

WATVs (Wheeled All-Terrain Vehicles) Issues and Reminders

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The 2013 legislature made major changes to the authority of riders to use some off-road vehicles on public roads. Since then WATVs have been increasingly used on public roads in the State of Washington. MRSC summarized the legislative changes in a 2013 blog post: [All-Terrain Vehicles Renamed and Rolling](#).

This post will provide some updates and reminders concerning issues related to WATV use.

What's Changed Since 2013?

The statutes dealing with off-road and wheeled all-terrain vehicles are found in [chapter 46.09 RCW](#). There have been minor changes to the statutes since 2013 (see [EHB 1918](#), enacted in 2016), but most of the changes involve licensing and are relevant primarily to WATV riders and authorities enforcing the licensing provisions. The basic statutes regarding use of WATVs on public roads have not changed.

2017 Update: The legislature slightly amended the WATV statutes again in 2017 by amending [RCW 46.09.455](#). WATV riders can now cross a highway that has a speed limit between 35 and 60 miles per hour if the city or county does not specifically prohibit crossing at a specific intersection or along the entire route within the jurisdiction. See [RCW 46.09.455](#) for the details.

What are the Basic Regulations, Again?

The primary statute that defines the authority and responsibilities of cities and counties regarding WATV use on public roads is [RCW 46.09.455](#). Here is a summary of the basics:

1. WATVs can only be operated on roads where the speed limit for all types of vehicles is 35 mph or less.
2. WATVs can only be ridden on roads within cities and towns if the city or town council formally approves the use, and the list of approved roads must be made accessible from the main page of the city or town website.
3. In counties where the population exceeds 15,000, WATVs cannot be operated on public roads unless the county legislative body passes an ordinance approving the use, and the list of approved roads must be made publicly accessible from the main page of the county website.
4. In counties with a population of less than 15,000, the county legislative body can designate the roads that are unsuitable for use by WATVs, and the list of roads must be made publicly accessible from the main page of the county website.

Common Questions and Answers:

Here are some common questions and answers related to WATV use on public roads.

Are WATV riders and passengers required by state law to wear helmets?

Yes. See [RCW 46.09.444\(2\)](#) then [RCW 46.37.530\(1\)\(c\)](#).

Can a local government prohibit WATV operators from carrying a passenger?

Probably not. WATV operators are subject to all of the rights and duties of a motorcycle rider under [RCW 46.37.530](#) and [chapter 46.61 RCW](#). [RCW 46.61.610](#) sets the requirements for carrying passengers, so our conclusion is that a local government cannot enact a regulation that is inconsistent with that statute. If the WATV is designed and meets the requirements for carrying a passenger, then it must be allowed.

If a local government prohibits the use of WATVs on public roads, is the jurisdiction required to post signs regarding that prohibition?

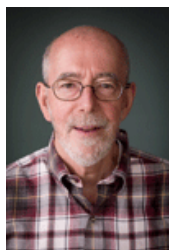
No. It is the responsibility of the WATV rider to check the local government's website to find out if use is allowed and where it is allowed.

Can a city or county adopt a variable speed limit, with a higher posted limit generally, but reduced to 35 when WATVs are present?

No. That would be inconsistent with [RCW 46.09.455\(1\)](#).

If you have questions regarding WATV issues, use our online [ASK MRSC form](#) to submit a question to our consultant staff, or just give us a call: 206 625-1300.

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About Jim Doherty

Jim had over 24 years of experience researching and responding to varied legal questions at MRSC. He had special expertise in transmission pipeline planning issues, as well as the issues surrounding medical and recreational marijuana. He is now retired.

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