
SENATE BILL 5751

State of Washington

68th Legislature

2023 Regular Session

By Senators Lovick and Warnick

1 AN ACT Relating to modifying the definition of nonhighway vehicle
2 for the purposes of chapter 46.09 RCW; and reenacting and amending
3 RCW 46.09.310.

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

5 **Sec. 1.** RCW 46.09.310 and 2013 2nd sp.s. c 23 s 3 are each
6 reenacted and amended to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Advisory committee" means the nonhighway and off-road
10 vehicle activities advisory committee established in RCW 46.09.340.

11 (2) "Board" means the recreation and conservation funding board
12 established in RCW 79A.25.110.

13 (3) "Dealer" means a person, partnership, association, or
14 corporation engaged in the business of selling off-road vehicles at
15 wholesale or retail in this state.

16 (4) "Direct supervision" means that the supervising adult must be
17 in a position, on another wheeled all-terrain vehicle or specialty
18 off-highway vehicle or motorbike or, if on the ground, within a
19 reasonable distance of the unlicensed operator, to provide close
20 support, assistance, or direction to the unlicensed operator.

1 (5) "Emergency management" means the carrying out of emergency
2 functions related to responding and recovering from emergencies and
3 disasters, and to aid victims suffering from injury or damage,
4 resulting from disasters caused by all hazards, whether natural,
5 technological, or human caused, and to provide support for search and
6 rescue operations for persons and property in distress.

7 (6) "Highway," for the purpose of this chapter only, means the
8 entire width between the boundary lines of every roadway publicly
9 maintained by the state department of transportation or any county or
10 city with funding from the motor vehicle fund. A highway is generally
11 capable of travel by a conventional two-wheel drive passenger
12 automobile during most of the year and in use by such vehicles.

13 (7) "Nonhighway road" means any road owned or managed by a public
14 agency, a primitive road, or any private road for which the owner has
15 granted an easement for public use for which appropriations from the
16 motor vehicle fund were not used for (a) original construction or
17 reconstruction in the last (~~twenty-five~~) 25 years; or (b)
18 maintenance in the last four years.

19 (8) "Nonhighway road recreation facilities" means recreational
20 facilities that are adjacent to, or accessed by, a nonhighway road
21 and intended primarily for nonhighway road recreational users.

22 (9) "Nonhighway road recreational user" means a person whose
23 purpose for consuming fuel on a nonhighway road or off-road is
24 primarily for nonhighway road recreational purposes, including, but
25 not limited to, hunting, fishing, camping, sightseeing, wildlife
26 viewing, picnicking, driving for pleasure, kayaking/canoeing, and
27 gathering berries, firewood, mushrooms, and other natural products.

28 (10) "Nonhighway vehicle" means any motorized vehicle including
29 an ORV when used for recreational purposes on nonhighway roads,
30 trails, or a variety of other natural terrain.

31 Nonhighway vehicle does not include:

32 (a) Any vehicle designed primarily for travel on, over, or in the
33 water;

34 (b) Snowmobiles or any military vehicles; or

35 (c) Any vehicle eligible for a motor vehicle fuel tax exemption
36 or rebate under chapter 82.38 RCW while an exemption or rebate is
37 claimed. This exemption includes but is not limited to farm,
38 construction, and logging vehicles.

39 (11) "Nonmotorized recreational facilities" means recreational
40 trails and facilities that are adjacent to, or accessed by, a

1 nonhighway road and intended primarily for nonmotorized recreational
2 users.

3 (12) "Nonmotorized recreational user" means a person whose
4 purpose for consuming fuel on a nonhighway road or off-road is
5 primarily for nonmotorized recreational purposes including, but not
6 limited to, walking, hiking, backpacking, climbing, cross-country
7 skiing, snowshoeing, mountain biking, horseback riding, and pack
8 animal activities.

9 (13) "Organized competitive event" means any competition,
10 advertised in advance through written notice to organized clubs or
11 published in local newspapers, sponsored by recognized clubs, and
12 conducted at a predetermined time and place.

13 (14) "ORV recreation facilities" include, but are not limited to,
14 ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use
15 areas, designated for ORV use by the managing authority.

16 (15) "ORV recreational user" means a person whose purpose for
17 consuming fuel on nonhighway roads or off-road is primarily for ORV
18 recreational purposes, including but not limited to riding an all-
19 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle
20 or dune buggy.

21 (16) "ORV sports park" means a facility designed to accommodate
22 competitive ORV recreational uses including, but not limited to,
23 motocross racing, four-wheel drive competitions, and flat track
24 racing. Use of ORV sports parks can be competitive or noncompetitive
25 in nature.

26 (17) "ORV trail" means a multiple-use corridor designated by the
27 managing authority and maintained for recreational use by motorized
28 vehicles.

29 (18) "Primitive road" means a linear route managed for use by
30 four-wheel drive or high-clearance vehicles that is generally not
31 maintained or paved, a road designated by a county as primitive under
32 RCW 36.75.300, or a road designated by a city or town as primitive
33 under a local ordinance.

34 (19) "Wheeled all-terrain vehicle" means (a) any motorized
35 nonhighway vehicle with handlebars that is (~~(fifty)~~) 55 inches or
36 less in width, (~~(has a seat height of at least twenty inches,)~~)
37 weighs less than (~~(one thousand five hundred)~~) 1,500 pounds, and has
38 four nonhighway tires (~~(having a diameter of thirty inches or less)~~),
39 or (b) a utility-type vehicle designed for and capable of travel over
40 designated trails or roads that travels on four or more (~~(low-~~

1 ~~pressure)) nonhighway tires ((of ~~twenty psi or less~~)), has a maximum~~
2 ~~width less than ((~~seventy-four~~)) 74 inches, and has a maximum weight~~
3 ~~less than ((~~two thousand~~)) 3,500 pounds((, ~~has a wheelbase of one~~~~
4 ~~hundred ten inches or less, and satisfies at least one of the~~
5 ~~following: (i) Has a minimum width of fifty inches; (ii) has a~~
6 ~~minimum weight of at least nine hundred pounds; or (iii) has a~~
7 ~~wheelbase of over sixty-one inches)).~~

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