

2 **ESB 6316 - H COMM AMD Adopted March 7, 2002**  
3 By Committee on Transportation

4

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 personal assistive mobility device" (EPAMD) means a self-  
10 balancing device with two wheels not in tandem, designed to transport  
11 only one person by an electric propulsion system with an average power  
12 of seven hundred fifty watts (one horsepower) having a maximum speed on  
13 a paved level surface, when powered solely by such a propulsion system  
14 while ridden by an operator weighing one hundred seventy pounds, of  
15 less than twenty miles per hour.

16 **Sec. 2.** RCW 46.04.320 and 1961 c 12 s 46.04.320 are each amended  
17 to read as follows:

18 "Motor vehicle" shall mean every vehicle which is self-propelled  
19 and every vehicle which is propelled by electric power obtained from  
20 overhead trolley wires, but not operated upon rails. An electric  
21 personal assistive mobility device is not considered a motor vehicle.

22 **Sec. 3.** RCW 46.04.330 and 1990 c 250 s 20 are each amended to read  
23 as follows:

24 "Motorcycle" means a motor vehicle designed to travel on not more  
25 than three wheels in contact with the ground, on which the driver rides  
26 astride the motor unit or power train and is designed to be steered  
27 with a handle bar, but excluding a farm tractor, an electric personal  
28 assistive mobility device, and a moped.

29 The Washington state patrol may approve of and define as a  
30 "motorcycle" a motor vehicle that fails to meet these specific  
31 criteria, but that is essentially similar in performance and  
32 application to motor vehicles that do meet these specific criteria.

1       **Sec. 4.** RCW 46.04.332 and 1979 ex.s. c 213 s 3 are each amended to  
2 read as follows:

3       "Motor-driven cycle" means every motorcycle, including every motor  
4 scooter, with a motor (~~(which)~~) that produces not to exceed five brake  
5 horsepower (developed by a prime mover, as measured by a brake applied  
6 to the driving shaft). A motor-driven cycle does not include a moped  
7 or an electric personal assistive mobility device.

8       **Sec. 5.** RCW 46.04.670 and 1994 c 262 s 2 are each amended to read  
9 as follows:

10       "Vehicle" includes every device capable of being moved upon a  
11 public highway and in, upon, or by which any persons or property is or  
12 may be transported or drawn upon a public highway, including bicycles.  
13 The term does not include devices other than bicycles moved by human or  
14 animal power or used exclusively upon stationary rails or tracks.  
15 Mopeds shall not be considered vehicles or motor vehicles for the  
16 purposes of chapter 46.70 RCW. Bicycles shall not be considered  
17 vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW.  
18 Electric personal assistive mobility devices are not considered  
19 vehicles or motor vehicles for the purposes of chapter 46.12, 46.16,  
20 46.29, 46.37, or 46.70 RCW.

21       **Sec. 6.** RCW 46.20.500 and 1999 c 274 s 8 are each amended to read  
22 as follows:

23       (1) No person may drive a motorcycle or a motor-driven cycle unless  
24 such person has a valid driver's license specially endorsed by the  
25 director to enable the holder to drive such vehicles.

26       (2) However, a person sixteen years of age or older, holding a  
27 valid driver's license of any class issued by the state of the person's  
28 residence, may operate a moped without taking any special examination  
29 for the operation of a moped.

30       (3) No driver's license is required for operation of an electric-  
31 assisted bicycle if the operator is at least sixteen years of age.  
32 Persons under sixteen years of age may not operate an electric-assisted  
33 bicycle.

34       (4) No driver's license is required to operate an electric personal  
35 assistive mobility device.

1       **Sec. 7.** RCW 46.61.710 and 1997 c 328 s 5 are each amended to read  
2 as follows:

3       (1) No person shall operate a moped upon the highways of this state  
4 unless the moped has been assigned a moped registration number and  
5 displays a moped permit in accordance with the provisions of RCW  
6 46.16.630.

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

10       (3) Operation of a moped, electric personal assistive mobility  
11 device, or an electric-assisted bicycle on a fully controlled limited  
12 access highway (~~or on a sidewalk~~) is unlawful. Operation of a moped  
13 or an electric-assisted bicycle on a sidewalk is unlawful.

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

16       (5) Subsections (1), (2), and (4) of this section do not apply to  
17 electric-assisted bicycles. Electric-assisted bicycles may have access  
18 to highways of the state to the same extent as bicycles. Electric-  
19 assisted bicycles may be operated on a multipurpose trail or bicycle  
20 lane, but local jurisdictions may restrict or otherwise limit the  
21 access of electric-assisted bicycles.

22       (6) A person operating an electric personal assistive mobility  
23 device (EPAMD) shall obey all speed limits and shall yield the right-  
24 of-way to pedestrians and human-powered devices at all times. An  
25 operator must also give an audible signal before overtaking and passing  
26 a pedestrian. Except for the limitations of this subsection, persons  
27 operating an EPAMD have all the rights and duties of a pedestrian.

28       (7) The use of an EPAMD may be regulated in the following  
29 circumstances:

30       (a) A municipality and the department of transportation may  
31 prohibit the operation of an EPAMD on public highways within their  
32 respective jurisdictions where the speed limit is greater than twenty-  
33 five miles per hour;

34       (b) A municipality may restrict the speed of an EPAMD in locations  
35 with congested pedestrian or nonmotorized traffic and where there is  
36 significant speed differential between pedestrians or nonmotorized  
37 traffic and EPAMD operators. The areas in this subsection must be  
38 designated by the city engineer or designee of the municipality.

1 Municipalities shall not restrict the speed of an EPAMD in the entire  
2 community or in areas in which there is infrequent pedestrian traffic.

3 **Sec. 8.** RCW 35.75.020 and 1965 c 7 s 35.75.020 are each amended to  
4 read as follows:

5 It shall be unlawful for any person to lead, drive, ride, or propel  
6 any team, wagon, animal, or vehicle other than a bicycle, electric  
7 personal assistive mobility device, or similar vehicle upon and along  
8 any bicycle path constructed within or without the corporate limits of  
9 any city or town excepting at suitable crossings to be provided in the  
10 construction of such paths. Any person violating the provisions of  
11 this section shall be guilty of a misdemeanor.

12 NEW SECTION. **Sec. 9.** The legislature shall review the provisions  
13 of this act and make any necessary changes by July 1, 2005."

EFFECT: Removes the limitation on restrictions that may be imposed  
upon use of an EPAMD by a municipality.

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