

**ESB 5450 - H AMD 489**

By Representative Murray

1 On page 6, after line 25, insert the following:

2

3 "NEW SECTION. **Sec. 6.** A new section is added to chapter 46.04 RCW  
4 to read as follows:

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

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

13 **Sec. 7.** RCW 46.04.332 and 2002 c 247 s 4 are each amended to read  
14 as follows:

15 "Motor-driven cycle" means every motorcycle, including every motor  
16 scooter, with a motor that produces not to exceed five brake horsepower  
17 (developed by a prime mover, as measured by a brake applied to the  
18 driving shaft). A motor-driven cycle does not include a moped, a  
19 motorized foot scooter, or an electric personal assistive mobility  
20 device.

21 **Sec. 8.** RCW 46.16.010 and 2000 c 229 s 1 are each amended to read  
22 as follows:

23 (1) It is unlawful for a person to operate any vehicle over and  
24 along a public highway of this state without first having obtained and  
25 having in full force and effect a current and proper vehicle license  
26 and display vehicle license number plates therefor as by this chapter  
27 provided. Failure to make initial registration before operation on the  
28 highways of this state is a misdemeanor, and any person convicted

1 thereof must be punished by a fine of no less than three hundred thirty  
2 dollars, no part of which may be suspended or deferred.

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

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

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

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

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

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

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

22 (a) Motorized foot scooters;

23 (b) Electric-assisted bicycles;

24 ~~((b))~~ (c) Farm vehicles if operated within a radius of fifteen  
25 miles of the farm where principally used or garaged, farm tractors and  
26 farm implements including trailers designed as cook or bunk houses used  
27 exclusively for animal herding temporarily operating or drawn upon the  
28 public highways, and trailers used exclusively to transport farm  
29 implements from one farm to another during the daylight hours or at  
30 night when such equipment has lights that comply with the law;

31 ~~((e))~~ (d) Spray or fertilizer applicator rigs designed and used  
32 exclusively for spraying or fertilization in the conduct of  
33 agricultural operations and not primarily for the purpose of  
34 transportation, and nurse rigs or equipment auxiliary to the use of and  
35 designed or modified for the fueling, repairing, or loading of spray  
36 and fertilizer applicator rigs and not used, designed, or modified  
37 primarily for the purpose of transportation;

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

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

31        Exclusions:

32        "Special highway construction equipment" does not include any of  
33 the following:

34        Dump trucks originally designed to comply with the legal size and  
35 weight provisions of this code notwithstanding any subsequent  
36 modification which would require a permit, as specified in RCW  
37 46.44.090, to operate such vehicles on a public highway, including

1 trailers, truck-mounted transit mixers, cranes and shovels, or other  
2 vehicles designed for the transportation of persons or property to  
3 which machinery has been attached.

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

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

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

16 **Sec. 9.** RCW 46.20.500 and 2002 c 247 s 6 are each amended to read  
17 as follows:

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

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

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

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

31 (5) No driver's license is required to operate a motorized foot  
32 scooter. Motorized foot scooters may not be operated at any time from  
33 a half hour after sunset to a half hour before sunrise without  
34 reflectors of a type approved by the state patrol.

1       **Sec. 10.** RCW 46.37.530 and 1997 c 328 s 4 are each amended to read  
2 as follows:

3       (1) It is unlawful:

4       (a) For any person to operate a motorcycle or motor-driven cycle  
5 not equipped with mirrors on the left and right sides of the motorcycle  
6 which shall be so located as to give the driver a complete view of the  
7 highway for a distance of at least two hundred feet to the rear of the  
8 motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be  
9 required on any motorcycle or motor-driven cycle over twenty-five years  
10 old originally manufactured without mirrors and which has been restored  
11 to its original condition and which is being ridden to or from or  
12 otherwise in conjunction with an antique or classic motorcycle contest,  
13 show, or other such assemblage: PROVIDED FURTHER, That no mirror is  
14 required on any motorcycle manufactured prior to January 1, 1931;

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

18       (c) For any person to operate or ride upon a motorcycle, motor-  
19 driven cycle, motorized foot scooter, or moped on a state highway,  
20 county road, or city street unless wearing upon his or her head a  
21 protective helmet of a type conforming to rules adopted by the state  
22 patrol except when the vehicle is an antique motor-driven cycle or  
23 automobile that is licensed as a motorcycle or when the vehicle is  
24 equipped with seat belts and roll bars approved by the state patrol.  
25 The helmet must be equipped with either a neck or chin strap which  
26 shall be fastened securely while the motorcycle or motor-driven cycle  
27 is in motion. Persons operating electric-assisted bicycles shall  
28 comply with all laws and regulations related to the use of bicycle  
29 helmets;

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

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

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

1       **Sec. 11.** RCW 46.61.710 and 2002 c 247 s 7 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 is unlawful. Operation of a moped or an electric-  
13 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 and motorized  
18 foot scooters may have access to highways of the state to the same  
19 extent as bicycles. Subject to subsection (6) of this section,  
20 electric-assisted bicycles and motorized foot scooters may be operated  
21 on a multipurpose trail or bicycle lane, but local jurisdictions may  
22 restrict or otherwise limit the access of electric-assisted bicycles  
23 and motorized foot scooters, and state agencies may regulate the use of  
24 motorized foot scooters on facilities and properties under their  
25 jurisdiction and control.

26       (6) Subsections (1) and (4) of this section do not apply to  
27 motorized foot scooters. Subsection (2) of this section applies to  
28 motorized foot scooters when the bicycle path, trail, bikeway,  
29 equestrian trail, or hiking or recreational trail was built or is  
30 maintained with federal highway transportation funds. Additionally,  
31 any new trail or bicycle path or readily identifiable existing trail or  
32 bicycle path not built or maintained with federal highway  
33 transportation funds may be used by persons operating motorized foot  
34 scooters only when appropriately signed.

35       (7) A person operating an electric personal assistive mobility  
36 device (EPAMD) shall obey all speed limits and shall yield the right-  
37 of-way to pedestrians and human-powered devices at all times. An

1 operator must also give an audible signal before overtaking and passing  
2 a pedestrian. Except for the limitations of this subsection, persons  
3 operating an EPAMD have all the rights and duties of a pedestrian.

4 ((+7)) (8) The use of an EPAMD may be regulated in the following  
5 circumstances:

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

10 (b) A municipality may restrict the speed of an EPAMD in locations  
11 with congested pedestrian or nonmotorized traffic and where there is  
12 significant speed differential between pedestrians or nonmotorized  
13 traffic and EPAMD operators. The areas in this subsection must be  
14 designated by the city engineer or designee of the municipality.  
15 Municipalities shall not restrict the speed of an EPAMD in the entire  
16 community or in areas in which there is infrequent pedestrian traffic;

17 (c) A state agency or local government may regulate the operation  
18 of an EPAMD within the boundaries of any area used for recreation, open  
19 space, habitat, trails, or conservation purposes.

20 **Sec. 12.** RCW 46.81A.010 and 1988 c 227 s 2 are each amended to  
21 read as follows:

22 Unless the context clearly requires otherwise, the definitions in  
23 this section apply throughout this chapter.

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

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

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

28 (4) "Motorcycle" means a motorcycle licensed under chapter 46.16  
29 RCW, and does not include motorized bicycles, mopeds, scooters,  
30 motorized foot scooters, off-road motorcycles, motorized tricycles,  
31 side-car equipped motorcycles, or four-wheel all-terrain vehicles."

32 Renumber the remaining section consecutively and correct the title.

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