

2 **SB 5968** - H COMM AMD **ADOPTED 4-10-97**

3 By Committee on Transportation Policy & Budget

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
8 to read as follows:

9 "Electric-assisted bicycle" means a bicycle with two or three
10 wheels, a saddle, fully operative pedals for human propulsion, and an
11 electric motor. The electric-assisted bicycle's electric motor must
12 have a power output of no more than one thousand watts, be incapable of
13 propelling the device at a speed of more than twenty miles per hour on
14 level ground, and be incapable of further increasing the speed of the
15 device when human power alone is used to propel the device beyond
16 twenty miles per hour.

17 **Sec. 2.** RCW 46.16.010 and 1996 c 184 s 1 are each amended to read
18 as follows:

19 (1) It is unlawful for a person to operate any vehicle over and
20 along a public highway of this state without first having obtained and
21 having in full force and effect a current and proper vehicle license
22 and display vehicle license number plates therefor as by this chapter
23 provided. Failure to make initial registration before operation on the
24 highways of this state is a misdemeanor, and any person convicted
25 thereof shall be punished by a fine of no less than three hundred
26 thirty dollars, no part of which may be suspended or deferred. Failure
27 to renew an expired registration before operation on the highways of
28 this state is a traffic infraction.

29 (2) The licensing of a vehicle in another state by a resident of
30 this state, as defined in RCW 46.16.028, evading the payment of any tax
31 or license fee imposed in connection with registration, is a gross
32 misdemeanor punishable as follows:

33 (a) For a first offense, up to one year in the county jail and a
34 fine equal to twice the amount of delinquent taxes and fees, no part of
35 which may be suspended or deferred;

1 (b) For a second or subsequent offense, up to one year in the
2 county jail and a fine equal to four times the amount of delinquent
3 taxes and fees, no part of which may be suspended or deferred;

4 (c) For fines levied under (b) of this subsection, an amount equal
5 to the avoided taxes and fees owed shall be deposited in the vehicle
6 licensing fraud account created in the state treasury;

7 (d) The avoided taxes and fees shall be deposited and distributed
8 in the same manner as if the taxes and fees were properly paid in a
9 timely fashion.

10 (3) These provisions shall not apply to the following vehicles:

11 (a) Electric-assisted bicycles;

12 (b) Farm vehicles ((as defined in RCW 46.04.181)) if operated
13 within a radius of fifteen miles of the farm where principally used or
14 garaged, farm tractors and farm implements including trailers designed
15 as cook or bunk houses used exclusively for animal herding temporarily
16 operating or drawn upon the public highways, and trailers used
17 exclusively to transport farm implements from one farm to another
18 during the daylight hours or at night when such equipment has lights
19 that comply with the law(~~(: PROVIDED FURTHER, That these provisions~~
20 ~~shall not apply to))~~);

21 (c) Spray or fertilizer applicator rigs designed and used
22 exclusively for spraying or fertilization in the conduct of
23 agricultural operations and not primarily for the purpose of
24 transportation, and nurse rigs or equipment auxiliary to the use of and
25 designed or modified for the fueling, repairing, or loading of spray
26 and fertilizer applicator rigs and not used, designed, or modified
27 primarily for the purpose of transportation(~~(: PROVIDED FURTHER, That~~
28 ~~these provisions shall not apply to))~~);

29 (d) Fork lifts operated during daylight hours on public highways
30 adjacent to and within five hundred feet of the warehouses which they
31 serve(~~(: PROVIDED FURTHER, That these provisions shall not apply to~~
32 ~~equipment defined as follows:))~~);

33 (e) "Special highway construction equipment" ((is)) defined as
34 follows: Any vehicle which is designed and used primarily for grading
35 of highways, paving of highways, earth moving, and other construction
36 work on highways and which is not designed or used primarily for the
37 transportation of persons or property on a public highway and which is
38 only incidentally operated or moved over the highway. It includes, but
39 is not limited to, road construction and maintenance machinery so

1 designed and used such as portable air compressors, air drills, asphalt
2 spreaders, bituminous mixers, bucket loaders, track laying tractors,
3 ditchers, leveling graders, finishing machines, motor graders, paving
4 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
5 lighting plants, welders, pumps, power shovels and draglines, self-
6 propelled and tractor-drawn earth moving equipment and machinery,
7 including dump trucks and tractor-dump trailer combinations which
8 either ((+1)) (i) are in excess of the legal width, or ((+2)) (ii)
9 which, because of their length, height, or unladen weight, may not be
10 moved on a public highway without the permit specified in RCW 46.44.090
11 and which are not operated laden except within the boundaries of the
12 project limits as defined by the contract, and other similar types of
13 construction equipment, or ((+3)) (iii) which are driven or moved upon
14 a public highway only for the purpose of crossing such highway from one
15 property to another, provided such movement does not exceed five
16 hundred feet and the vehicle is equipped with wheels or pads which will
17 not damage the roadway surface.

18 Exclusions:

19 "Special highway construction equipment" does not include any of
20 the following:

21 Dump trucks originally designed to comply with the legal size and
22 weight provisions of this code notwithstanding any subsequent
23 modification which would require a permit, as specified in RCW
24 46.44.090, to operate such vehicles on a public highway, including
25 trailers, truck-mounted transit mixers, cranes and shovels, or other
26 vehicles designed for the transportation of persons or property to
27 which machinery has been attached.

28 (4) The following vehicles, whether operated solo or in
29 combination, are exempt from license registration and displaying
30 license plates as required by this chapter:

31 (a) A converter gear used to convert a semitrailer into a trailer
32 or a two-axle truck or tractor into a three or more axle truck or
33 tractor or used in any other manner to increase the number of axles of
34 a vehicle. Converter gear includes an auxiliary axle, booster axle,
35 dolly, and jeep axle.

36 (b) A tow dolly that is used for towing a motor vehicle behind
37 another motor vehicle. The front or rear wheels of the towed vehicle
38 are secured to and rest on the tow dolly that is attached to the towing
39 vehicle by a tow bar.

1 **Sec. 3.** RCW 46.20.500 and 1982 c 77 s 1 are each amended to read
2 as follows:

3 No person may drive a motorcycle or a motor-driven cycle unless
4 such person has a valid driver's license specially endorsed by the
5 director to enable the holder to drive such vehicles, nor may a person
6 drive a motorcycle of a larger engine displacement than that authorized
7 by such special endorsement or by an instruction permit for such
8 category(~~(:—PROVIDED, That any)~~). However, a person sixteen years of
9 age or older, holding a valid driver's license of any class issued by
10 the state of the person's residence, may operate a moped without taking
11 any special examination for the operation of a moped. No driver's
12 license is required for operation of an electric-assisted bicycle if
13 the operator is at least sixteen years of age. Persons under sixteen
14 years of age may not operate an electric-assisted bicycle.

15 **Sec. 4.** RCW 46.37.530 and 1990 c 270 s 7 are each amended to read
16 as follows:

17 (1) It is unlawful:

18 (a) For any person to operate a motorcycle or motor-driven cycle
19 not equipped with mirrors on the left and right sides of the motorcycle
20 which shall be so located as to give the driver a complete view of the
21 highway for a distance of at least two hundred feet to the rear of the
22 motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be
23 required on any motorcycle or motor-driven cycle over twenty-five years
24 old originally manufactured without mirrors and which has been restored
25 to its original condition and which is being ridden to or from or
26 otherwise in conjunction with an antique or classic motorcycle contest,
27 show, or other such assemblage: PROVIDED FURTHER, That no mirror is
28 required on any motorcycle manufactured prior to January 1, 1931;

29 (b) For any person to operate a motorcycle or motor-driven cycle
30 which does not have a windshield unless wearing glasses, goggles, or a
31 face shield of a type conforming to rules adopted by the state patrol;

32 (c) For any person to operate or ride upon a motorcycle, motor-
33 driven cycle, or moped on a state highway, county road, or city street
34 unless wearing upon his or her head a protective helmet of a type
35 conforming to rules adopted by the state patrol except when the vehicle
36 is an antique motor-driven cycle or automobile that is licensed as a
37 motorcycle or when the vehicle is equipped with seat belts and roll
38 bars approved by the state patrol. The helmet must be equipped with

1 either a neck or chin strap which shall be fastened securely while the
2 motorcycle or motor-driven cycle is in motion. Persons operating
3 electric-assisted bicycles shall comply with all laws and regulations
4 related to the use of bicycle helmets;

5 (d) For any person to transport a child under the age of five on a
6 motorcycle or motor-driven cycle;

7 (e) For any person to sell or offer for sale a motorcycle helmet
8 which does not meet the requirements established by the state patrol.

9 (2) The state patrol is hereby authorized and empowered to adopt
10 and amend rules, pursuant to the Administrative Procedure Act,
11 concerning the standards and procedures for conformance of rules
12 adopted for glasses, goggles, face shields, and protective helmets.

13 **Sec. 5.** RCW 46.61.710 and 1979 ex.s. c 213 s 8 are each amended to
14 read as follows:

15 (1) No person shall operate a moped upon the highways of this state
16 unless the moped has been assigned a moped registration number and
17 displays a moped permit in accordance with the provisions of RCW
18 46.16.630.

19 (2) Notwithstanding any other provision of law, a moped may not be
20 operated on a bicycle path or trail, bikeway, equestrian trail, or
21 hiking or recreational trail.

22 (3) Operation of a moped or an electric-assisted bicycle on a fully
23 controlled limited access highway or on a sidewalk is unlawful.

24 (4) Removal of any muffling device or pollution control device from
25 a moped is unlawful.

26 (5) Subsections (1), (2), and (4) of this section do not apply to
27 electric-assisted bicycles. Electric-assisted bicycles may have access
28 to highways of the state to the same extent as bicycles. Electric-
29 assisted bicycles may be operated on a multipurpose trail or bicycle
30 lane, but local jurisdictions may restrict or otherwise limit the
31 access of electric-assisted bicycles."

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