary of State May 14, 1979.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to one section, Substitute House Bill 1281 entitled:

"An Act Relating to Snowmobiles; amending section 1, chapter 29, Laws of 1971, Ex. Session, as amended by section 131, chapter . . . (HB 849), Laws of 1971 and RCW 46.10.010; . . ."

Section 7 creates the "Snowmobile Account" within the General Fund and Section 9 provides that the unused money shall be "invested in a manner as provided by law" and that all interest earnings "shall be considered moneys in the snowmobile account." At present, there are 71 accounts in the State General Fund, only eight of which receive interest earnings on their balances. In all other instances, account earnings are credited to the State's basic General Fund. To credit interest to the newly-created snowmobile account would be to directly contradict past policy concerning funds administered by the State Treasurer and would encourage other encroachments on the revenue derived from these sources to the State General Fund.

With the exception of Section 9 which I have vetoed, the remainder of Substitute House Bill 1281 is approved."

## CHAPTER 183

[Senate Bill No. 2143]

### SCHOOL DISTRICTS—ELECTION OF DIRECTORS

AN ACT Relating to education; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 43, Laws of 1975 and RCW 28A.57.312; amending section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 43, Laws of 1975 and RCW 28A.57.342; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 43, Laws of 1975 and RCW 28A.57.344; amending section 7, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.357; amending section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.358; amending section 9, chapter 131, Laws of 1969 as amended by section 5, chapter 21, Laws of 1973 2nd ex. sess. and RCW 28A.57.425; amending section 10, chapter 131, Laws of 1969 as amended by section 6, chapter 21, Laws of 1973