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HOUSE BILL 2418

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State of Washington                      57th Legislature                      2002 Regular Session

By Representatives Cooper, Hankins and Lovick

Read first time 01/16/2002. Referred to Committee on Transportation.

1            AN ACT Relating to regulation of individual mobility transportation  
2 devices; amending RCW 46.04.169, 46.04.304, 46.04.320, 46.04.330,  
3 46.04.332, 46.04.670, 35.75.010, 35.75.020, 46.61.710, and 46.20.500;  
4 reenacting and amending RCW 43.59.150; adding a new section to chapter  
5 46.04 RCW; and creating a new section.

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

7            NEW SECTION.    **Sec. 1.** The legislature finds that this state has  
8 severe traffic congestion and air pollution problems, particularly in  
9 its cities, and finding ways to reduce these problems is of paramount  
10 importance. The legislature also finds that providing standards for  
11 use of new transportation methods, such as motorized scooters, is  
12 vitally important for the safety of every Washington citizen who uses  
13 the public highways, trails, and sidewalks of the state. Motorized  
14 scooters produce few or no emissions and, therefore, do not contribute  
15 to increased air pollution or increase traffic congestion.

16            It is the intent of the legislature to provide guidelines for the  
17 safe use of motorized scooters in order that these devices be available  
18 to relieve traffic congestion and air pollution.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 46.04 RCW  
2 to read as follows:

3        (1) "Motorized scooter" means a vehicle that:

4        (a) Is designed to be operated on the ground with not more than  
5 four wheels;

6        (b) Has handlebars and a foot support or seat for the operator's  
7 use;

8        (c) Can be propelled by motor or human propulsion; and

9        (d) Is equipped with a power source that is incapable of propelling  
10 the vehicle at a speed of greater than twenty-four miles per hour on  
11 level ground and:

12        (i) If the power source is a combustion engine, has a piston or  
13 rotor displacement of thirty-five cubic centimeters or less regardless  
14 of the number of chambers in the power source; or

15        (ii) If the power source is electric, has a power output of not  
16 more than one thousand watts.

17        (2) For purposes of this chapter, a motor scooter is not a  
18 motorized scooter.

19        **Sec. 3.**    RCW 46.04.169 and 1997 c 328 s 1 are each amended to read  
20 as follows:

21        "Electric-assisted bicycle" means a bicycle with two or three  
22 wheels, a saddle, fully operative pedals for human propulsion, and an  
23 electric motor. The electric-assisted bicycle's electric motor must  
24 have a power output of no more than one thousand watts, be incapable of  
25 propelling the device at a speed of more than twenty miles per hour on  
26 level ground, and be incapable of further increasing the speed of the  
27 device when human power alone is used to propel the device beyond  
28 twenty miles per hour. A motorized scooter is not considered to be an  
29 electric-assisted bicycle.

30        **Sec. 4.**    RCW 46.04.304 and 1990 c 250 s 18 are each amended to read  
31 as follows:

32        "Moped" means a motorized device designed to travel with not more  
33 than three sixteen-inch or larger diameter wheels in contact with the  
34 ground, having fully operative pedals for propulsion by human power,  
35 and an electric or a liquid fuel motor with a cylinder displacement not  
36 exceeding fifty cubic centimeters which produces no more than two gross  
37 brake horsepower (developed by a prime mover, as measured by a brake

1 applied to the driving shaft) that is capable of propelling the device  
2 at not more than thirty miles per hour on level ground.

3 The Washington state patrol may approve of and define as a "moped"  
4 a vehicle which fails to meet these specific criteria, but which is  
5 essentially similar in performance and application to motorized devices  
6 which do meet these specific criteria.

7 A motorized scooter is not considered to be a moped.

8 **Sec. 5.** RCW 46.04.320 and 1961 c 12 s 46.04.320 are each amended  
9 to read as follows:

10 "Motor vehicle" shall mean every vehicle which is self-propelled  
11 and every vehicle which is propelled by electric power obtained from  
12 overhead trolley wires, but not operated upon rails. A motorized  
13 scooter is not considered to be a motor vehicle.

14 **Sec. 6.** RCW 46.04.330 and 1990 c 250 s 20 are each amended to read  
15 as follows:

16 "Motorcycle" means a motor vehicle designed to travel on not more  
17 than three wheels in contact with the ground, on which the driver rides  
18 astride the motor unit or power train and is designed to be steered  
19 with a handle bar, but excluding a farm tractor, a motorized scooter,  
20 and a moped.

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

25 **Sec. 7.** RCW 46.04.332 and 1979 ex.s. c 213 s 3 are each amended to  
26 read as follows:

27 "Motor-driven cycle" means every motorcycle, including every motor  
28 scooter, with a motor which produces not to exceed five brake  
29 horsepower (developed by a prime mover, as measured by a brake applied  
30 to the driving shaft). A motor-driven cycle does not include a  
31 motorized scooter or a moped.

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

34 "Vehicle" includes every device capable of being moved upon a  
35 public highway and in, upon, or by which any persons or property is or

1 may be transported or drawn upon a public highway, including bicycles.  
2 The term does not include devices other than bicycles moved by human or  
3 animal power or used exclusively upon stationary rails or tracks.  
4 Mopeds shall not be considered vehicles or motor vehicles for the  
5 purposes of chapter 46.70 RCW. Bicycles (~~shall~~) and motorized  
6 scooters are not (~~be~~) considered vehicles for the purposes of chapter  
7 46.12, 46.16, or 46.70 RCW. Motorized scooters are not considered  
8 vehicles or motor vehicles for the purposes of chapters 46.20 and 46.29  
9 RCW.

10 **Sec. 9.** RCW 35.75.010 and 1965 c 7 s 35.75.010 are each amended to  
11 read as follows:

12 (1) Every city and town may by ordinance regulate and license the  
13 riding of bicycles and other similar vehicles upon or along the  
14 streets, alleys, highways, or other public grounds within its limits  
15 and may construct and maintain bicycle paths or roadways within or  
16 outside of and beyond its limits leading to or from the city or town.  
17 The city or town may provide by ordinance for reasonable fines and  
18 penalties for violation of the ordinance.

19 (2) Every city and town may by ordinance regulate the riding of  
20 motorized scooters and other similar vehicles upon or along the  
21 streets, alleys, highways, bicycle paths, sidewalks, or other public  
22 grounds within its limits and may set speed limits for motorized  
23 scooter use where permitted. However, no motorized scooter is  
24 permitted to ride upon a public street or highway where the speed limit  
25 exceeds twenty-five miles per hour. The city or town may provide by  
26 ordinance for reasonable fines and penalties for violation of the  
27 ordinances.

28 **Sec. 10.** RCW 35.75.020 and 1965 c 7 s 35.75.020 are each amended  
29 to read as follows:

30 It (~~shall be~~) is unlawful for any person to lead, drive, ride, or  
31 propel any team, wagon, animal, or vehicle other than a bicycle,  
32 motorized scooter, or similar vehicle upon and along any bicycle path  
33 constructed within or without the corporate limits of any city or town  
34 excepting at suitable crossings to be provided in the construction of  
35 such paths. Any person violating the provisions of this section  
36 (~~shall be~~) is guilty of a misdemeanor.

1       **Sec. 11.** RCW 46.61.710 and 1997 c 328 s 5 are each amended to read  
2 as follows:

3       (1) No person (~~shall~~) may operate a moped upon the highways of  
4 this state unless the moped has been assigned a moped registration  
5 number and displays a moped permit in accordance with the provisions of  
6 RCW 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 or an electric-assisted bicycle on a fully  
11 controlled limited access highway or on a sidewalk is unlawful.

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

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

20       (6) A motorized scooter may be operated upon a bicycle path or  
21 trail, bikeway, equestrian trail, hiking or recreational trail, or  
22 sidewalk with the following limitations:

23       (a) The department of transportation by rule and cities and  
24 counties by ordinance may regulate the specific locations where a  
25 motorized scooter may or may not be operated and the speed at which it  
26 can be operated.

27       (b) It is unlawful to operate a motorized scooter on a fully  
28 controlled limited access highway or upon a public street or highway  
29 where the speed limit exceeds twenty-five miles per hour. If the  
30 public street or highway has a bicycle lane, a motorized scooter must  
31 be operated within that bicycle lane.

32       (c) It is unlawful for a person less than sixteen years old to  
33 operate a motorized scooter.

34       (d) It is unlawful for a person to operate a motorized scooter who  
35 is not wearing a bicycle or motorcycle helmet.

36       (e) It is unlawful for a person to operate a motorized scooter  
37 while under the influence of an alcoholic beverage or any drug or under  
38 the combined influence of an alcoholic beverage and any drug.  
39 Violations of this subsection are governed by RCW 46.61.502.

1 (f) It is unlawful for a manufacturer of a motorized scooter to  
2 fail to provide a disclosure to buyers that advises buyers that their  
3 existing insurance policies may not provide coverage for motorized  
4 scooters and that they should contact their insurance company to  
5 determine if coverage is provided.

6 (i) The disclosure must be printed in not less than fourteen point  
7 boldface type on a single sheet of paper that contains no information  
8 other than the disclosure; and

9 (ii) The disclosure must include the following language in capital  
10 letters: "YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR  
11 ACCIDENTS INVOLVING THE USE OF THIS SCOOTER. TO DETERMINE IF COVERAGE  
12 IS PROVIDED, YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

13 (g)(i) It is unlawful to operate a motorized scooter on a public  
14 street or highway during times of limited visibility if the motorized  
15 scooter is not equipped with, or the operator does not wear, lighting  
16 equipment that meets the following requirements:

17 (A) A white light visible from all distances up to five hundred  
18 feet to the front and sides of the motorized scooter;

19 (B) A red reflector or lighting device, or material of such size or  
20 characteristic, mounted to be visible from all distances from one  
21 hundred feet up to six hundred feet to the rear when directly in front  
22 of lawful lower beams of headlights on a motor vehicle; and

23 (C) A white or yellow reflector or lighting device, or material of  
24 such size or characteristic, mounted to be visible from all distances  
25 up to two hundred feet to the front of the motorized scooter.

26 (ii) A lamp emitting a red light visible from a distance of five  
27 hundred feet to the rear may be used in addition to the red reflector.

28 **Sec. 12.** RCW 46.20.500 and 1999 c 274 s 8 are each amended to read  
29 as follows:

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

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

37 (3) No driver's license is required for operation of an electric-  
38 assisted bicycle if the operator is at least sixteen years of age.

1 Persons under sixteen years of age may not operate an electric-assisted  
2 bicycle.

3 (4) No driver's license is required for operation of a motorized  
4 scooter if the operator is at least sixteen years of age. Persons  
5 under sixteen years of age may not operate a motorized scooter.

6 **Sec. 13.** RCW 43.59.150 and 1999 c 372 s 9 and 1999 c 351 s 1 are  
7 each reenacted and amended to read as follows:

8 (1) The Washington state traffic safety commission shall establish  
9 a program for improving bicycle, motorized scooter, and pedestrian  
10 safety, and shall cooperate with the stakeholders and independent  
11 representatives to form an advisory committee to develop programs and  
12 create public private partnerships which promote bicycle, motorized  
13 scooter, and pedestrian safety. The traffic safety commission shall  
14 periodically report and make recommendations to the legislative  
15 transportation committee on the progress of the bicycle, motorized  
16 scooter, and pedestrian safety committee.

17 (2) The bicycle and pedestrian safety account is created in the  
18 state treasury to support bicycle, motorized scooter, and pedestrian  
19 education or safety programs.

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