
HOUSE BILL 2856

State of Washington 58th Legislature 2004 Regular Session

By Representatives Delvin, Upthegrove and Condotta

Read first time 01/21/2004. Referred to Committee on Transportation.

1 AN ACT Relating to motorized foot scooters; amending RCW 46.61.710;
2 reenacting and amending RCW 46.04.320, 46.16.010, and 46.20.500; and
3 providing an effective date.

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

5 **Sec. 1.** RCW 46.04.320 and 2003 c 353 s 1 and 2003 c 141 s 2 are
6 each reenacted and amended to read as follows:

7 "Motor vehicle" means every vehicle that is self-propelled and
8 every vehicle that is propelled by electric power obtained from
9 overhead trolley wires, but not operated upon rails. "Motor vehicle"
10 includes a neighborhood electric vehicle as defined in RCW 46.04.357.
11 An electric personal assistive mobility device is not considered a
12 motor vehicle. A power wheelchair is not considered a motor vehicle.
13 A motorized foot scooter is not considered a motor vehicle.

14 **Sec. 2.** RCW 46.16.010 and 2003 c 353 s 8 and 2003 c 53 s 238 are
15 each reenacted and amended to read as follows:

16 (1) It is unlawful for a person to operate any vehicle over and
17 along a public highway of this state without first having obtained and

1 having in full force and effect a current and proper vehicle license
2 and display vehicle license number plates therefor as by this chapter
3 provided.

4 (2) Failure to make initial registration before operation on the
5 highways of this state is a misdemeanor, and any person convicted
6 thereof must be punished by a fine of no less than three hundred thirty
7 dollars, no part of which may be suspended or deferred.

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

10 (4) The licensing of a vehicle in another state by a resident of
11 this state, as defined in RCW 46.16.028, evading the payment of any tax
12 or license fee imposed in connection with registration, is a gross
13 misdemeanor punishable as follows:

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

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

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

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

26 (5) These provisions shall not apply to the following vehicles:

27 (a) (~~Motorized foot scooters;~~

28 ~~b))~~) Electric-assisted bicycles;

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

36 (~~d))~~) (c) Spray or fertilizer applicator rigs designed and used
37 exclusively for spraying or fertilization in the conduct of
38 agricultural operations and not primarily for the purpose of

1 transportation, and nurse rigs or equipment auxiliary to the use of and
2 designed or modified for the fueling, repairing, or loading of spray
3 and fertilizer applicator rigs and not used, designed, or modified
4 primarily for the purpose of transportation;

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

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

35 Exclusions:

36 "Special highway construction equipment" does not include any of
37 the following:

1 Dump trucks originally designed to comply with the legal size and
2 weight provisions of this code notwithstanding any subsequent
3 modification which would require a permit, as specified in RCW
4 46.44.090, to operate such vehicles on a public highway, including
5 trailers, truck-mounted transit mixers, cranes and shovels, or other
6 vehicles designed for the transportation of persons or property to
7 which machinery has been attached.

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

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

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

20 **Sec. 3.** RCW 46.20.500 and 2003 c 353 s 9, 2003 c 141 s 7, and 2003
21 c 41 s 1 are each reenacted and amended to read as follows:

22 (1) No person may drive either a two-wheeled or a three-wheeled
23 motorcycle, or a motor-driven cycle unless such person has a valid
24 driver's license specially endorsed by the director to enable the
25 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 or a power wheelchair.

36 (5) No driver's license is required to operate a motorized foot
37 scooter. Motorized foot scooters may not be operated (~~at any time~~

1 ~~from a half hour after sunset to a half hour before sunrise without~~
2 ~~reflectors of a type approved by the state patrol)) on any city street,~~
3 ~~county road, or state highway.~~

4 **Sec. 4.** RCW 46.61.710 and 2003 c 353 s 10 are each amended to read
5 as follows:

6 (1) No person shall operate a moped upon the highways of this state
7 unless the moped has been assigned a moped registration number and
8 displays a moped permit in accordance with the provisions of RCW
9 46.16.630.

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

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

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

19 (5) Subsections (1), (2), and (4) of this section do not apply to
20 electric-assisted bicycles. Electric-assisted bicycles (~~and motorized~~
21 ~~foot scooters~~) may have access to highways of the state to the same
22 extent as bicycles. (~~Subject to subsection (6) of this section,~~)
23 Electric-assisted bicycles (~~and motorized foot scooters~~) may be
24 operated on a multipurpose trail or bicycle lane, but local
25 jurisdictions may restrict or otherwise limit the access of electric-
26 assisted bicycles (~~and motorized foot scooters, and state agencies may~~
27 ~~regulate the use of motorized foot scooters~~) on facilities and
28 properties under their jurisdiction and control.

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

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

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

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

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

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

23 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2004.

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