

HB 1937 - S COMM AMD

By Committee on Highways & Transportation

ADOPTED 04/08/2003

1 Strike everything after the enacting clause and insert the
2 following:

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

5 "Power wheelchair" means any self-propelled vehicle capable of
6 traveling no more than fifteen miles per hour, usable indoors, designed
7 as a mobility aid for individuals with mobility impairments, and
8 operated by such an individual.

9 **Sec. 2.** RCW 46.04.320 and 2002 c 247 s 2 are each amended to read
10 as follows:

11 "Motor vehicle" (~~shall~~) means every vehicle (~~which~~) that is
12 self-propelled and every vehicle (~~which~~) that is propelled by
13 electric power obtained from overhead trolley wires, but not operated
14 upon rails. An electric personal assistive mobility device is not
15 considered a motor vehicle. A power wheelchair is not considered a
16 motor vehicle.

17 **Sec. 3.** RCW 46.04.330 and 2002 c 247 s 3 are each amended to read
18 as follows:

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

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

1 **Sec. 4.** RCW 46.04.332 and 2002 c 247 s 4 are each amended to read
2 as follows:

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

8 **Sec. 5.** RCW 46.04.400 and 1990 c 241 s 1 are each amended to read
9 as follows:

10 "Pedestrian" means any person who is afoot or who is using a
11 wheelchair, a power wheelchair, or a means of conveyance propelled by
12 human power other than a bicycle.

13 **Sec. 6.** RCW 46.04.670 and 2002 c 247 s 5 are each amended to read
14 as follows:

15 "Vehicle" includes every device capable of being moved upon a
16 public highway and in, upon, or by which any persons or property is or
17 may be transported or drawn upon a public highway, including bicycles.
18 The term does not include power wheelchairs or devices other than
19 bicycles moved by human or animal power or used exclusively upon
20 stationary rails or tracks. mopeds shall not be considered vehicles or
21 motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall
22 not be considered vehicles for the purposes of chapter 46.12, 46.16, or
23 46.70 RCW. Electric personal assistive mobility devices are not
24 considered vehicles or motor vehicles for the purposes of chapter
25 46.12, 46.16, 46.29, 46.37, or 46.70 RCW.

26 **Sec. 7.** RCW 46.20.500 and 2002 c 247 s 6 are each amended to read
27 as follows:

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

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

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

5 (4) No driver's license is required to operate an electric personal
6 assistive mobility device or a power wheelchair.

7 **Sec. 8.** RCW 47.04.010 and 1975 c 62 s 50 are each amended to read
8 as follows:

9 The following words and phrases, wherever used in this title, shall
10 have the meaning as in this section ascribed to them, unless where used
11 the context thereof shall clearly indicate to the contrary or unless
12 otherwise defined in the chapter of which they are a part:

13 (1) "Alley." A highway within the ordinary meaning of alley not
14 designated for general travel and primarily used as a means of access
15 to the rear of residences and business establishments;

16 (2) "Arterial highway." Every highway, as herein defined, or
17 portion thereof designated as such by proper authority;

18 (3) "Business district." The territory contiguous to and including
19 a highway, as herein defined, when within any six hundred feet along
20 such highway there are buildings in use for business or industrial
21 purposes, including but not limited to hotels, banks, or office
22 buildings, railroad stations, and public buildings which occupy at
23 least three hundred feet of frontage on one side or three hundred feet
24 collectively on both sides of the highway;

25 (4) "Center line." The line, marked or unmarked parallel to and
26 equidistant from the sides of a two-way traffic roadway of a highway
27 except where otherwise indicated by painted lines or markers;

28 (5) "Center of intersection." The point of intersection of the
29 center lines of the roadways of intersecting highways;

30 (6) "City street." Every highway as herein defined, or part
31 thereof located within the limits of incorporated cities and towns,
32 except alleys;

33 (7) "Combination of vehicles." Every combination of motor vehicle
34 and motor vehicle, motor vehicle and trailer, or motor vehicle and
35 semitrailer;

1 (8) "Commercial vehicle." Any vehicle the principal use of which
2 is the transportation of commodities, merchandise, produce, freight,
3 animals, or passengers for hire;

4 (9) "County road." Every highway as herein defined, or part
5 thereof, outside the limits of incorporated cities and towns and which
6 has not been designated as a state highway, or branch thereof;

7 (10) "Crosswalk." The portion of the roadway between the
8 intersection area and a prolongation or connection of the farthest
9 sidewalk line or in the event there are no sidewalks then between the
10 intersection area and a line ten feet therefrom, except as modified by
11 a marked crosswalk;

12 (11) "Intersection area." (a) The area embraced within the
13 prolongation or connection of the lateral curb lines, or, if none, then
14 the lateral boundary lines of the roadways of two or more highways
15 which join one another at, or approximately at, right angles, or the
16 area within which vehicles traveling upon different highways joining at
17 any other angle may come in conflict;

18 (b) Where a highway includes two roadways thirty feet or more
19 apart, then every crossing of each roadway of such divided highway by
20 an intersecting highway shall be regarded as a separate intersection.
21 In the event such intersecting highway also includes two roadways
22 thirty feet or more apart, then every crossing of two roadways of such
23 highways shall be regarded as a separate intersection;

24 (c) The junction of an alley with a street or highway shall not
25 constitute an intersection;

26 (12) "Intersection control area." The intersection area as herein
27 defined, together with such modification of the adjacent roadway area
28 as results from the arc or curb corners and together with any marked or
29 unmarked crosswalks adjacent to the intersection;

30 (13) "Laned highway." A highway the roadway of which is divided
31 into clearly marked lanes for vehicular traffic;

32 (14) "Local authorities." Every county, municipal, or other local
33 public board or body having authority to adopt local police regulations
34 under the Constitution and laws of this state;

35 (15) "Marked crosswalk." Any portion of a roadway distinctly
36 indicated for pedestrian crossing by lines or other markings on the
37 surface thereof;

1 (16) "Metal tire." Every tire, the bearing surface of which in
2 contact with the highway is wholly or partly of metal or other hard,
3 nonresilient material;

4 (17) "Motor truck." Any motor vehicle, as herein defined, designed
5 or used for the transportation of commodities, merchandise, produce,
6 freight, or animals;

7 (18) "Motor vehicle." Every vehicle, as herein defined, which is
8 in itself a self-propelled unit;

9 (19) "Multiple lane highway." Any highway the roadway of which is
10 of sufficient width to reasonably accommodate two or more separate
11 lanes of vehicular traffic in the same direction, each lane of which
12 shall be not less than the maximum legal vehicle width, and whether or
13 not such lanes are marked;

14 (20) "Operator." Every person who drives or is in actual physical
15 control of a vehicle as herein defined;

16 (21) "Peace officer." Any officer authorized by law to execute
17 criminal process or to make arrests for the violation of the statutes
18 generally or of any particular statute or statutes relative to the
19 highways of this state;

20 (22) "Pedestrian." Any person afoot or who is using a wheelchair,
21 power wheelchair as defined in section 1 of this act, or a means of
22 conveyance propelled by human power other than a bicycle;

23 (23) "Person." Every natural person, firm, copartnership,
24 corporation, association, or organization;

25 (24) "Pneumatic tires." Every tire of rubber or other resilient
26 material designed to be inflated with compressed air to support the
27 load thereon;

28 (25) "Private road or driveway." Every way or place in private
29 ownership and used for travel of vehicles by the owner or those having
30 express or implied permission from the owner, but not by other persons;

31 (26) "Highway." Every way, lane, road, street, boulevard, and
32 every way or place in the state of Washington open as a matter of right
33 to public vehicular travel both inside and outside the limits of
34 incorporated cities and towns;

35 (27) "Railroad." A carrier of persons or property upon vehicles,
36 other than street cars, operated upon stationary rails, the route of
37 which is principally outside incorporated cities and towns;

1 (28) "Railroad sign or signal." Any sign, signal, or device
2 erected by authority of a public body or official or by a railroad and
3 intended to give notice of the presence of railroad tracks or the
4 approach of a railroad train;

5 (29) "Residence district." The territory contiguous to and
6 including the highway, as herein defined, not comprising a business
7 district, as herein defined, when the property on such highway for a
8 continuous distance of three hundred feet or more on either side
9 thereof is in the main improved with residences or residences and
10 buildings in use for business;

11 (30) "Roadway." The paved, improved, or proper driving portion of
12 a highway designed, or ordinarily used for vehicular travel;

13 (31) "Safety zone." The area or space officially set apart within
14 a roadway for the exclusive use of pedestrians and which is protected
15 or is marked or indicated by painted marks, signs, buttons, standards,
16 or otherwise so as to be plainly discernible;

17 (32) "Sidewalk." That property between the curb lines or the
18 lateral lines of a roadway, as herein defined, and the adjacent
19 property, set aside and intended for the use of pedestrians or such
20 portion of private property parallel and in proximity to a highway and
21 dedicated to use by pedestrians;

22 (33) "Solid tire." Every tire of rubber or other resilient
23 material which does not depend upon inflation with compressed air for
24 the support of the load thereon;

25 (34) "State highway." Every highway as herein defined, or part
26 thereof, which has been designated as a state highway, or branch
27 thereof, by legislative enactment;

28 (35) "Street car." A vehicle other than a train, as herein
29 defined, for the transporting of persons or property and operated upon
30 stationary rails principally within incorporated cities and towns;

31 (36) "Traffic." Pedestrians, ridden or herded animals, vehicles,
32 street cars, and other conveyances either singly or together while
33 using any highways for purposes of travel;

34 (37) "Traffic control signal." Any traffic device, as herein
35 defined, whether manually, electrically, or mechanically operated, by
36 which traffic alternately is directed to stop or proceed or otherwise
37 controlled;

1 (38) "Traffic devices." All signs, signals, markings, and devices
2 not inconsistent with this title placed or erected by authority of a
3 public body or official having jurisdiction, for the purpose of
4 regulating, warning, or guiding traffic;

5 (39) "Train." A vehicle propelled by steam, electricity, or other
6 motive power with or without cars coupled thereto, operated upon
7 stationary rails, except street cars;

8 (40) "Vehicle." Every device capable of being moved upon a highway
9 and in, upon, or by which any person or property is or may be
10 transported or drawn upon a highway, excepting power wheelchairs, as
11 defined in section 1 of this act, or devices moved by human or animal
12 power or used exclusively upon stationary rails or tracks.

13 Words and phrases used herein in the past, present, or future tense
14 shall include the past, present, and future tenses; words and phrases
15 used herein in the masculine, feminine, or neuter gender shall include
16 the masculine, feminine, and neuter genders; and words and phrases used
17 herein in the singular or plural shall include the singular and plural;
18 unless the context thereof shall indicate to the contrary."

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19 In line 1 of the title, after "wheelchairs;" strike the remainder
20 of the title and insert "amending RCW 46.04.320, 46.04.330, 46.04.332,
21 46.04.400, 46.04.670, 46.20.500, and 47.04.010; and adding a new
22 section to chapter 46.04 RCW."

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