

Documented HB 1632 History

Compiled by Dave Hiatt

Summary: This is a compilation of the history behind the creation of Washington HB 1632. It includes excerpts from the emails and allows the reader to draw their own conclusions about the intent of the individuals involved. WOHVA believes there IS a good ATV bill possible for Washington State to enable limited road use and access to our public lands ... but this is not it!

GPOHVA Alliance survar@fairpoint.net email 10/10/2010:

“This Bill will allow you to drive from your motel all the way up to the trail head, through the trail systems and back again.”

WOHVA dhiatt07@gmail.com email 10/10/2010:

“We must be extremely careful anytime we ask the legislature to do anything as **the end result of getting legislative attention on a particular item is almost totally unpredictable** unless very strong legislative support from all corners of this state has previously been obtained. We need to consider this aspect and assess it properly within WOHVA before taking any action in Olympia. Now is the appropriate time of year to do that.

As you also know, this is the type of thing where it is absolutely critical to do it right the first time and then have state-wide OHV support from the OHV Positive community **prior to getting a Bill dropped in the hopper in Olympia!**”

WOHVA dhiatt07@gmail.com email to GPOHVA survar@fairpoint.net 11/26/2010:

“I strongly urge you once again to communicate and discuss ideas like this **within WOHVA prior to going on your own** to legislators, land managers or other government administrative personnel. Together we stand. Divided we fall.”

GPOHVA Alliance survar@fairpoint.net email 10/10/2010:

“This DSV Bill would **in fact change our access issue overnight** and expand the Economy's of every Forest Service Area in the Rural Mountains and hills of this state and change the Political climate for the Good and create allot of Jobs in the Center, the East and the Olympic and Snoqualmie and the other US Forest areas and help keep ORV Recreation in this state.”

WOHVA dhiatt07@gmail.com email to GPOHVA survar@fairpoint.net 11/26/2010:

“Synopsis of the hour and 15 minutes telephone conversation I had with Gary Johnson tonight regarding his Dual Sport Vehicle (DSV) proposed legislation -

NOTE - Gary is receiving a copy of this so he can correct anything I may have misunderstood or have not stated correctly.

He and the local ATV/Side-by-Side (SbS) users are **very frustrated that they are not allowed to use Gifford Pinchot Forest Non-Highway Roads (NHRs) with their ATVs and SbS machines.** As you know, HB 1003 allows the land manager to approve the use of these machines as is with the stroke of a pen but the current Gifford Pinchot land manager (and many others) does not want to do that.

Gary believes Kristie Miller, GPNF District Ranger, has told him she will allow ATV/SbS use on the NHRs of the GPNF if they get them licensed by WA State, which is currently a Catch-22 as she well knows.

Gary believes that issuance of any type of license plate (see his DSV proposal distributed previously) will be honored by Kristie Miller on GPNF NHRs even though he admits she has really only been referring to WA State street legal licenses, i.e. he has no buy-in from her regarding the DSV plates he is proposing. I asked him to get a written statement from her clarifying what type of "license plate" she intends to allow on those NHRs and then send me a copy.

Gary's DSV intends to mandate state wide usage of OHVs with street legal equipment and a DSV plate on the types of roads specified in his proposal. Whereas HB 2617 gives local governments the option to allow them as is with no additional equipment.

Gary believes the current head of the RCO when she tells him they will be happy to administer funds from DSV plates for the sole benefit of OHV users. A few minutes later he mentions the RCO's treacherous history of writing policies that are detrimental to OHV users. I can personally attest to their proclivity to do that!

Gary states he believes the legislature will guarantee the DSV funds will only go to benefit OHV users in perpetuity. However, within the next five minutes of our conversation he is stating the legislature is not trustworthy after I refreshed his memory about what happened to our NOVA and the recent ORV tag fee increase. I agree that the legislature's actions are only good for the current session and may take a complete 180 degree turn in the opposite direction during the very next session!

Gary states they need the DSV plate funds to be available so his club can apply for grants in order to convert GPNF roads to trails instead of destroying them like is now being accomplished using SCR funds. However, when I questioned him as to why his club does not apply for the RTP money that is supposed to go to motorized, which he is so upset did not, he states it is because they cannot get the land manager to sign off on their proposed projects which is a prerequisite for submission of a grant application. I said "Bingo!" to him at that point and mentioned that will also be an RCO requirement for any DSV funds. Therefore any application for a GPNF grant to use those DSV funds will also be DOA and that money will also go somewhere else, i.e. the problem is not a lack of money. The money is available today from the RTP as he well knows. The problem is that land management will not approve their proposed projects and a new DSV pot of money would not change that in any way.

WOHVAPoliticalAction@yahogroups.com; on behalf of; Tod [tod701@aol.com]
1/17/2011, Subject: HB1203 - ATV on certain roads:

"Representative Hope's aid called me and said that the bill would be ammended to include two wheeled vehicles too."

WOHVAPoliticalAction@yahogroups.com; on behalf of; Tod [tod701@aol.com]
2/03/2011, Subject: SB5366 ATV on roads:

"SB5366 is similar to HB1203, but as ammended will allow both two and four wheeled ATV on certain roads.

It is not perfect, but it was passed out of the Senate Transportation Committee today."

WOHVA CLOUT Legislative Alert: SSB 5366, Please help get this Pro-OHV Bill Passed!!!!
clout@getclout.org 2/17/2011:

"SSB 5366 will allow NON-Street Legal ATVs and dirt bikes to use non-State Highway roads with speed limits up to 35 mph.

Years ago the "Hinkle Bill 1003" was passed allowing Cities and Counties to open their roads to OHV use but very few have done so. SSB 5366 still allows them to pass local ordinances restricting their use but

the up to 35 mph non-State Highways, including USFS roads will be open by default to licensed riders. This is a big step in a Pro-OHV direction!"

**GPOHVA Alliance - From: Gregg Bafundo [mailto:GBafundo@tu.org] Sent: Tuesday, March 08, 2011 9:27 AM
Subject: ORV Legislation SB 5366, HB1203**

PS. Our language is highlighted (yellow) in the bill.

____(4)) No person may operate a nonhighway vehicle on public lands unless the area is designated by the land manager as open for nonhighway vehicle use, permission has been established, and the land manager has identified that all proper permitting, engineering, and environmental impacts have been addressed or mitigated. This subsection includes the creation, building, and development of a trail or system of trails on public land, in either an organized or unorganized manner, for the purpose of nonhighway vehicle travel. Driving a nonhighway vehicle on lands that are designated as closed to nonhighway vehicle travel by the land manager is, for the purposes of this subsection, considered a trail building activity.

(3) A violation of subsection (1) of this section is a gross misdemeanor.
(4) A violation of subsection (2) of this section is penalized as follows:
(a) A first offense is a misdemeanor with a five hundred dollar fine;
(b) A second offense is a misdemeanor with a two thousand dollar fine; and
(c) Any offense beyond a second offense is a gross misdemeanor with a five thousand dollar fine.

Sec. 1. RCW 46.09.490 and 1979 ex.s. c 136 s 42 are each amended to read as follows:

(1) Except as provided in RCW (~~46.09.120(2) and 46.09.130 as now or hereafter amended~~) 46.09.470(2) and 46.09.480, a violation of the provisions of this chapter is a traffic infraction for which a penalty of not less than twenty-five dollars may be imposed.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any nonhighway vehicle shall be liable for any damage to property including damage to trees, shrubs, or growing

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crops injured as the result of travel by the nonhighway vehicle. The owner of such property may recover from the person responsible three times the amount of damage.

Sec. 2. RCW 46.09.380 and 2001 c 253 s 3 are each amended to read as follows:

The provisions of this chapter 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, fish and wildlife officers, state park rangers, and those employees of the department of natural resources designated by the commissioner of public lands under RCW ~~((43.30.310))~~ 43.12.065, 76.04.035, and 76.04.045, regardless of land ownership and jurisdiction.

Sec. 3. RCW 46.09.400 and 2010 c 161 s 215 are each amended to read as follows:

The department shall:

(1) Issue registrations and temporary ORV use permits for off-road vehicles;

(2) Issue ~~((decals))~~ front and rear license plates for off-road vehicles~~((-~~
~~The decals serve the same function as license plates for vehicles registered under chapter 46.16 RCW)); and~~

(3) Charge a fee for each ~~((decals))~~ license plate covering the actual cost of the ~~((decals))~~ license plate.

SB5366 trouble tod701@aol.com 3/23/2011:

[SB5366 \(limited 2&4 wheeled ATV use of roads\) got a hearing today.](#)

[Two amendments were proposed.](#)

If either is adopted, SB5366 must die.

Representative Upthegrove's amendment would along with other things, open the door to closing every ORV area in the state.

Section 3 states:

No person may operate a nonhighway vehicle on public lands unless the area is designated by the land manager as open for nonhighway vehicle use, permission has been established, and the land manager has identified that all proper permitting, engineering, and environmental impacts have been addressed or mitigated. This subsection includes the creation, building, and development of a trail or system of trails on public land, in either an organized or unorganized manner, for the purpose of nonhighway vehicle travel. Driving a nonhighway vehicle on lands that are designated as closed to nonhighway vehicle travel by the land manager is, for the purposes of this subsection, considered a trail building activity.

And breaking this rule while riding would be a gross misdemeanor the first time and a felony the third time.

Riding on an unapproved road on public land with a nonhighway vehicle, even ones open to street vehicles would get you in more trouble than stealing the same vehicle.

This amendment would also require full sized license plates on the front and rear of all ORV

The other amendment is by Representative Armstrong.

He just kicks two wheeled vehicles to the curb and makes it a quad only bill. Really nice considering motorcyclists did the heavy lifting to get this bill as far as its gotten.

WOHVA CLOUT Legislative Alert: SSB 5366, Please help get this Pro-OHV Bill Passed!!!!
clout@getclout.org 3/23/2011:

"Two very BAD amendments were proposed to this Bill today and will be voted on by YOUR representative in Olympia in the next day of two.

If either is adopted, SB5366 must die!!! YOU have done too good of a job so far to let this happen now.

Representative Upthegrove's amendment would along with other things, open the door to closing every ORV area in the state.

Representative Armstrong's amendment **kicks two wheeled vehicles to the curb and makes it a quad only bill.** Really nice considering motorcyclists did the heavy lifting to get this bill as far as its gotten!

The Senate passed this Bill 41 to 5 to allow limited us of OHV's on county roads which will also open most forest roads to OHV use. Now we are up against a couple of legislators in the House who are trying to poison it."

SB5366 trouble WOHVAPoliticalAction@yahoo.com; on behalf of; Tod
[tod701@aol.com] 3/24/2011:

"In addition to 3(3), we also have problems with the over the top penalties in 3 (4) and 3 (5).

Motorcyclists have a big problem with sections 6 thru 10

Full sized plates on the front and back are not required anywhere else in the county and are unsafe. If they need big plates to identify us, why not similar identification required on all recreational user groups?

ORV users are no more likely (usually less) than anyone else to be the ones committing a crime."

GPOHVA Alliance - RE: ORV Legislation SB 5366, Amendment H-2070 From: Brand, Jeffrey [mailto:Jeff.Brand@co.snohomish.wa.us] Sent: Wednesday, March 09, 2011:

I have to echo Gregg's thoughts below, I really appreciate the time, effort and commitment you and Charlie have put into the Reiter Foothills project. I have had the chance to read the attached HB and have a few suggestions. I will refer to page and line number on each bullet point below.

Page 1 line 7, should read; **"No person may operate a non highway vehicle in a reckless or such a way as to endanger human life."**

Page 2 lines 6 – 11, I suggest setting a fine at five hundred or whatever is decided by the committee and delete the tier system unless there is some type tracking mechanism in the DOL computer returns like we have for driving while suspended. Without such a tracking method available to troops on the road, we don't know if there have been previous convictions and when.

Page 2 line 18, The least expensive infractions we have for traffic violations is \$124 instead of \$25. **I suggest increasing the fine to at least \$124 for consistency sake.**

Page 2 line 24, should read "owner and / or operator three times the amount of damage." To be consistent with line 20.

Page 2 line 33, should read "state and county park rangers," So county rangers also have the authority to enforce these regulations.

Page 3 line 13, should be plural "plates"

Page 4 lines 15 and 33, seem to conflict as 15 says any out of state operator must comply with our licensing requirements but line 33 seems to exempt out of state operators from the licensing requirement if they are already registered in their own states.

Page 6 line 3, requires that operators of ORV have motor vehicle liability policy like RCW 46.30.020 Mandatory Proof of Insurance but I don't see anything that requires riders to carry proof with them. If there is a requirement to have the insurance in place, there should probably be a requirement to carry proof of it.

Thanks for the chance for input and let me know if you have questions. Jeff

ORV Legislation SB 5366, HB1203 & Amendment H-2070

WOHVAPoliticalAction@yahoo.com; Tod [tod701@aol.com] 3/27/2011:

"The Snohomish County sherriff's input of SB5366.

Very first line item comment is a deal breaker.

The WSP has stated that all motorcycles are inherently dangerous.

Making it a crime to "operate a non highway vehicle . . . as to endanger human life" would be grounds to arrest anyone that rides."

WOHVA 5366 Tod [tod701@aol.com] 3/27/2011:

"We may be in the disappointing position of killing SB5366 for this session to avoid unfriendly amendments in the House Transportation Committee.

Upthegrove and Liias have enough influence to block passage if we don't buy into their amendments. If we kill it this year, it can be re-introduced next year and start right where we left off. Senate approval from this year would still stand.

I don't WOHVA to get blamed for killing the bill. Some of the ATV people will not understand and there will be backlash.

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Personally for me it just goes with the territory, but we need to protect the organization from misconcieved hatred that may follow.

Tomorrow and Tuesday will when we know more about our legislative options.

From: "survar" <survar@fairpoint.net>
Date: March 28, 2011 1:22:39 PM PDT
To: "Byron M. Stuck" <nmatrust@hotmail.com>
Subject: Re: Please read this Gary, thank you.

NMA & WOHVA SB5366 update Tod [tod701@aol.com] 3/30/2011:

"For better or worse, it looks like SB5366 (limited 2 & 4 wheeled ATV use on roads) will not move out of the House Transportation committee.

This is a disappointment considering the effort put into getting it this far. Some of the supporters and some of the Legislators that sponsored this bill will not be happy with this outcome. **Unfortunately the other outcome would have included buying into amendments that would not have been in the best interest of any offroad vehicle recreationalist.**

The risk of getting all ORV trail use banned as trade off for limit road access was not a deal worth consideration.

The upside is that SB5366 will be automatically reintroduced for the 2012 session. The good part of that is it will already been passed by the Senate. The challenge there is that it will be assigned to the same House committee where it was parked.

More details as they develop,"

GPOHVA Alliance - From: survar <survar@fairpoint.net Sent: Fri, Apr 8, 2011 11:40 am Subject: Fw: SB5366, ORV - status for next year:

Thank You all

Next time we bring this to our Reps in Dec 1 we want this bill and no more kill the bill e-mails and leave it alone till it passes next session.

One Voice, only

I'll be there at every hearing and Meeting next year.

Lets get this passed.

Gary Johnson

WOHVAPoliticalAction@yahogroups.com; on behalf of; Tod [tod701@aol.com] SB5366, ORV - status for next year, 4/10/2011:

The only equipment change within the proposed amendments to SB5366 was full sized license plates to be required on the front and rear of all ORV.

All of the other equipment requirement were contained within the original bill.

The larger issues within the amendments included closing all trails and roads unless the land manager can prove that the routes have been engineered specifically for ORV use and all of the currently required permits have been secured. Nothing would be grandfather in. The penalties for riding on a road or trail not identified as open to ORV use would have included felony charges. One of the amendments would excluded motorcycles from eeligibility from getting the limited road use plate.

What gave grief and wasted many hours of my time was Gary Johnson doing exactly the opposite of WOHVA and supporting the bill rergardless of how it would be amended.

Tod

[WOHVAPoliticalAction] Re: [WOHVALandAction] RE: [wohvabod] Fwd: SB5366, ORV - status for next year Byron M. Stuck [nmatrust@hotmail.com] 4/10/2011:

Hopefully this message can get out to enough of our constituents that they'll understand why we couldn't support the proposed amendments and thus had to oppose so that we could come back and resume this battle later.

SB 5366 From: Dave Hiatt [dhiatt07@gmail.com] To: 'lanjohnson@wavecable.com' (Gary Johnson's brother) 7/16/2011:

Some time ago you told me you had given up on getting Gary to work constructively with the WA OHV community as a whole and actually advised him to stop trying to obtain the use of roads for quads, get a dual sport motorcycle and enjoy life.

I have also given up on getting Gary to work with the state wide OHV community. Unfortunately, Gary does not recognize that WOHVA does want to obtain more opportunity for all OHV users but **must do so without throwing other types of OHV users under the bus.**

I just thought you should know the facts as WOHVA continues to work for the good of all OHV users in WA State.

ESSB 5366 - Stateholder Discussion From: Ted Jackson [mailto:ted.jackson@ci.sultan.wa.us] To: Delvin, Sen. Jerome July 18, 2011:

Hi Senator Delvin,

I contacted you shortly after the 62 legislative special session; suggesting we take a Sen. Ranker style approach to ESSB 5366. Unfortunately 5366 failed last session primarily do to a misinformed e-mail "Clout Alert" claiming that they were trying to "criminalize ORV" and to "kill the bill" which caused a lot of unnecessary emails to flood the House Transportation Committee.

ORV - ESSB 5366 - November Meeting for stakeholders - vote... From: tod701@aol.com To:WOHVA Political Activists 7/25/2011:

FYI

Once again Ted Jackson not understanding the issue and is blaming us.

I spoke with Representative Upthegrove and his amendment in any form would have been a poison pill.

RE: ORV - ESSB 5366 - November Meeting for stakeholders - vote... From: clout@getclout.org To: WOHVA Political Activists 7/25/2011:

Ted's email is also incorrect when he states, "misinformed e-mail "Clout Alert" claiming that they were trying to "criminalize ORV" and to "kill the bill."

The actual CLOUT Alert requested them to pass the Bill as written but kill it if the amendments survived. Here is the actual text of that CLOUT Alert -

"Some of you are receiving followup questions from your representatives asking why you oppose the two proposed amendments to SB 5366.

Here is the Northwest Motorcycle Association (NMA) assessment of those two proposed amendments:

*****g

SB5366 (limited 2&4 wheeled ATV use of roads) got a hearing today.

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Two amendments were proposed.

If either is adopted, SB5366 must die.

Representative Upthegrove's amendment would along with other things, **open the door to closing every ORV area in the state.**

Section 3 states:

"No person may operate a nonhighway vehicle on public lands unless the area is designated by the land manager as open for nonhighway vehicle use, permission has been established, and the land manager has identified that all proper permitting, engineering, and environmental impacts have been addressed or mitigated. This subsection includes the creation, building, and development of a trail or system of trails on public land, in either an organized or unorganized manner, for the purpose of nonhighway vehicle travel.

Driving a nonhighway vehicle on lands that are designated as closed to nonhighway vehicle travel by the land manager is, for the purposes of this subsection, considered a trail building activity."

And breaking this rule while riding would be a gross misdemeanor the first time and a felony the third time.

Riding on an unapproved road on public land with a nonhighway vehicle, even ones open to street vehicles would get you in more trouble than stealing the same vehicle.

This amendment would also require full sized license plates on the front and rear of all ORVs.

The other amendment is by Representative Armstrong.

He just kicks two wheeled vehicles to the curb and makes it a quad only bill. Really nice considering motorcyclists did the heavy lifting to get this bill as far as its gotten.

Many trail bike riders need to use short sections of rural roads to connect trails into loop opportunities without converting their trail bikes to a street legal configuration. Some bikes cannot be converted to a street legal configuration as kits are not available for them.

The House Transportation Committee has not voted on the bill or the amendments yet.

Please ask them to pass it unchanged or kill it."

SB 5366 From: dhiatt07@gmail.com To: 'WOHVAPoliticalAction@yahoogroups.com', (survar@yelmtel.com); Lan Johnson 7/25/2011

Here is a list of the problems that must be resolved before any state wide support can be provided from all types of OHV users for SB 5366.

We need constituents of Upthegrove and Armstrong that are willing to tackle these issues with them now. The text from the final CLOUT Alert that went out during the 2011 session regarding SB 5366 is included below.

I have copied Gary Johnson and his brother Lan with this email as they may know someone who can work with Upthegrove or Armstrong to correct these issues.

Always remember, **Words Matter! Poorly written legislation language and amendments are far worse than no legislation at all.**

The bureaucrats tasked with administering legislation do not consider "intent." Only the legal interpretation of the legislatively written words , as chosen by the bureaucrats tasked with writing the actual R.C.W. matters!

WATV/HB1632 letter to Congressional Delegation From: tod701@aol.com To: dhiatt07@gmail.com 10/01/2011:

The WOHVA board voted to cut off communication with Gary except via Byron.

SB 5800 and 5366 Proposed Bill From: Gary Johnson To: Gary Prewitt ; PAUL YELK ; Dave Hiatt: November 04, 2011:

This is a copy of the Armstrong revised 5366 that he put together just during and after the Transportation Comm. Review last years legislative session.

Is there anything in here that stops local County Commissioners, City's or Towns from opening up Roads for Four Wheel ATV USE on specified Roads, Public and Private and if so please point it out or proposed the Language that will assure that the Counties and City's or Towns can open them up for ATV,s when ever they want.

NMA Legislative/Land Use report From: Tod [tod701@aol.com] To: board@nmaoffroad.org 11/15/2011:

There will be legislation in play to allow ATV to use certain roads with speed limits 35mph and under. We will be working to make sure that 2 wheeled vehicles are included and that other anti-ORV amendments are not added like last session.

ORV Rough draft as of 3:00 today From: Delvin, Sen. Jerome To: Small group ORV stakeholders announcing a meeting 12/6/11 - 1:00 pm Sent: Dec 5, 2011:

Ted Jackson, Sky Valley Group - Innovative Partnership Zone development.

Tod Petersen, Washington Off-Highway Vehicle Alliance

Mitch Friedman, Conservation Northwest

Greg Bafundo - Washington Field Coordinator, Trout Unlimited, Sportsmen's Conservation Project

Dave Walters, Land Use Coordinator, Tri Cities Peak Putters 4x4 Club

Jim Putnam, PNW4WDA

Gary Johnson, Yelm, GPOHVA,

Larry Smith , Mossy Rock, President of the Cowlitz Basin ORV Club in Morton

Mike Hayden, Cougar Area Trail Seekers

Brian Wurts, Lobbyist, WA Cops

Rick Jensen, Lobbyist, Troopers

Patrick Halstead, NW Motorcycle Association

Chuck Foster, Lobbyist

Jason Berry, WSP

Please find attached a draft striking amendment that **Senator Becker has been working on over the past month. The draft uses Representative Armstrong's striking amendment as a base and makes many of the changes that Gary Johnson has requested.**

State Sens. Delvin and Becker meet with stakeholders to discuss off-road vehicle legislation [3 Attachments] From: Tod [tod701@aol.com] To: WOHVAPoliticalAction] 12/16/2011: WARNING

Gary Johnson is promotong an amendment to SB5366 that removes motorcycles from the bill.

SB5633 hearing Monday From: mbhayden tds.net To: WOHVAPoliticalAction@yahoo.com 1/20/2012:

When we had our last meeting in Olympia with Becker there was a rep there from Trout Unlimited that told me they were going to put in a amendment for punishments and jail time for riders. Mike

SB5633 hearing Monday To: [WOHVAPoliticalAction] From: Tod [tod701@aol.com] 1/20/2012:

This bill was passed overwhelmingly (41 to 5) by the Senate last year, but unfortunately had to be killed in the House when an amendment was going turn into an anti-ORV bill.

Please pass SB5366 out of committee **without amendments or don't pass it at all.**

Removing two wheeled vehicles does not improve the bill and is unfair to them since SB5800 conversions still have issues to be worked out before that is a viable solution.

Also, **please resist the temptation to add new ORV use penalties to this bill.** It makes much more sense to enforce existing laws before adding another layer on top. Even the Snohomish County Sheriff who supported new penalties agrees with this.

Lastly, **if new license plates are to be required, it is important that they should only be for those ORV that are modified for road use.** Requiring them for all ORV will make it harder for law enforcement officers to identify which ORV legally belong on the road.

SB5633 hearing Monday To: WOHVAPoliticalAction@yahoo.com From: Tod [tod701@aol.com] 1/21/2012:

SB5366 from last year has been reintroduced and assigned to the Senate Transportation Committee.

This bill would allow limited use of two and four wheeled ATV on certain roads with common sense use restrictions, safety equipment and liability insurance requirements.

Last year It was passed by the Senate only to be **hijacked in the House Transportation Committee by members of that committee attempting force amendments to SB5633 that would have been bad for our sport.**

Those amendments included requiring all trails and roads to be engineer for ORV use or closed, making ORV use where it is not posted as open a crime that could lead to jail time, front and rear license plates for all offroad vehicles and not allowing motorcycles on the roads that would be opened to quads.

To stop that from happening, our only tool at the time was to have the bill killed.

Now that SB5366 has been reintroduced, there is a strong risk that these amendment will reappear. **In fact, the lobbyist for Trout Unlimited is requesting similar amendments right now.**

SB 5366 support To: Gary Johnson From: Dave Hiatt 1/22/2012:

WOHVA, NMA and all other OHV users are supporting SB 5366. A CLOUT Alert went out today to the constituents of all Senate Transportation Committee members. I just thought you would like to know that.

By the way, two wheeled users need to remain included in SB 5366 as many trail bike riders do not want to convert to full street use as allowed by SB 5800.

SB5633 hearing Monday To: WOHVAPoliticalAction From: Tod701@aol.com 1/23/2012:
Section 2(4) of the attached amendment **makes this bill toxic.**

You must certify under oath that your vehicle complies with the equipment requirements of section 2(3). The lighting and braking sections require testing to prove compliance. Failing to do that and signing the form **could get you a year in jail.**

Additional changes **include kicking motorcycles off the bill and making it a misdemeanor to use a nonhighway vehicle on any public land unless it is approved by the specific land manager.** While that may be OK in popular places, there are many places where nonhighway vehicles are allowed that have not (and will not) go through the bureaucratic process of making that official.

Also, **instead of an ORV permit going somewhat toward ORV purposes, all the money would go to a new grant system for counties to study safety.**

RE: SB5633 hearing Monday To: WOHVAPoliticalAction@yahoo.com From: EWATV (Gary Prewitt) [ewatvinfo@air-pipe.com] 1/24/2012:

"Section 8 defeats the purpose of the bill. **The purpose of the bill was to have state law in place that state and federal land managers were required to comply with. That would open state and federal land roadways that were open to other traffic to four wheeled all terrain vehicles as well. Plus allow use on local jurisdiction roads to access business areas for motels, gas, food etc. Eliminating the need to trailer all the time.**"

RE: P2SSB 5366.docx To: WOHVAPoliticalAction From: EWATV (Gary Prewitt [ewatvinfo@air-pipe.com] 2/1/2012:

"This bill was crap when Bob, Kevin and I met with the powers including Johnson in Olympia on Dec. 6th. It is still crap. **It will effectively eliminate current Forest Service road usage in Northeastern WA. We will lose already hard won usage.**"

RE: P2SSB 5366 To: Gary Johnson: All WOHVA Committees From: Dave Hiatt 2/7/2012:

"Any effort by one group of OHV enthusiasts to gain opportunities for themselves **while in any way decreasing existing opportunities already enjoyed by other OHV users in WA State is selfish** and an anathema to those who work together for the good of all OHV users in WA State.

Working together in a one-for-all and all-for-one manner makes it essential to kill things such as the modified SB 5366. The people who amended it did so in order to kill it. They cannot believe that you still support it and are laughing at you as the Judas Goat who will lead your OHV buddies to the slaughter by continuing to support a Bill with completely anti-OHV language in it.

You should be ashamed of yourself for maligning the good intent of WA OHV users who truly are working together while you stubbornly try to get people to drink the poisoned Kool Aid. Yes, I am quite ashamed of you based on the information I have received from you lately.

We need a Bill that is good for ALL WA OHV users or none at all. **All of us are willing to help get a good bill and wish we did not have to spend endless effort trying to convince you not to drink the Kool Aid once it has been poisoned.**"

Re: P2SSB 5366 To: PAUL YELK; Gary Prewitt; Larry F Smith; Joe Jones; Rick Dahl; Angie Marik; Arlene Brooks; Byron Stuck; Dave Hiatt; Elkins100@aol.com; Kevin McGrath; Rick Dahl; Tod Peterson; Dave Hiatt From: Gary Johnson 2/8/2012:

"We want you to pull your e-mails to the Legislatures to stop our Bill and let us take care of the changes and stay out of our Business. We want you and your board to apologize to those you have hurt and interfered with there Constitutional Rights to work with those they elected to represent them and us. You have no Right to stop that process. No More Dave and WOHVA."

Pro P2SSB5366 To: Gary Johnson's email blast list From: Gary Johnson 2/8/2012:

"Tell the WOHVA and every representative that you resent this interference in your Rights and your Need for a ATV bill **so we can Ride in the Forest** and Recreation Areas for your Families and self."

Re: Pro P2SSB5366 To: Gary Johnson & others From: Tod Peterson 2/8/2012:

"Before you support SB5366 you might want to have someone explain section 8 to you.

This effectively closes every logging road to every nonhighway vehicle unless that land manager specifically selects to open that road to nonhighway vehicle use.

In areas without existing approved ORV use, that designation is not even on the land manager's radar screen.

Then if you get caught while politely riding your quad on a quiet out of the way logging road, you pay \$500 per vehicle fine and **more importantly you have committed a misdemeanor and get a criminal record.**

There are numerous other flaws in the bill too, but this is just one to think about."

Hold ORV abusers accountable: Amend bill 5366, WILD NORTHWEST, February 20, 2012 A Message from Conservation Northwest:

"With increased access, OHV riders should have increased accountability. **The bill (ESSSB 5366) must include powerful accountability measures to reduce illegal and damaging OHV abuse: 1) visible license plates required on all OHVs, 2) stiff penalties for violations, and 3) the means for tickets to be issued if a violation is witnessed in places far from police patrols.**

The bill has already passed the Senate and will be reviewed this week in the House Transportation Committee. **Representative Upthegrove is offering an amendment that would add the accountability measures above.** Conservation Northwest opposes the bill unless and until the Upthegrove amendment is adopted."

Orgins of ESSB 5366 To: WOHVABoD From: Kevin McGrath 2/20/2012:

"In case you may have wondered about the origins of ESSB 5366, take a look at this pamphlet authored by Gregg Bafundo. <http://www.conservationnw.org/files/2010-ORV-booklet.pdf> **You'll quickly see that 5366 is the essence of this booklet with a couple minor things added to attract gullible ATV users.**

Check Mr. Bafundo's address and you'll find he's in the 33rd District. You may recall his Representative (Dave Upthegrove) brought forth last year's amendment to HB 1203 that ruined the bill and if you check Conservation NW website (**Take action online today!**) you'll see he's expected to propose a new amendment this week as well. Any guess as to what it might contain?

I may be wrong, but I believe Mr. Bafundo is the driving force behind all of the onerous and damaging portions of ESSSB 5366 and furthermore that he, **with the help of his friend from Gold Bar Nature Trails, crafted this bill and duped a couple gullible ATV persons into helping.**"

Sponsor Notification of Transportation Meeting - Add 5366 to Public Hearing 2/24/12 To: Gary Johnson email blast list From: Gary Johnson 2/21/2012:

"We here at the GPOHVA and Clubs and Orgs across the State **ask you our Representatives to Vote yes on 5366 and help it through your committee and on and through the floor of the House vote Yes Vote.**"

Please DO NOT contact Rep Judy Clibborn for a hearing in her committee YET! To: WOHVAPoliticalAction From: tod701@aol.com 2/22/2012:

"Thanks to the huge response due to WOHVA and CLOUT alerts, members of the Legislature reached out to WOHVA to find how to save SB5366.

A meeting was held today were signifigant changes were discussed. If those pro-ORV changes are all incorporated, then SB5366 may become a bill worthy of support by the ORV community. **If not, it is still an anti-ORV bill that needs to be put down.** We should know more tommorow when the amendment language is provided to us."

WOHVA SB 5366 White Paper as of 2/27/12 Effects of SB 5366 as passed by the House Transportation Committee 2/24/12:

- ***** Changes affecting all WA OHV users –**

Enacts a **Closed Unless Specifically Designated Open** policy which will **immediately close all of the already inventoried OHV trails under consideration for designation by various public land managers** that have not yet been designated and immediately subject users of those secondary trails to a fine of up to \$500, e.g., trails on DNR Lands that have existed for many years and are neither signed open nor closed; similar situations exist with many power line right of ways, etc. in WA State when this law goes into effect.

Will **require** a law enforcement officer to initiate an investigation for the purpose of issuing an infraction citation with a up to a \$500 fine **without Law Enforcement witnessing the purported violation.** State Law currently requires a Law Enforcement Officer (LEO) to personally witness Infractions, e.g., LEO cannot issue a citation because someone said you were speeding, as you are guilty until proven innocent once an infraction citation is issued, i.e., in court the burden of proof is on you to prove you are innocent by a preponderance of the evidence instead of the court having to prove you are guilty by a preponderance of the evidence.

Allows NOVA motorized funding to be used in areas where OHV use is not the primary use.

To date non-motorized funding has to be used in those areas if NOVA funds are desired. It may be important to recognize that the motorized users are now the minority group on the NOVA Advisory Committee and have been for some time.

Will require **all ORV operators under 16 years of age to remain within 300 feet of a licensed adult supervising their operation** when crossing/riding on a city/county/state highway/nonhighway road or primitive road.

The definition of "Four-wheel all-terrain vehicle" (ATV) is currently in error as it does not require four wheels and therefore (inadvertently?) includes motorcycles in the current definition. With this definition of ATV the only vehicles allowed under the Hinkle Bill (section 6) would effectively be UTVs. All ATVs (per section 2) would now have to have the street licensing to use roads.

Additional Changes in the works for ALL ATV Owners!

A review of the public hearing in the House Transportation Committee on 2/24/2012 reveals that the anti-access supporters of this bill expect it to **require every ATV owner to purchase a license plate regardless of whether or not the owner wants to operate it on road.**

The anti-access people testifying for this bill want to be able to take a picture of any ATV and be able to identify it to press law enforcement to issue citations.

Representative Shea who submitted the current language answered the anti-access supporter's question as to whether or not all ATVs would have to have a license plate by **stating that all ATVs will have one of these license plates.** We suspect more changes are in the works to require this with the addition of an on-road sticker for those going through the process to obtain one as the current language does not do that.

NEW ATV ONLY specific regulations:

NOTE – These regulations EXCLUDE non-street legal dirt bikes, non-street legal 4WDs, side-by-sides and any other type of non-street legal OHV.

Will require all ATV owners wanting to use roads to purchase a license plate.

Will require ATV owners to purchase an ORV tag in addition to their new road use license for off road use of that vehicle.

Will require all ATV operators to wear a helmet during operation on public or nonhighway roads except those open to all ORV use.

Will require ATV operators taking advantage of the license plate provision for road use to be "insured under a motor vehicle liability policy in compliance with chapter 46.30 RCW" and have "a valid driver's license." But will not require insurance for nonhighway or off road use of ATVs.

Will require all ATV operators to have a windshield or wear eye protection for operation on nonhighway roads.

Will require ATV owners to add additional equipment to their ATVs in order to qualify them for the "on-road" license plate.

Will require ATV **owners** or a licensed ATV **shop** to sign a Statement of Compliance under oath with gross misdemeanor penalties (which allow up to an \$11,000 fine and jail time) for misrepresentation of ATV compliance in order to obtain the "on-road" license plate.

Will allow kids to ride their ATV's to school (per public hearing testimony from the WSP) or adults to ride them into town for shopping trips by default unless local government jurisdictions specifically take action to close roads to their use, as long as they and their ATV complies with the new rules.

Will not force the USFS to open any forest roads to ATV or ORV use as the State has no jurisdiction over land manager decisions regarding use of those roads.

May convince some USFS land managers to allow ATVs to use their roads with their new street license but those same land managers could allow OHVs to use them now without these additions if they wanted to do so.

Will not allow ATVs with the new license plate to cross public highways with speed limits in excess of 35 MPH **from a trail** unless the trail is an official ORV trail with a speed limit of under 35 MPH.

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Will establish a new pool of funds from the ATV license plate sales that will be administered by the WA State DOT to be used for studies to approve or ban ATV use, provide signage where OHVs are prohibited on roads, provide signage denoting designation for OHV use, etc.

Will allow persons under 16 years of age to operate an off road vehicle across a highway in this state, on a non-highway road designated for ORV use, or on a primitive road under the direct supervision of a person 18 years of age or older possession a valid driver's license.

ATVs will not be allowed on most State Highways unless within City limits where the speed limit is 35 MPH or less and.

Opens all roads to ATVs in cities with a population of less than 15,000 by default except State Highways with speed limits over 35 MPH unless that city designates some or all of their roadways to be unsuitable for ATV use.

City's with a population of 15,000 or more may by ordinance approve ATV use on city roadways."

CLOUT Legislative Alert: Kill SB 5366, STOP a good Bill gone BAD! To: CLOUT subscribers From: CLOUT 2/27/2012:

"Your WOHVA Political Action Committee and Board of Directors have voted to OPPOSE this BILL! They have given the proponents every chance to fix some very bad things about this Bill but it is now headed for the House Floor and must be STOPPED NOW!

SB 5366 must NOT pass for the following reasons -

- Enacts a Closed Unless Specifically Designated Open Policy which will immediately close all of the already inventoried OHV trails under consideration for designation by various public land managers that have not yet been designated. How many miles of "power line" roads currently being used by OHV's do you think will be "designated" in order to keep them open?
- It is easier for land managers to do nothing and let them be closed by default. We do NOT want this to happen!
- Will REQUIRE a law enforcement officer to initiate an investigation for the purpose of issuing an Infraction citation BASED on a CITIZEN COMPLAINT with up to a \$500 fine without Law Enforcement witnessing the purported violation, e.g. an anti-access person can lobby a law enforcement officer to issue you a ticket! You are guilty until you prove yourself innocent when cited for an Infraction!
- Allows NOVA motorized funding to be used in areas where OHV use is not the primary use.
- Based on testimony in the latest public hearing, the sponsor of this Bill intends to require ALL ATV owners to purchase a WA State license plate in addition to their ORV tag even if they do not intend to use it on a road!

IN SHORT - We do NOT want a Bill passed "in order to find out what is in it."

For all the Pro and Con facts about this piece of legislation please see the WOHVA White Paper which your state wide coalition of WOHVA volunteers is trying to keep up to date as this bill changes, by clicking this link:

http://www.wohva.org/content.aspx?page_id=22&club_id=811105&module_id=111263

As you know, the Washington Off Highway Vehicle Alliance (WOHVA) was created under the direction of the American Motorcycle Association (AMA), the National Off-Highway Vehicle Conservation Council

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(NOHVCC), Motorcycle Industry Council (MIC) and the Blue Ribbon Coalition (BRC) to represent all WA Offroad Vehicle users in a one-for-all and all-for-one manner.

WOHVA is the only state wide coalition in WA representing every type of motorized off road use except over-the-snow machines with input from every OHV Positive club, organization and business that wants to come together and speak with one voice.

Unfortunately, WOHVA's hard working political volunteers have been unable to overcome the anti-access people who want to destroy your family sport and the existing SB 5366 would at least damage it while even more anti-access amendments are just waiting to be attached to this Bill if it gets to the House Floor!

This bad Bill is now far worse than no Bill and time is very short to stop it. YOUR PERSONAL Representatives will soon vote on this so IT IS NOW UP TO YOU TO STOP THIS BAD BILL!

Fw: 5366 From: Gary Johnson To: GPOHVA 2/28/2012:

"Please call your Representatives and ask them to get 5366 on the floor for a vote."

Setting the record straight on WOHVA and 5366 To: matt.shea@leg.wa.gov & WOHVABoD From: Byron M. Stuck, WOHVA President 3/2/2012:

- WOHVA is very interested in enabling OHVs to use appropriate roads in Washington to access and connect trails as well as food and supplies. Neighboring states allow much greater OHV road access and benefit economically from this recreational income. Washington residents currently visit Idaho and Oregon rather than recreate here.
- WOHVA originally supported SB5366, but after receiving harmful amendments, we no longer support SB5366 as amended, yet will continue to work on it. We realize that bills under review are a moving target.
- The motorized OHV community is not against user fees as the original creator of a user-fee funded trail system with our gas tax rebate and ORV permit-funded NOVA fund created in the 1970's. We support user fees as a means to connect users' payments with the services they fund. And we obviously then oppose sweeping these user fees for unintended purposes.

CLOUT Legislative Alert: WOHVA withdrawing opposition to 5366-S2.E AMH SHEA H4588.1 To: CLOUT Subscribers From: CLOUT 3/2/2012:

Your legislators have HEARD YOU loud and clear and have CHANGED 5366 as a result.

5366-S2.E AMH SHEA H4588.1 that was released a few minutes ago has enough changes that **WOHVA is withdrawing opposition to this Bill.**

CLOUT Alert: SB 5366 Information Only answering "What has changed?" To: CLOUT Subscribers From: CLOUT 3/3/2012:

Many of you have asked to be informed of exactly what has changed since the 2/27/12 WOHVA White Paper was published.

Please Note SB 5366 has NOT YET BEEN AMENDED so the 2/27/12 WOHVA White Paper still reflects the Bill language now in existence as passed out of the House Transportation Committee.

We do hope that ALL ATV and Side-by-Side USERS REALIZE this bill will impact them WHETHER OR NOT THEY WANT TO USE ROADS as it requires all recreational ATVs to be registered and to purchase a license plate for \$30/yr plus all the usual local and other fees added to license plates in addition to their \$18/yr ORV Stickers unless they are going to use their ATV only on private land. WOHVA is not objecting to this as the WOHVA representatives from the ATV community are currently supporting these

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additional fees for ATV and Side-by-Side users. You can make your preferences known to WOHVA by using the Contact Us feature on the <http://www.wohva.org> website.

The primary thing changing is removal of the state wide Closed Unless Designated Open law that will change IF 5366 E 2S SB AMH TR H4368.6 is heard and adopted.

Please remember that an Amendment 5366 E 2S SB AMH TR H4368.6 has been written but NOT YET HEARD OR ADOPTED. WOHVA has conditionally withdrawn opposition to SB 5366 IF it is amended to 5366 E 2S SB AMH TR H4368.6 and therefore still opposes the existing language passed by the House Transportation Committee.

That is why the suggested message to legislators in the most recent CLOUT Alert was "WOHVA and I are NOT opposing 5366-S2.E AMH SHEA H4588.1 as released for review today."

That message informed your legislators that WOHVA opposes the language currently in SB 5366 but WOHVA will withdraw opposition if 5366-S2.E AMH SHEA H4588.1 (now 5366 E 2S SB AMH TR H4368.6 due to some additional edits) is adopted.

NOTE - Under the bill passed by the House Transportation Committee, the legislature's own website interprets and confirms that WOHVA was correctly interpreting Section 16. "Section 16 adds a new section to chapter 46.09 RCW which provides that a person may not operate a nonhighway vehicle on publiclands unless the area is designated as open for such use. A violation is a traffic infraction." i.e. it would implement a state-wide CLOSED Unless specifically Designated Open Policy.

With Amendment 5366 E 2S SB AMH TR H4368.6 the legislative staff's interpretation has changed to "Limits operation of non-highway vehicles on public lands to operation consistent with local land management requirements and to roads, trails, and designated areas."

WORDS DO MATTER!

SB-5366 To: Maynard, Jackson (Staff Counsel Washington State Senate Republican Caucus) From: EWATV Gary Prewitt ewatvinfo@air-pipe.com 3/23/2012:

"If SB-5366 was a good bill, we would be one of the first to support it. But it is not. It has too many flaws that would require an enormous amount of time and effort in the future to overcome. If they could be overcome at all. In some cases this bill actually would take us backward from the current conditions. Even if all listed here were fixed, there is a lot that has been left out of this current bill.

Bottom line is the Eastern Washington ATV Association cannot support the Senate version of SB-5366."

Political Action Committee Chairman Report April 2012 Submitted by Tod Petersen 18-April-2012:

"During the last few week of the first and second special session an effort was put forth to fix the problems with SB5366, the ATV road use bill. The corrections were adequate for WOHVA to withdraw its opposition, but not good enough to gain our support. As it turned out, the last special session ran out before the amendments to the bill were brought up for a vote."

Re: Quads Next To: Paul Yelk (WOHVA BoD member) From: Gary Johnson 7/12/2012:
"Our License Metal Plat has to be acceptable to the FS to get in."

ORV Stickers as License Plates To Gary Johnson From: Gregg Bafundo 7/12/2012
"I will support eliminating the sticker and adding a readable (at 50mph, car style) license plate."

Our ATV UTV Bill To: Public List From: Gregg Bafundo 8/8/2012:

It would be wise for us to look at 5366 as the skeleton for moving forward. I'll send out an official invite soon. It would be good to know who represents an organization as there is not enough space for everyone in the room but if we could get individuals representing groups of clubs, state officials, legislators, environmental groups, police officers and state patrol. That would be great. **TU is willing to help fund this as a mediator is the recommended and professional way to do this.** Is there anyone else willing to help with the funding?

Re:Our ATV UTV Bill To: WOHVAPoliticalAction From: Paul Yelk [4x4er@dog-walker.us] 8/10/2012:

"Neil Stamp wrote: **Why would Trout Unlimited provide funding for a bill to allow ATV's on the road? I could see maybe if it gave them more access to streams and rivers.... But the road? I think the whole thing is being pushed in order to get their larger plates and the penalties added into the bill like last time.**"

Paul Yelk wrote: "Based upon the time I was associated with Gary J's group, I saw their (TU) support as a method to stop the illegal riding.

They wanted a better way to identify the illegal rides since the ORV sticker is too small. They didn't like my comment(s) that a larger plate won't stop the illegal riding. Current illegal riders probably don't have an ORV sticker for \$18.50. They're not going to pay the suggested price of \$30 to continue to ride illegally!"

Road Use Bills 5800, 5366, NOVA & Discover Pass To Gary Johnson From: Ted Jackson 8/30/2012:

As we are considering these funding options we will have to **keep in mind funding for local law enforcement as they will have more time resourced in handling road safety compliance; accidents; trailhead & campground incidents; and land trespass & resource abuse investigations.**

Also there will be the consideration of ORV tabs funding of NOVA.

Thought being:

- ID Tags (plating);
- Tabbing for 35 mph road access/safety/maintenance;
- Tabbing for NOVA ORV/OHV off road trail access/development grants;
- Discover Pass tabbing for trail & trailhead maintenance (staffing).

A plate and three different tabs would be ideal (road, trail, Discover Pass) since DNR is requiring Discover Passes for road plated MV's on their managed landscapes. If we were to require NOVA ORV Tabs for all motorized trail use (including 4X4 rigs) this would generate additional grant funds to develop more trails statewide; as it stands now we will see a diminishing of these funds as plating and road use tabs grow.

Perhaps we could set the additional Discover Passes on the plated ORV/OHV be at the \$2.40 DNR portion since all the road use vehicles will be required to have the \$30 Discover Passes anyway (i.e. motor homes, campers, trucks etc.). Fish and Wildlife offer their own \$5.00 pass for their land access and State Parks still has the donation opting option at the time of vehicle registration renewal.

2012 SB5366 summary for hand out To: All WOHVA committee From: Dave Hiatt 9/16/2012:

The original version of bill would have allowed ATVs that have be modified with road related equipment to use certain roads with speed limits under 35 mph.

Unfortunately as it worked through the legislative process, this bill was amended multiple times. Most amendments added language that had anti-OHV impacts.

The biggest challenge was dealing with supporters that claimed to be pro-ORV but at the same time supported some very anti-ORV language added to the bill.

Specific Problems with the Bill that was in play at the end of the 2012 session:

Closed all nonhighway roads to OHV use unless specifically opened to OHV use by land manager.

Created a Misdemeanor **(criminalizing the action) for riding / driving an ORV where not specifically open.**

Required federal motor vehicle safety standard (FMVSS) compliance which has proven to be **impossible for individuals to accomplish.**

Allowed individuals to do their own compliance inspections, but made inspection irregularities a gross misdemeanor, i.e. failure to meet any part of FMVSS **would make the individual at risk of going to prison.**

Reduced ORV funding by making this new category of ATV exempt from ORV permit requirements.

Required liability insurance to use roads. WA does not currently require liability insurance for street motorcycles.

Added language that may have closed local jurisdiction roads to ORV use in areas that have already permitted their road use.

Required full sized metal license plates for all ORVs including child sized motorcycles.

WOHVA & NMA final positions on this Bill:

Prior support was withdrawn and the last versions of this bill were aggressively opposed.

Summary Notes From Nov 15 Sultan Group To: Gary Johnson's email blast list From: Gary Johnson 11/23/2012:

Did anyone record this meeting and if so were is the recording. It is very important to have a staff person take notes at these meetings and this should have been done on our phone conversation we had in November with Greg , Mitch, Ted, Me, and I believe Jeff. We need to keep these notes to show the steps we took to create this bill and what was the intent of discussion and the out come.

It was a surprise to walk into this meeting and being told we were creating consensus for the Bill Content and various Issues Discussed. Greg told us he was just going to invite other people who were interested in this Motorized Recreation Bill and he wanted their in put.

Ted tells me he is going to his Legislative Leaders and have them draft Language as to this Motorized Recreation Bill soon.

First off the Issues listed as not Finished in this Howell Summary need to be reviewed and answered and once the Collaborative members in The rest of the State and the GPOHVA at our meeting Dec 16th at the Oblarneys Restaurant in Centralia will address this Meeting and its Summary and work with the rest of the Issues. We will deal with theses issues and so offer a solution by the members at the Dec 16th meeting.

Not until we have this meeting should we go to any Legislative Aid to Draft and portion of it. It does no good to instill unsettled issues to the Bill writers and it will just create confusion and look like we are not together on this. **This Sultan meeting is a good start but our Collaborative is Larger then just the People at the Sultan Meeting.**

RE: Summary Notes From Nov 15 Sultan Group To: Lan Johnson From: Dave Hiatt 11/25/2012:

We have provided lots of input to Gary and WOHVA has a bill proposal drafted.

Unfortunately, Gary insists on doing things his own way with his own new "friends." His new "friends" are anything but OHV Positive. Even Gary was a bit shocked by the facilitators that were hired without his knowledge by his new "friends" for the most recent Sultan group meeting. **I think they are playing him along as a Judas' Goat to the OHV community.**

True communication and collaboration with Gary has proven to be impossible in many different venues, e.g. he was asked to leave the Cougar ATV club and he was expelled from WOHVA. **Both of those occurred due to his failure to work properly with others.**

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Therefore it appears the only thing we can do is to keep him advised of what must be avoided.

Please let me know if you have a better solution for getting your brother Gary on the right track and keeping him there.

Re: Summary Notes From Nov 15 Sultan Group To: Dave Hiatt From: Lan Johnson 11/25/2012:

I'll give it a try... I'll talk to Gary...

I "thought" or maybe just "hoped" he was working with Todd and you...

I know, Gary is a handful ... He lacks people skills but he enjoys lobbying these Bills and fighting with GPNF management ... I don't know why ...? I wish you guys could put him to work, put that energy to good use...

Subject: Re: testing To: Farber, Daniel (PARKS) From: Gary Johnson December 13, 2012:

If we can Ride out and in to the State Parks With these Motorized Vehicle Plats under the Laws of the Motor Vehicle Code that every Vehicle in the State has to Obey then **we may be able to get you up to 200,000 Discover Passes on our RMV's** and be able to camp at State Parks with our Pass and be invited to sign up for Preferred Reservations our Preferred Fist Come First Serve

That would be an Incentive to Help the State Parks Out with Buying this Discover Pass and if the State Parks department support us and in this Bill.

Subject: RE: testing To: Gary Johnson ; Dunkin, Alicia (DNR) : Larson, Ann (DFW) From: Farber, Daniel (PARKS) December 16, 2012:

Gary, Thank you so much for seeking ways to support State Parks through purchase of the Discover Pass.

As I understand it, you are seeking authorization for certain ORVs to qualify as road worthy vehicles when traveling no more than 35 mph. With that certification, **you would be willing to require all such vehicles to purchase a Discover Pass for use on state recreational lands** and thereby help the three agencies financially that are administering the Discover Pass Program.

It seems to me that the most significant places that you could benefit from such a program are on DNR lands, including DNR campgrounds. Fish and Wildlife lands may also be places where your activities could benefit from such certification. I am forwarding your message on to my colleagues at those two agencies for them to look into your suggestion and determine whether legislation to accomplish your wish for recreational lands financial support is practical and desirable.

Re: RMV Meeting at Oblarneys Dec 16th 3-6PM To: Large email list of WA OHV activists From: Lan Johnson 12/15/2012:

WOHVA's points and problems with last years bill are exact and to the point ... "Tahuya Trail Riders" and myself are in total agreement ... Please keep the bill clean and straight forward and without these crippling amendments ...

RE: RMV Meeting at Oblarneys Dec 16th 3-6PM To: Premier Polaris (Linda Drisoll) From: Dave Hiatt 12/17/2012

I have forwarded the summaries of your meeting as provided by Gary along with his Bill drafter piece to the WOHVA Political Action Committee. They will be the ones reviewing it and making their recommendations to the Board.

The WOHVA Board meetings are accomplished via state wide conference calls and to date public input has not been provided via that venue. **It would be best if you could just email me anything that would**

add to what Gary has already sent out to everyone so I can pass it on the Political Action Committee where it should be evaluated first. Could you do that?

As you probably know, the WOHVA Political Action Committee will be reviewing the details of the decisions your group arrived at on Sunday and take those into consideration from ATV, OHM, 4WD and UTM user perspectives in order to determine if anything your group is proposing from what appears to be primarily an ATV perspective, **would potentially be detrimental to any of the other types of OHV users.**

Perhaps you could also let me know who was at the Sunday meeting from the 4WD, OHM & UTM users? Knowing that might dispel some rumors that it was just a bunch of ATV users who don't understand the potential damage their quest for road use may inflict on the other types of users.

There is also a lot of interest in discerning **when and how Trout Unlimited and the Sportsmen's Conservation Project ever became OHV Positive and helpful to the OHV community when their historical track record seems to be the opposite.** In fact, to date they have been seen as more aligned with the rabidly anti-OHV WTA group. **Perhaps you could provide us with some of your personal perspective as to when and how those organizations have somehow become OHV enthusiasts?**

RE: OHV Legislation, can we get together? To: Gregg Bafundo From: Dave Hiatt 12/17/2012:

Gregg,

As you may know WOHVA is an alliance that only incorporates OHV Positive people, businesses, clubs and organizations. I have some serious concerns about your involvement in this OHV issue as to date **I do not view Trout Unlimited and the Sportsmen's Conservation Project as ever having had the best interests of WA State OHV users in mind.**

I would be quite interested to hear what brings you into an OHV user driven issue.

Please email me with any information you have that may change my opinion regarding Trout Unlimited and The Sportsmen's Conservation Project.

FW: Jackson Maynard Staff Bill Draft 1 To: WOHVAPoliticalAction From: Tod Petersen 12/18/2012:

There are other issues but **section 9 is a show-stopper.**

It says that **"A person may not operate a nonhighway vehicle on public lands unless the area is designated by the land manager as open for nonhighway vehicle use."**

And keep in mind that **the definition of Nonhighway vehicle is "any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain."**

How many of the roads on public land are specifically designated as open for nonhighway vehicle use? Are any logging roads? Any county roads? Any of the WDFW fishing/hunting access roads? Unless the land managers put an open for nonhighway vehicle use policy in writing, won't all that be closed, even to street legal vehicles when they are used for recreation?

ATV use advocate? To: WOHVAPoliticalAction From: Tod Petersen 12/19/2012:

"ORV users will continue to seek dispersed recreation, both off road and off trail, riding machines many miles over large areas and along the way harming wildlife habitat, clean water, private property, and opportunities for others to enjoy quiet recreation."

Greg Bafundo 2010

Jackson Maynard To: tedsbiz@gmail.com ; info@premierpolaris.com ; Gary ; jeff.Brand@co.snohomish.wa.us

Cc: mitch@conservationnw.org From: Gregg Bafundo 12/21/2012:

I just got off the phone with Jackson. He's tired of working on all these edits and frankly a little fed up (he's right to be). **The only other issue that has ever taken this much of his time was the entire transportation budget! This ties into my earlier e-mail about the motorized community figuring it out.** I expressed to Jackson that we should just move forward with the draft we have including everyone's edits up to now (4:00PM today). Please don't e-mail anymore today. Let him have his holiday. **But I implore you guys (the motorized community) to bring Gary P back into our tent** or figure out a way to convince Sen. Becker that it's worth her time to sponsor this bill without total consensus. This is where we need that leadership. Please.

RE: OHV Legislation, can we get together? To: Gregg Bafundo From: Dave Hiatt 12/22/2012:

Gregg,

Here are some excerpts from the booklet you recently published and handed out in your political anti-OHV efforts. I have added emphasis in bold and have inserted my related comments prefaced by "My comment -"

"My wife and I own ATVs, but **that doesn't mean I need to take 'em on public lands...**" **Joe Mirasole, Co-Chair, Washington Backcountry Hunters and Anglers**

My comment - It must be nice to be one of the Elite with their own private OHV riding preserve. Perhaps John Q. Public should make supplication to Joe for permission to ride on Public Lands owned by The People?

"ORV users will continue to seek dispersed recreation ... along the way **harming ... opportunities for others to enjoy quiet recreation.**"

My comment - Please look up the numbers regarding the extremely small percentage of WA public or private lands open for OHV use. It is very easy for you to go where there are no OHVs..

"Public land managers, private land owners, and law enforcement officers need resources and tools to **address user conflicts** and property damage."

My comment - Why is it only those selfish few who want everything to themselves who scream "CONFLICT? The easiest and most certain way to end conflict is to remove those who are screaming conflict and reward those who will share, by allowing them access. I have some experience with that solution and it is amazing how "conflict" never arises after that.

"Their actions are ... **spreading noxious weeds** ... "

My comment - Your personal SWAG at work while on later pages you show horses traveling with no obvious trail and no mention of "noxious weeds" ??? No personal bias showing through there, right?

"All ORVs must be clearly plated ... to allow ... **or law-abiding riders to identify and cite individuals.**"

My comment - Ever heard of Hitler's Brown Shirts? Of course you realize that you are guilty until you prove yourself innocent when you are issued a Citation? That is why sworn law enforcement must witness the violation or no Citation is issued. Would you also give Citation issuance power to all Citizens to enforce the speed limits, no smoking zones, etc.?

My comment - Regarding your displaying a fuzzy picture of a high speed, pavement style sport bike that would obviously already have a highway license plate, as an example of illegal trespass and the need for big license plates on OHV's. How misleading can you be?

My comment - Your picture of a trail exiting water while an obvious official event marker resides on the trail. Perhaps the water is actually a puddle or rain runoff on an existing gravel road?

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"Damage from illegal off-roading in the Teanaway.."

My comment - That picture looks more like the most common type of water damage to any landscape where previous land management water control features have failed due to lack of maintenance.

"3,000 to 6,000 miles of **illegal trails** on Washington State Department of Natural Resources lands."

My comment - Your personal SWAG at a number or what?

"Funds from ORV licensing and an appropriate share of related fuel taxes are a **fair source** for meeting the ... **prioritized first above funding for construction of new trails.**"

My comment - Okay I think I understand your approach to OHV use. First corral all the OHV's into ever smaller play pens. Then steal their own funds so those small play pen facilities cannot have additional trails added that might eventually provide enough OHV seat time to justify unloading the OHV. Your latest Reiter OHV strategy at work?

"ORVs must be managed such that their use does not impinge on the enjoyment of public lands by other users, including hikers, equestrians, hunters, and mountain bikers. **These trail users must not be displaced from state public lands, or their enjoyment impaired.**"

My comment - Selfish is as as selfish does.

"Many areas are open to off-road vehicles **like this road ...** "

My comment - Say what?

In summary Gregg, your OHV Negative positions need no introduction. You have obviously spent a great deal of time on someone's else's money in your anti-OHV efforts.

Your statement to me in your 12/16/2012 email "**It's sad to see all this division among the OHV community.**" has to be one of the best examples I have ever seen of self aggrandizing hypocrisy **as it appears that you are in fact the one single person most responsible for that division.**

Your subsequent statement to me in your 12/21/2012 email "**I believe that your use of our public lands is just as legitimate as mine ...** " is supposed to just have me forget all the half truths, biased statements, selfish proposals and anti-OHV invective in your own publication? I think NOT!

Then there is your preying on a small splinter group of ATV users who have proven to be willing to sacrifice the good of the entire WA OHV community if necessary in order to obtain permission to ride their ATV's from home on public roads, by somehow leading them to believe you support OHV users and can help them obtain their desired outcome, which is abhorrent in the extreme.

Three strikes and "YOU'RE OUT!!!!" comes to mind.

WOHVA has been and is working with all types of OHV users to arrive at solutions that will allow even the small splinter group of OHV users you have been preying on to achieve what they desire most without incurring damage to any type of OHV user.

You and I have certainly have nothing to meet and talk about.

Expanding OHV use of secondary and forest roads in WA via legislation To: Planet G Compilation From: Dave Hiatt 12/23/2012:

I now have very strong evidence as to which of his supposed allies has been putting the "cyanide drops" in his Kool Aid. You have probably already seen the detailed list of "cyanide drops" in last year's SB 5366. I listed those in the one page document I put together summarizing what took place with SB 5366 during the 2012 legislative session. Gary Johnson was one of the first to receive that document.

Unfortunately, he and the few people he has been working with put many of those same "cyanide drops" into the initial draft of their proposed Bill for this coming session.

Gary has limitless energy with which to talk about many OHV related issues along with what appears to be a desire to obtain use of secondary roads and forest roads for ATV **use regardless of collateral damage to the great majority of OHV users.**

As I understand it, Gregg Bafundo (Western Field Coordinator) of the **historically anti-OHV Trout Unlimited and Sportsmen's Conservation Project** allied with Gary Johnson to "help" him obtain passage of SB 5366 instead of opposing it. **A poorly written Bill then became an atrocity with so many detriments to the OHV community at large that it had to be killed by the greater OHV community.**

Unfortunately, Gary supported that Bill with all of its "cyanide drops" in the Kool Aid, to the bitter end while making personal attacks against those OHV Positive people and organizations from the greater OHV community that actually tried to help him. It was apparent to me that he is willing to sacrifice the OHV community at large if he can just get a way to ride his ATV on roads where the street license requirement currently prohibits such use. The greater OHV community and I also support the concept of expanding OHV (not just ATV like GPOHVA) on secondary and forest roads but without drinking Kool Aid laced with "cyanide drops" from anti-OHV activists.

Then decide for yourself if you want to drink the GPOHVA Kool Aid with its "cyanide drops" or support the greater WA OHV community with a one-for-all and all-for-one (*assuming no collateral damage to any other OHV users*) organization such as WOHVA and its member organizations that are **truly trying to get OHV (not just ATV) use of secondary roads and forest roads where applicable.**

RE: Expanding OHV use of secondary and forest roads in WA via legislation To: 'Ted Jackson'; 'Ken Irish' From: Gary Prewitt EWAATVA 12/24/2012:

Contrary to Ted Jackson's e-mail contained in the attachment hereto. Eastern Washington ATV Association's and my position have not changed one bit. They are the same as they were at the end of legislative session last year and the same as they were at the end of the meeting in Sultan a few weeks ago. **The object of this entire exercise is to gain recreational access to our federal and state public lands. An important side effect, is to help improve local economies that will create jobs and increase revenue.** The opening of local jurisdiction roadways with speed limits 35 mph or less is a means to that end. Not intended to be a recreational opportunity in itself or an additional fund raiser for the state. Federal agencies have not allowed us operation on the majority of their non-highway roads throughout the state because in their words, we are not allowed to operate as a general rule on other roadways within the state.

RE: Expanding OHV use of secondary and forest roads in WA via legislation To: 'EWATV'; 'Ted Jackson'; 'Ken Irish' From: Mitch Friedman [mitch@conservationnw.org] 12/24/2012:

Conservation Northwest's position has been consistent and simple:

- **Illegal and environmentally harmful use of ORV's is epidemic*** and be substantially decreased.
- To address this crisis, **we must require visible identification on all ORV's and waive the officer presence rule to empower all eyes in the woods so that real enforcement can occur.**

Conservation Northwest agreed to the principles adopted by the diverse Sultan Group, and supports the present working draft of 5366. But unless and until 5366 passes and the means for identification and enforcement become law, Conservation Northwest will vigorously oppose any bill or policy that provides or expands ORV access to highways, roads and/or public lands. We will work to repeal the Hinkle Bill, keep NOVA funds stripped, and engage in all options to limit ORV access on public lands, including Transportation Management Planning.

Opposition to anything short of 5366 will be unified among the environmental lobby, including the Sierra Club, Washington Conservation Voters, and the entire Environmental Priorities Coalition.

Response from WOHVA To: Gary Johnson From: mbhayden tds.net 12/24/2012:

Gary I would like you to respond to me only on this issue. First of all are my emails getting to you the only time I get one from you it goes to everyone. **I looked at Greg's desires in his booklet and even though the issues are anti ATV he is getting what he wants.** We are being taxed to buy a sticker now 4 times what most states pay. and now we want to raise that \$4.00 and put another \$35.00 on it for a plate and then to ride in the US Forest we have to by a Forest pass and to ride in DNR we will need a Discovery pass We license our trailers and tow rigs. and we Have to do this every year. We pay a lot of the timber industrys taxes and they close us out. there is nothing in the last version of this bill that gives us any right to ride just a right to be watched and lied about. The first version of this bill was better we need more places to ride. this is for the atv coummunity to get more places. Where they see a damaged hillside I see a beautiful trail for ATV recreation. **Greg wanting to be a police waunnabe is the only guarantee we have in this bill and raising the fine. I don't think there was a person there at the meeting that wanted a bill that let us ride more than me but i want to keep my ATV and not have to look over my shoulder to make sure the Greg's of the world aren't making up lies about us. for every bad ATV rider we have two lying enviornmentalists and thats something we better not forget.** Mike

Re:Mitch Friedman / Earth First To: WOHVABoD From Tod Petersen 12/25/2012:

In 1988, EF member **Mitch Friedman stated that "tree-spiking is not terrorism; it is a justifiably extreme and noble deed."**

<http://www.discoverthenetworks.org/printgroupProfile.asp?grpid=7229>

Re:Mitch Friedman / Earth First To: WOHVABoD From Tod Petersen 12/26/2012:

A more modern quote, published this year.

"The Cascades are wilder today than they have been in 50 years," he says. "Fewer clear cuts, fewer logging roads, fewer people on those roads."

http://seattletimes.com/html/pacificnw/2017630758_pacificpmitch11.html

Does not sound like a guy that is really sincere about wanting open up more roads to ATV use does it?

This is the Bill at a Face to Face Look To: Planet G list From: Gary Johnson 12/26/2012:

Please read and look at this Bill as the Bill writer has gone over this Version as to date and tried to explain what it does and does not do. **Please read it carefully and see if it gets us were we need to be to open our recreation were we can ride in the Forests and Recreate in the Camp Grounds with our Families. and Ride Trails and Old Roads and Highaxle Roads and down to the Closest Towns for Groceries and fuel and supplies for our Vacations around the whole State and that Public Lands Road will be opened to you.**

We have been closed out for many Years and with this Bill and your support we wont be anymore.

That's all there is to it. **DO YOU WANT TO RIDE LEGALLY?**

Let the Whole Motorized Recreation Community know that you Do and that you'll support this bill and if you do so now cal and e-mail your Friends and Leaders and let them know that and your Dealers Too.

**ATV road use legislative update To: WOHVAPoliticalAction From: Tod Petersen
12/26/2012:**

The latest version of the proposed ATV road use legislation from the Ted Jackson / Gary Johnson / Greg Bafundo / Mitch Friedman coalition attached.

My comments below:

+++

21december2012 version notes

Section 2

Defines all quads are "motorized recreation vehicles"

UTV definition could include 4x4 and by that include them in the definition of MRV.

Section 3

Requires drivers license for all road quad use and does not exclude roads where ORV use is legal. This would ban kids under 16 from any road use at all.

Section 4

(2) excludes vehicles not originally certified by the manufacturer for use on public roads. This nullifies any value that the bill might have because it excludes everything that able to be street legal to begin with.

(3)(a) includes a federal law compliance requirement but does not enumerate which federal laws. If FMVSS compliance is found to be applicable and the requirement is enforced it is very likely that no quads can be license via this legislation.

(3)(e) includes a release requirement that owner states that vehicle was not manufactured for on-road use. That statement would exclude the vehicle from licensing eligibility pursuant to (2) of this section.

Section 5

See original section 4.

Section 9

Why should this category of dual registered vehicles be exempt from Discover Pass requirements and not all dual registered vehicles?

Section 13

At this point only applies to MRV (quads).

(3) allows third party reporting, but citation must be served upon the operator, not the owner so determining who was operating the vehicle would be required.

(3) refers to ORV twice, but (1) limits the applicability to MRV.

Summary

As written this proposed legislation would not affect 2 and 3 wheeled OHV
The restrictions and penalties would only apply to 4 wheeled vehicles.

Section 4 would limit the licensing (and road use) to only vehicles originally build for road use so it could be great for a certain segment of the 4x4 community, but would do nothing positive for quads.

Either these guys are very bad at writing legislation or their intent is to do absolutely zero positive for the quad community. Maybe a combination of both is involved.

RE: This is the Bill at a Face to Face Look To: wohvabod From: Kevin McGrath [reliable.kevin@gmail.com] 12/27/2012:

I believe the primary goals of this legislation are to **make OHV's easily identifiable and punishable without need of a law enforcement witness**. Either of these items that are left out will be slipped in at the last minute. The **secondary goals of this legislation are to allow ATV's on roads and to increase penalties for off-road violations**. I believe the Bafundo/Friedman/Jackson bill must be fought every step of the way and that working with them can only be detrimental to off-road vehicle use. How long do we keep playing with this fire?

Re: ORV Visible Identification - Call me To: Ted Jackson From: Gary Johnson 12/29/2012:

Ted and the Sultan Group

You forget to mention the Group that originally started this Bill in 2007 and 2000 Petitions Signed and Hundreds of folks across this State THE GPOHVA Ted.

Larry and Mike and Kris and The CBORVC and Cats Club, Jones Creek Club And the Yakima Dust Dodgers and all the dealers and Clubs and ORGS we have worked through for 6 Years and they deserve the Credit. **Let them know this is the Bill that will make this Motorized Recreational Vehicles able to ride and through a Modification Process as SB 5800. The ORVs if modified will be Called Motorized Recreational Vehicles and end up with a On Road Plate as I did on my KDX 220.**

Draft December Newsletter To: wohvabod From: Byron Stuck 1/1/2013 2013 – WOHVA's Legislative Agenda:

WOHVA is intending to move forward on:

- o ORV Road Use – Creating a simple bill for ORV road use building on the existing successes of 13 counties and local jurisdictions already permitting this.
- o Discover Pass clarifications – Several improvements are needed such as honoring ORV permits, creating greater trail funding, and improving transferability.
- o Landowner Liability Immunity – Narrowing our scope should help us provide landowners with the immunity they need to support motorized off road recreation on their land.
- o NOVA Funds Protection – “No man’s life, liberty, or property are safe while the legislature is in session”. – *Mark Twain*

Re: testing To: Vicki Gray; mbhayden tds.net From: Gary Johnson 1/7/2013:

The MVUM Maps Mandated by the FS shows you which Roads are open to motorized. **That's PUBLIC roads with a License Plat.**

That's most of the Roads in the forest.

Re: Meeting in Olympia To: EWATV From: Kevin McGrath 1/9/2013

Gary,

You are being asked to help with your own lynching. This will only move forward with provisions to tighten the noose on off-road vehicle use as follows.

Require high visibility identification on OHV's, remove the requirement for law enforcement witness, formalize and emphasize closed unless officially opened areas, increased penalties for so called "OHV damage"; these are the goals for this legislation. **Allowing limited on-road use of ATV's is only the means to meet those goals.**

It is all about easing enforcement as a prelude to reduced opportunities and increased penalties for OHV use. Gregg Bafundo and Mitch Friedman are driving this bus, check them out!

Re: Meeting in Olympia To: Representative Shea From: Byron Stuck 1/10/2013:

On behalf of the statewide Washington Off Highway Vehicle Alliance, [WOHVA](#), I want to thank you for your interest in OHV issues and specifically give you guidance regarding creating legislation enabling ATV road use. Also, thank you for the invitation for tomorrow's meeting but I'm unable to attend.

This issue is very important to us and has been on our agenda for several years ... but has been frustrated by anti-OHV advocates poisoning prior bills. You can find more about these anti-OHV advocates at [ORVAbuse.org](#).

Our organization can only support positive steps in this area as we find that already 13 counties permit ATV road use on a limited basis. Enabling this statewide is our goal and we will not support legislation by anti-OHV advocates that takes from others to create ATV road use.

I've attached here the concerns we've had with prior bills and would ask that if you or your staff have any questions regarding this entire issue that you contact Tod Petersen (Tod701@aol.com), our Political Action Committee Chair.

Attachment:

SB5366 - 2012 LEGISLATIVE SESSION REPORT

Sponsored by: Delvin, Hewitt, Stevens

Authorizing the use of four-wheel, all-terrain vehicles on public roadways under certain conditions.

Executive Summary:

The original version of bill would have allowed ATVs that have be modified with road related equipment to use certain roads with speed limits under 35 mph.

Unfortunately as it worked through the legislative process, this bill was amended multiple times. **Most amendments added language that had anti-OHV impacts.**

The biggest challenge was dealing with supporters that claimed to be pro-ORV but at the same time supported some very anti-ORV language added to the bill.

Specific Problems with the Bill that was in play at the end of the 2012 session;

Closed all nonhighway roads to OHV use unless specifically opened to OHV use by land manager.
Created a Misdemeanor (criminalizing the action) for riding / driving an ORV where not specifically open.

Required federal motor vehicle safety standard (FMVSS) compliance which has proven to be impossible for individuals to accomplish.

Allowed individuals to do their own compliance inspections, but made inspection irregularities a gross misdemeanor, i.e. failure to meet any part of FMVSS would make the individual at risk of going to prison.

Reduced ORV funding by making this new category of ATV exempt from ORV permit requirements.

Required liability insurance to use roads. WA does not currently require liability insurance for street motorcycles.

Added language that may have closed local jurisdiction roads to ORV use in areas that have already permitted their road use.

Required full sized metal license plates for all ORVs including child sized motorcycles.

WOHVA & NMA final positions on this Bill:

Prior support was withdrawn and the last versions of this bill were aggressively opposed.

Status: DID NOT PASS

Re: Fwd: Senate Bill 5366 Revised To: WOHVAPoliticalAction From: Paul Yelk 1/17/2013:

Just FYI

Also I am meeting with Representative Matt Shea in a few minutes. He has requested my input on this issue.

Several items that should be included:

- Allow operation on any road in the state having a speed limit of 35 MPH or less;
- Apply to 2-, 3-, 4-, and 6-wheel OHVs/ORVs;
- Allow local jurisdictions (counties, cities, towns) to close roads they feel are not safe enough for OHVs/ORVs. They would be required to do this through local ordinances just as they do now to open roads;
- Allow OHVs/ORVs on segments of roads with speed limits above 35 MPH; generally to bypass natural or man-made obstacles, i.e., across bridges;
- Require a valid, government-issued driver's license. Those without a driver's license would require "direct supervision", i.e., a licensed driver within 300 feet;
- Not require additional equipment;
- Not require a license plate; would still require an ORV sticker;- **this one I'm still considering to allow so the environmentalists are happy and won't object to our proposals**
- Not require liability insurance (liability insurance is currently not required for street-legal motorcycles, motor-driven cycles, and mopeds; RCW 46.09.400(2));
- Not require 2-, 3-, 4-, and 6-wheel OHVs/ORVs to be made street legal (something SB5800 did for motorcycles and SB5366 attempted to do).

I also feel this bill should effect non-46.09 RCW to the minimal extent possible. Supposedly, this will keep the WSP from making objections to the bill.

ATV road use legislation To: wohvabod From: Tod Petersen 1/17/2013:

I met with the key legislators today that are planning on sponsoring ATV road use legislation.

I was able to successfully **backed the ORV haters down on key issues.**

Plates only required on road legal ATV, not on any other ORV.

Third party reporting of infractions only on road legal ATV.

\$500 infraction only applies to the new road legal ATV category.

Lots of "whatever" language cleaned up.

Two key issues have big opposition from Gary P.

I made it a clear line in the sand that we don't care about how you structure it, but **this new type of ORV must have their licensing put the same amount of funding into the NOVA account as other ORV.** It can be rolled into the new plate or a separate ORV sticker or whatever, but this cannot be a tool to be able to ride trails a put zero into paying for trails.

The other issue is one of common sense and GP is also dead set against it.

He would like the equipment requirement compliance to be base of a signed statement by the owner

I really don't personally care either way, but State Patrol will be tasked with investigating any accidents with this vehicle type and they **if find them to have a pattern of noncompliance, all ORV to street conversions will come under legislative attack.**

As much as I would prefer a clean ORV road use expansion bill, that is not possible this session so we must deal with what the short sighted people have brought forward. To that end, with the exception of the

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ORV account funding, I've brought us pretty close and made it clear that we can sort the wheat from the chaff and our paramount concern is that no bill moving forward can harm any segment of our sport.

Our detractors have put a lot of effort into labeling us as anti-OHV obstructionists. As that may seem totally irrational, until today some legislators did not understand our position. On that ground, significant progress was made.

If we can get Gary P to agree that the new ATV road use plate fully funds the \$18 a year ORV permit equivalent, then we have a bill that could work.

Re: WSP To: Dave Hiatt From: Tod Petersen 1/29/2013:

I just got a draft of it a few hours ago.

It still has the third party reporting of infractions, but that is **limited to only the new road quad category of vehicle.**

Same with metal license plates and \$500 tickets.

Does not touch ORV or real street legal vehicles.

Includes a dealership compliance inspectio - OK

It includes adding an ORV sticker to the plate that goes into the ORV permit account.

I am not a fan of giving the government money, but it does more harm than good to create an exemption for this ORV type that is not available to all ORV types.

H-0404.7 from Code Reviser's Office To: tedsbiz@gmail.com; ewatvinfo@air-pipe.com>; GBafundo@tu.org From: Gary Johnson <survar@fairpoint.net> 1/29/2013:

"Why do we need to put Restricted on the Plate, and use words like not included nonhighway roads and trail. Sounds like **the FS Rangers and anyone else who does not want us to be able to ride on FS roads has a reason right in our own bill. nonhighway roads and trails not included???**

Restricted Plate that can be used to say that these Motorized Recreation Vehicles cannot go on Highways **then the cannot go on FS Roads.**"

WSP To: tedsbiz@gmail.com>; info@premierpolaris.com>; jeff.Brand@co.snohomish.wa.us; mitch@conservationnw.org>; ewatvinfo@air-pipe.com; tod701@aol.com FROM: GBafundo@tu.org 1/30/2013:

"What might we be willing to give on in order to gain their neutrality?

Can we figure out a way **to put individual projects or wishes aside for the purpose of getting a "passable" bill?**

What are the sticking points on the equipment restrictions?

Can we **be flexible** (lines in the sand only kill things)?"

ATV bill Artical Centralia Chronical 1/30/13 SB 5513 To: The Chronicle Michael Wagar From: Gary Johnson survar@fairpoint.net 1/30/2013:

"These Upgraded Modified Motorized Recreation WALTV will be much safer and at 35MPH able to travel from FS Camp Grounds to trail Heads and to the Small Rural Towns across our state to the RV Sites in Towns and help Vets that are Disabled, Seniors, Families, Dual Sport Clubs and Riders, Disabled and ALL be **able to travel across County, Forest and DNR Roads with a License Plate.**"

RE: Increasing Your ATV/UTV Sales and Service To: Jim Boltz From: Dhiatt07@gmail.com 2/7/2013:

"These Bills are a Trojan Horse that will be anti-OHV by amendments that are pre-arranged and lurking in the wings because **they are being driven by some very hard core anti-OHV zealots! Primarily one Greg Bafundo.** Anyone wanting to support these Bills should be informed who is leading the charge to move these Bills! They can see who this guy Greg Bafundo really is by going to <http://www.waorvabuse.org/> "

CLOUT Legislative Alert: HB1632, IMPACT on ATV/UTV users! To: CLOUT subscribers From: CLOUT 2/10/2013:

HB1632 regarding ATV use in WA State is scheduled for public hearing in the House Committee on Transportation at 3:30 PM on Feb 11,2013.

This Bill will radically change ATV use in WA State if passed and we thought you should know about it so you can make your own decision and inform YOUR Representative about what you want.

The WA State Legislature's official Bill Digest states, "Requires all wheeled all-terrain vehicles to obtain a metal tag." **The current consensus is that all ATVs will have to purchase and display a large metal license plate if this Bill passes.**

Other changes that you may not desire include;

- Severely increased fines for ATV Infractions.
- Allowing law enforcement to issue you an Infraction (you are GUILTY until you prove yourself innocent of an Infraction) Citation for ATV use WITHOUT the law enforcement having to witness the violation, i.e., allows anti-OHV cop wanna-be's to look at your new large metal plate and get a ticket issued to you.

You should also know this Bill was initiated to get ATV use allowed on public roads with speed limits of 35 mph or less **without negative impacts on existing OHV use.**

However, the fly in the ointment is the fact **this Bill is being pushed very hard by some of the most anti-OHV people in WA State.** Please ask yourself why they would push legislation that was originally intended to be OHV Positive?

You can see real motives behind the anti-OHV people pushing FOR this Bill by going to this website. <http://www.waorvabuse.org/> (just copy and paste it into your web browser if clicking on it does not work)

The choice to support it or fight it is up to you. We have given you that choice by informing YOU as to what is going on.

You can read the details of this Bill using the hotlink below to access detailed information about this legislation online.

HB1632 section 8 concern To: board@nmaoffroad.org From: Tod Petersen 2/11/2013:
HB1632 section 8 allows for a **\$500 traffic ticket for doing anything inconsistent with local land management requirements.**

Along a multitude of none codified requirement, consider anything done on DNR managed public land contrary to WAC332-52 while operation an "wheeled all-terrain vehicle" qualifies for that penalty.

I haven't gone line by line yet, but it does include parking anywhere in a developed recreation area not specifically designated for such use.

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In other words, park your "wheeled all-terrain vehicle" anywhere in a campground or trailhead other than a parking lot or your campsite = \$500 traffic ticket.

Then unless the DNR has specifically designated otherwise, parking more than two passenger vehicles in a campsite is another crime and if your newly designated "wheeled all-terrain vehicle" can legally passenger it counts against your limit of two passenger vehicles. Go over the limit, \$500.

If someone accuses you of not yielding to a pedestrian that could cost you another \$500.

Not having headlights on, on a trail or anywhere else when visibility is less than two hundred feet due to terrain, darkness, dust, smoke, fog or other weather or atmospheric conditions is another \$500 even if your "wheeled all-terrain vehicle" is not licensed for road use or even if it does not have headlights.

Going too fast on a trail = another \$500, even if no speed limit exists.
This should finish off all racing on State managed public land.

If DNR policy requires you to have a Discover Pass or ORV and you don't or yours is expired, \$500.

And probably more things too.

And what do you get in return?

Certain quads will be able to have limited access to drive on certain roads.

Resend: HB1632 update To: WOHVAPoliticalAction From: Tod Petersen 2/28/2013:

A substitute version of HB1632 (ATV road use) was passed by the House Transportation Committee today.

See attached.

It is better, but still flawed.

ORV permits are now required on this new ATV category.

The penalty section no longer has language applying the \$500 traffic infraction to any local land management rule, but instead refers specifically to RCW46.09.470 (1)(g), (h) or (i).

I had suggested to Representative Shea that RCW46.09.470(g) be used instead of the original "consistent with local land management requirements" language, but instead he included (h) and (i) too.

(i) is a deal killer because it says " On any public lands in violation of rules and regulations of the agency administering such lands" so that puts us right back where we started.

Emailing: SB 5513 - 2013-14.htm To: {long list of legislators, etc} From: Gary Johnson 3/2/2013:

We the GPOHVA and The State wide Collaborative that has been working on this bill would sure like it Passed by both Houses this Month. We ask the Rules Com in the House to please vote on this Bill and Pass it and send it on to the Senate. **We ask that the House Vote Yes.**

[wohvabod] Re: Emailing: SB 5513 - 2013-14.htm To: Gary Johnson From: Tod Petersen 3/2/2013:

Gary,

Please keep in mind that your "State wide Collaborative" **does not currently include the largest off highway vehicle organization in the State of Washington.**

The Washington Off Highway Vehicle Alliance member organizations represent over 13,000 off highway vehicle enthusiasts and **still has serious concerns about HB1632 that preclude our support.**

Conservation NW - HB1632 "The bill has no effect on the policies of any public land jurisdiction." From: DHiatt To: Gary Johnson 3/4/2013:

Your supposed "allies" **are playing you for a fool**. Take a look at their own statement about HB1632.

"The bill also gives ORV users something they want: The privilege to ride on designated state and county roads. **(The bill has no effect on the policies of any public land jurisdiction.)** Because of this, the bill is backed by broad stakeholders including conservationists, sportsmen, rural communities, timberland owners, the Farm Bureau, and ORV recreationists (at least those who aren't defending illegal riding)."

You should take a look at their whole piece and stop acting as a Judas Goat to the OHV community.

<http://www.conservationnw.org/news/scat/common-ground-on-orvs>

HB1632 flyer To: wohvabod From: Tod Petersen 3/6/2013:

**HB1632 – ATV ROAD USE LEGISLATION
WHAT THIS BILL DOES AND DOESN'T DO - CLARIFIED**

The original intent of this legislation's primary OHV user sponsor was to allow ATV's with some street vehicle equipment installed, to use forest roads on public lands along with some county or state roads with a speed limit of 35 mph and under. WOHVA supports that objective. However, a lot has changed and **it no longer accomplishes this primary objective**.

As it is currently written it would allow local jurisdictions the option of allowing converted ATV's to use more roads.

It will not force any roads on public lands to be opened for ATV use.

It will allow traffic infractions with fines of up to \$500 for ATV related violation of any rules or regulations. This penalty could be applied things as minor as improper parking, having a burned out headlight, an expired ORV permit or Discover Pass, or going too fast on a trail even though there is no speed limit.

While there are many reasonable rules and regulations WOHVA supports, a \$500 traffic ticket applied only to people on ATVs, not the general public, is not just and reasonable.

Unlike all other citizens, it will allow these \$500 traffic infractions to be issued by law enforcement officers **based on the accusations of untrained members of the general public**. . As with all infractions, you will be forced to go to court and prove your innocence for each claimed violation.

And what do the ATV users get in return? Certain quads will be able to have limited access to drive on certain county or state roads after completing the process to obtain a restricted road use sticker for their plate.

The anti-access people (see www.waorvabuse.org) who are really pushing this legislation get everything they want, e.g. large license plates on all ATVs whether they want to use roads or not; the ability to get traffic infractions issued by their own accusations against ATV users; Outrageous fines that apply only to ATV users who break **any** land owner/manager's rules, but not the general public.

The anti-access people are giving up nothing. Their efforts in the past have pretty well proven they would prefer all OHV's be restricted to using only roads.

Please contact all of your legislators (easily done all at once) using the

<http://app.leg.wa.gov/districtfinder/> website and let them know how you feel about this Bill as currently written.

Fw: [Dual-Sport] Fwd: HB1632 flyer To: {GJ long list} From: Gary Johnson 3/7/2013:

This Bill is Crucial across the State and after the 1980,s shut Down of the FS Roads for Bad destructive ORV ATV use **this Plate with a ON Road Sticker will open these forest again.** No one wants to go back to the 1980's shut down.

Fwd: NO on HB1632 - ATV road use To: Most Representatives From: Tod Petersen 3/7/2013:

On behalf of the Northwest Motorcycle Association and its over 1000 members, I urge you to vote no on HB1632 (Regulating the use of off-road vehicles in certain areas).

While the original intent of this bill was good, over time it has evolved into something unacceptable.

Contrary to what the advocates of HB1632 have been implying, the vast majority of offroad vehicle enthusiasts do not support this bill as it is currently written.

It may be noteworthy for you to know that **contrary to false testimony given before the House Transportation Committee, the National Off Highway Vehicle Conservation Council does not support this bill. Neither does the Washington Off Highway Vehicle Alliance or the American Motorcyclist Association.**

The Northwest Motorcycle Association has always supported reasonable rules and regulations with penalties proportional to their violation.

That said, the NMA cannot support the extreme and disproportionate penalties like those that would be applied across the board by section 8 (1) of HB1632.

By referencing RCW46.09.470(1)(i), **the up to \$500 traffic ticket would be for any violation of any ATV related rule or regulation and could be applied things as minor as improper parking, having a burned out headlight, an expired ORV permit or Discover Pass. While these are reasonable rules to enforce, a \$500 traffic ticket is not a reasonable penalty.**

We don't think this is what many of the supporters of HB1632 intended.

If protecting the environment is the true goal of the advocates, then the new penalty should be applied specifically to RCW46.09.470(g) as we have previously suggested.

If these proposed penalties were truly reasonable, then why not apply them to all citizens equally?

Because of these significant flaws in HB1632 we must regrettably urge you to oppose this bill.

OPPOSE HB1632 To: Clibborn Judy From: Byron Stuck 3/8/2013:

The Honorable Judy Clibborn

Dear Representative,

WOHVA opposes HB1632 because of extreme penalties and inappropriate citizen enforcement. And I want you to know this directly from the President of WOHVA because work on this bill has been hurt by misinformation.

The Washington Off Highway Vehicle Alliance and its member organizations represent over 13,000 enthusiasts. They ride 4x4s, dirt bikes and many varieties of All Terrain Vehicles (ATVs).

ORIGINAL INTENT WAS GOOD

This bill was originally intended to allow ATV's with specified street vehicle equipment installed, to use forest roads on public lands along with some county or state roads with a speed limit of 35 mph and under. WOHVA supports that objective. It would enhance access to our public lands for a great number of recreationalists.

We successfully sponsored similar objectives to pass HB5800 in 2011 to enhance dirt bike access through improved licensing and inspection. But this bill no longer enhances ATV access.

EXTREME PENALTIES

WOHVA has always supported reasonable rules and regulations with penalties proportional to their violation. By referencing RCW46.09.470(1)(i), the up to \$500 traffic ticket would be for any violation of any ATV related rule or regulation and could be applied things as minor as improper parking, having a burned out headlight, an expired ORV permit or Discover Pass. While these are reasonable rules to enforce, a \$500 traffic ticket is not a reasonable penalty.

WOHVA cannot support the extreme and disproportionate penalties that would be applied across the board by section 8 (1) of HB1632. If protecting the environment is the true goal of the advocates, then the new penalty should be applied specifically to RCW46.09.470(g) as we have previously suggested. If these new penalties were truly reasonable, then why not apply them to all citizens equally.

We don't think this is what many of the supporters of HB1632 intended.

CITIZEN ENFORCEMENT

And unlike other regulations, this bill will allow these \$500 traffic infractions to be issued by law enforcement officers based on the accusations of untrained members of the general public. As with all infractions, recipients will be forced to go to court and prove their innocence for each claimed violation. Section 8 (2) borders on State sanctioned vigilantism and when applied to only one segment of society is troubling at best.

Contrary to what the advocates of HB1632 have been implying, the vast majority of offroad vehicle enthusiasts do not support this bill as it is currently written.

Because of these significant flaws in HB1632 we must regrettably urge you to oppose this bill.

Thank you for time and your opposition to HB1632.

Re: 1632 Possible Late To: {WOHVA/NMA activists} From: Tod Petersen 3/11/2013:

One component of 1632 that the ATV proponents seemed to have either overlooked or I misunderstand is section 5 (1). It excludes nonhighway roads. Almost all USFS and DNR roads are nonhighway roads **so the exact same roads they hope to drive on would be closed to them.**

Re: 1632 musings To: wohvabod From: Norris Boyd 3/12/2013:

Doesn't address the underlying flaw. **It doesn't provide a path to turn your OHV into a "highway legal" vehicle that can run on Forest Service Roads. That's a critical desire of OHV's on the Eastside.**

We have a State Statute that allows individual counties to allow OHVs on their County roads. We have a number of counties that have already done this and had good experience with the change. There is no horror story that will keep other counties from making the change.

This bill does throw some state roads into the "we can ride on" category, but this again would be next to imperceptible.

What this bill does do is make it more expensive to ride on the County roads I can already ride on (an additional tag and an inspection). And it makes just me vulnerable to a vigilante tree hugger who hates me in the 1st place.

This bill follows the 1st rule of negotiation. "Move towards your goal in small steps, getting your opponent to agree to each small move until you have reached your goal." Small steps make your opponent feel like he is not giving up much at each move, but the steps when added up accomplish his goal and not yours.

HB 1632 has me giving up a lot for an infinitesimal gain.

Fw: House Bill 1632 Pass It To: {GJ list} From: Gary Johnson 3/12/2013:

Please e-mail your representatives this Morning as I have and ask them to Please get your Bill 1632 Passed this morning during today.

Fw: Washington Votes Update To: dhiatt From: Gary Johnson 7/2/2013:

House Bill 1632: Regulating the use of off-road vehicles in certain areas

The amendment passed by voice vote in the House on June 28, 2013.