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**SUBSTITUTE SENATE BILL 6751**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Horn and Costa)

READ FIRST TIME 02/12/2002.

1 AN ACT Relating to the regulation of motorized foot scooters;  
2 amending RCW 46.04.332, 46.16.010, 46.20.500, 46.61.710, and  
3 46.81A.010; and adding a new section to chapter 46.04 RCW.

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

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

7 "Motorized foot scooter" means a device with no more than two ten-  
8 inch or smaller diameter wheels that has handlebars, is designed to be  
9 stood or sat upon by the operator, and is powered by an internal  
10 combustion engine or electric motor that is capable of propelling the  
11 device with or without human propulsion.

12 For purposes of this section, a motor-driven cycle, a moped, an  
13 electric-assisted bicycle, or a motorcycle is not a motorized foot  
14 scooter.

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

17 "Motor-driven cycle" means every motorcycle, including every motor  
18 scooter, with a motor (~~which~~) that produces not to exceed five brake

1 horsepower (developed by a prime mover, as measured by a brake applied  
2 to the driving shaft). A motor-driven cycle does not include a moped  
3 or a motorized foot scooter.

4 **Sec. 3.** RCW 46.16.010 and 2000 c 229 s 1 are each amended to read  
5 as follows:

6 (1) It is unlawful for a person to operate any vehicle over and  
7 along a public highway of this state without first having obtained and  
8 having in full force and effect a current and proper vehicle license  
9 and display vehicle license number plates therefor as by this chapter  
10 provided. Failure to make initial registration before operation on the  
11 highways of this state is a misdemeanor, and any person convicted  
12 thereof must be punished by a fine of no less than three hundred thirty  
13 dollars, no part of which may be suspended or deferred.

14 Failure to renew an expired registration before operation on the  
15 highways of this state is a traffic infraction.

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

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

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

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

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

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

33 (a) Motorized foot scooters;

34 (b) Electric-assisted bicycles;

35 ~~((b))~~ (c) Farm vehicles if operated within a radius of fifteen  
36 miles of the farm where principally used or garaged, farm tractors and  
37 farm implements including trailers designed as cook or bunk houses used  
38 exclusively for animal herding temporarily operating or drawn upon the

1 public highways, and trailers used exclusively to transport farm  
2 implements from one farm to another during the daylight hours or at  
3 night when such equipment has lights that comply with the law;

4 ~~((e))~~ (d) Spray or fertilizer applicator rigs designed and used  
5 exclusively for spraying or fertilization in the conduct of  
6 agricultural operations and not primarily for the purpose of  
7 transportation, and nurse rigs or equipment auxiliary to the use of and  
8 designed or modified for the fueling, repairing, or loading of spray  
9 and fertilizer applicator rigs and not used, designed, or modified  
10 primarily for the purpose of transportation;

11 ~~((d))~~ (e) Fork lifts operated during daylight hours on public  
12 highways adjacent to and within five hundred feet of the warehouses  
13 which they serve: PROVIDED FURTHER, That these provisions shall not  
14 apply to vehicles used by the state parks and recreation commission  
15 exclusively for park maintenance and operations upon public highways  
16 within state parks;

17 ~~((e))~~ (f) "Special highway construction equipment" defined as  
18 follows: Any vehicle which is designed and used primarily for grading  
19 of highways, paving of highways, earth moving, and other construction  
20 work on highways and which is not designed or used primarily for the  
21 transportation of persons or property on a public highway and which is  
22 only incidentally operated or moved over the highway. It includes, but  
23 is not limited to, road construction and maintenance machinery so  
24 designed and used such as portable air compressors, air drills, asphalt  
25 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
26 ditchers, leveling graders, finishing machines, motor graders, paving  
27 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
28 lighting plants, welders, pumps, power shovels and draglines, self-  
29 propelled and tractor-drawn earth moving equipment and machinery,  
30 including dump trucks and tractor-dump trailer combinations which  
31 either (i) are in excess of the legal width, or (ii) which, because of  
32 their length, height, or unladen weight, may not be moved on a public  
33 highway without the permit specified in RCW 46.44.090 and which are not  
34 operated laden except within the boundaries of the project limits as  
35 defined by the contract, and other similar types of construction  
36 equipment, or (iii) which are driven or moved upon a public highway  
37 only for the purpose of crossing such highway from one property to  
38 another, provided such movement does not exceed five hundred feet and

1 the vehicle is equipped with wheels or pads which will not damage the  
2 roadway surface.

3 Exclusions:

4 "Special highway construction equipment" does not include any of  
5 the following:

6 Dump trucks originally designed to comply with the legal size and  
7 weight provisions of this code notwithstanding any subsequent  
8 modification which would require a permit, as specified in RCW  
9 46.44.090, to operate such vehicles on a public highway, including  
10 trailers, truck-mounted transit mixers, cranes and shovels, or other  
11 vehicles designed for the transportation of persons or property to  
12 which machinery has been attached.

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

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

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

25 **Sec. 4.** RCW 46.20.500 and 1999 c 274 s 8 are each amended to read  
26 as follows:

27 No person may drive a motorcycle or a motor-driven cycle unless  
28 such person has a valid driver's license specially endorsed by the  
29 director to enable the holder to drive such vehicles. However, a  
30 person sixteen years of age or older, holding a valid driver's license  
31 of any class issued by the state of the person's residence, may operate  
32 a moped without taking any special examination for the operation of a  
33 moped. No driver's license is required for operation of an electric-  
34 assisted bicycle if the operator is at least sixteen years of age.  
35 Persons under sixteen years of age may not operate an electric-assisted  
36 bicycle. No driver's license is required to operate a motorized foot  
37 scooter. Motorized foot scooters may not be operated at any time from

1 a half hour after sunset to a half hour before sunrise without  
2 reflectors of a type approved by the state patrol.

3 **Sec. 5.** RCW 46.61.710 and 1997 c 328 s 5 are each amended to read  
4 as follows:

5 (1) No person shall operate a moped upon the highways of this state  
6 unless the moped has been assigned a moped registration number and  
7 displays a moped permit in accordance with the provisions of RCW  
8 46.16.630.

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

12 (3) Operation of a moped or an electric-assisted bicycle on a fully  
13 controlled limited access highway or 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 and motorized foot scooters. Electric-  
18 assisted bicycles and motorized foot scooters may have access to  
19 highways of the state to the same extent as bicycles. Electric-  
20 assisted bicycles and motorized foot scooters may be operated on a  
21 multipurpose trail or bicycle lane, but local jurisdictions may  
22 restrict or otherwise limit the access of electric-assisted bicycles,  
23 and state parks may regulate the use of motorized scooters within  
24 boundaries of the parks.

25 **Sec. 6.** RCW 46.81A.010 and 1988 c 227 s 2 are each amended to read  
26 as follows:

27 Unless the context clearly requires otherwise, the definitions in  
28 this section apply throughout this chapter.

29 (1) "Motorcycle skills education program" means a motorcycle rider  
30 skills training program to be administered by the department.

31 (2) "Department" means the department of licensing.

32 (3) "Director" means the director of licensing.

33 (4) "Motorcycle" means a motorcycle licensed under chapter 46.16  
34 RCW, and does not include motorized bicycles, mopeds, scooters,

- 1 motorized foot scooters, off-road motorcycles, motorized tricycles,
- 2 side-car equipped motorcycles, or four-wheel all-terrain vehicles.

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