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HOUSE BILL 3049

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Romero, Murray, Hankins, Delvin and Simpson, G.

Read first time 01/27/2004. Referred to Committee on Transportation.

1            AN ACT Relating to motorized foot scooters; amending RCW 46.61.710  
2 and 46.16.630; and adding a new section to chapter 46.61 RCW.

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

4            **Sec. 1.** 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 or motorized foot scooter upon  
7 the highways of this state unless the moped or motorized foot scooter  
8 has been assigned a moped or motorized foot scooter registration number  
9 and displays a moped or motorized foot scooter permit in accordance  
10 with the provisions of RCW 46.16.630.

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

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

1 (4) Removal of any muffling device or pollution control device from  
2 a moped or motorized foot scooter is unlawful.

3 (5) Subsections (1), (2), and (4) of this section do not apply to  
4 electric-assisted bicycles. Electric-assisted bicycles and motorized  
5 foot scooters may have access to highways of the state to the same  
6 extent as bicycles. Subject to subsection (6) of this section,  
7 electric-assisted bicycles and motorized foot scooters may be operated  
8 on a multipurpose trail or bicycle lane, but local jurisdictions may  
9 restrict or otherwise limit the access of electric-assisted bicycles  
10 and motorized foot scooters, and state agencies may regulate the use of  
11 motorized foot scooters on facilities and properties under their  
12 jurisdiction and control.

13 ~~((Subsections (1) and (4) of this section do not apply to~~  
14 ~~motorized foot scooters.))~~ Subsection (2) of this section applies to  
15 motorized foot scooters when the bicycle path, trail, bikeway,  
16 equestrian trail, or hiking or recreational trail was built or is  
17 maintained with federal highway transportation funds. Additionally,  
18 any new trail or bicycle path or readily identifiable existing trail or  
19 bicycle path not built or maintained with federal highway  
20 transportation funds may be used by persons operating electric-powered  
21 motorized foot scooters only when appropriately signed.

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

28 (8) The use of an EPAMD or motorized foot scooter may be regulated  
29 in the following circumstances:

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

34 (b) A municipality may restrict the speed of an EPAMD in locations  
35 with congested pedestrian or nonmotorized traffic and where there is  
36 significant speed differential between pedestrians or nonmotorized  
37 traffic and EPAMD operators. The areas in this subsection must be

1 designated by the city engineer or designee of the municipality.  
2 Municipalities shall not restrict the speed of an EPAMD in the entire  
3 community or in areas in which there is infrequent pedestrian traffic;

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

7 **Sec. 2.** RCW 46.16.630 and 2002 c 352 s 9 are each amended to read  
8 as follows:

9 Application for registration of a moped or motorized foot scooter  
10 shall be made to the department of licensing in such manner and upon  
11 such forms as the department shall prescribe, and shall state the name  
12 and address of each owner of the moped or motorized foot scooter to be  
13 registered, the vehicle identification number, and such other  
14 information as the department may require, and shall be accompanied by  
15 a registration fee of thirty dollars. Upon receipt of the application  
16 and the application fee, the moped or motorized foot scooter shall be  
17 registered and a registration number assigned, which shall be affixed  
18 to the moped or motorized foot scooter in the manner as provided by  
19 rules adopted by the department. The registration provided in this  
20 section shall be valid for a period of twelve months.

21 Every owner of a moped or motorized foot scooter in this state  
22 shall renew the registration, in such manner as the department shall  
23 prescribe, for an additional period of twelve months, upon payment of  
24 a renewal fee of thirty dollars.

25 Any person acquiring a moped or motorized foot scooter already  
26 validly registered must, within fifteen days of the acquisition or  
27 purchase of the moped or motorized foot scooter, make application to  
28 the department for transfer of the registration, and the application  
29 shall be accompanied by a transfer fee of five dollars.

30 The registration fees provided in this section shall be in lieu of  
31 any personal property tax or the vehicle excise tax imposed by chapter  
32 82.44 RCW.

33 The department shall, at the time the registration number is  
34 assigned, make available a decal or other identifying device to be  
35 displayed on the moped or motorized foot scooter. A fee of one dollar  
36 and fifty cents shall be charged for the decal or other identifying  
37 device.

1 The provisions of RCW 46.01.130 and 46.01.140 shall apply to  
2 applications for the issuance of registration numbers or renewals or  
3 transfers thereof for mopeds or motorized foot scooters as they do to  
4 the issuance of vehicle licenses, the appointment of agents, and the  
5 collection of application fees. Except for the fee collected pursuant  
6 to RCW 46.01.140, all fees collected under this section shall be  
7 deposited in the motor vehicle fund.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW  
9 to read as follows:

10 (1) The operator of a motorized foot scooter shall not do any of  
11 the following:

12 (a) Operate a motorized foot scooter on a highway with a speed  
13 limit in excess of twenty-five miles per hour unless the motorized foot  
14 scooter is operated within a bicycle lane;

15 (b) Operate a motorized foot scooter without wearing a properly  
16 fitted and fastened bicycle helmet;

17 (c) Operate a motorized foot scooter when the operator is under the  
18 age of sixteen years old;

19 (d) Operate a motorized foot scooter with a passenger in addition  
20 to the operator;

21 (e) Operate a motorized foot scooter carrying a package, bundle, or  
22 article that prevents the operator from keeping at least one hand upon  
23 the handlebars;

24 (f) Operate a motorized foot scooter upon a sidewalk, except as may  
25 be necessary to enter or leave adjacent property;

26 (g) Operate a motorized foot scooter at a speed in excess of  
27 fifteen miles per hour;

28 (h) Operate a motorized foot scooter upon the highways of this  
29 state unless the driver holds a valid driver's license issued in  
30 compliance with chapter 46.20 RCW;

31 (i) Operate a motorized foot scooter that creates continuous sound  
32 associated with a gasoline-powered engine so as to unreasonably disturb  
33 or interfere with the peace and comfort of owners or occupants of real  
34 property.

35 (2) It is unlawful for any person to operate a motorized foot  
36 scooter upon a highway, multipurpose trail, or bicycle lane while under

1 the influence of an alcoholic beverage or any drug, or under the  
2 combined influence of an alcoholic beverage and any drug. Violations  
3 of this section are governed by RCW 46.61.502.

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