

---

HOUSE BILL 1820

---

State of Washington

60th Legislature

2007 Regular Session

By Representatives Dickerson, Hankins, Lovick, B. Sullivan, Simpson, Hasegawa and Moeller

Read first time 01/29/2007. Referred to Committee on Transportation.

1 AN ACT Relating to reducing air pollution through the licensing and  
2 use of medium-speed electric vehicles; amending RCW 46.61.688;  
3 reenacting and amending RCW 46.04.320 and 46.61.687; adding a new  
4 section to chapter 46.04 RCW; adding a new section to chapter 46.61  
5 RCW; prescribing penalties; and providing an effective date.

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

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

9 "Motor vehicle" means every vehicle that is self-propelled and  
10 every vehicle that is propelled by electric power obtained from  
11 overhead trolley wires, but not operated upon rails. "Motor vehicle"  
12 includes a neighborhood electric vehicle as defined in RCW 46.04.357.  
13 "Motor vehicle" includes a medium-speed electric vehicle as defined in  
14 section 2 of this act. An electric personal assistive mobility device  
15 is not considered a motor vehicle. A power wheelchair is not  
16 considered a motor vehicle.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW  
18 to read as follows:

1 "Medium-speed electric vehicle" means a self-propelled,  
2 electrically powered four-wheeled motor vehicle, equipped with a roll  
3 cage or crush-proof body design, whose speed attainable in one mile is  
4 more than thirty miles per hour but not more than thirty-five miles per  
5 hour and otherwise meets or exceeds the federal regulations set forth  
6 in 49 C.F.R. Sec. 571.500.

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

9 (1) Except as provided in subsection (3) of this section, a person  
10 may operate a medium-speed electric vehicle upon a highway of this  
11 state having a speed limit of thirty-five miles per hour or less if:

12 (a) The person does not operate a medium-speed electric vehicle  
13 upon state highways that are listed in chapter 47.17 RCW;

14 (b) The person does not operate a medium-speed electric vehicle  
15 upon a highway of this state without first having obtained and having  
16 in full force and effect a current and proper vehicle license and  
17 display vehicle license number plates in compliance with chapter 46.16  
18 RCW;

19 (c) The person does not operate a medium-speed electric vehicle  
20 upon a highway of this state without first obtaining a valid driver's  
21 license issued to Washington residents in compliance with chapter 46.20  
22 RCW;

23 (d) The person does not operate a medium-speed electric vehicle  
24 subject to registration under chapter 46.16 RCW on a highway of this  
25 state unless the person is insured under a motor vehicle liability  
26 policy in compliance with chapter 46.30 RCW; and

27 (e) The person operating a medium-speed electric vehicle does not  
28 cross a roadway with a speed limit in excess of thirty-five miles per  
29 hour, unless the crossing begins and ends on a roadway with a speed  
30 limit of thirty-five miles per hour or less and occurs at an  
31 intersection of approximately ninety degrees, except that the operator  
32 of a medium-speed electric vehicle must not cross an uncontrolled  
33 intersection of streets and highways that are part of the state highway  
34 system subject to Title 47 RCW unless that intersection has been  
35 authorized by local authorities under subsection (3) of this section.

36 (2) Any person who violates this section commits a traffic  
37 infraction.

1 (3) This section does not prevent local authorities, with respect  
2 to streets and highways under their jurisdiction and within the  
3 reasonable exercise of their police power, from regulating the  
4 operation of medium-speed electric vehicles on streets and highways  
5 under their jurisdiction by resolution or ordinance of the governing  
6 body, if the regulation is consistent with this title, except that:

7 (a) Local authorities may not authorize the operation of medium-  
8 speed electric vehicles on streets and highways that are part of the  
9 state highway system subject to Title 47 RCW;

10 (b) Local authorities may not prohibit the operation of medium-  
11 speed electric vehicles upon highways of this state having a speed  
12 limit of thirty-five miles per hour or less; and

13 (c) Local authorities may not establish requirements for the  
14 registration and licensing of medium-speed electric vehicles.

15 **Sec. 4.** RCW 46.61.687 and 2005 c 415 s 1 and 2005 c 132 s 1 are  
16 each reenacted and amended to read as follows:

17 (1) Whenever a child who is less than sixteen years of age is being  
18 transported in a motor vehicle that is in operation and that is  
19 required by RCW 46.37.510 to be equipped with a safety belt system in  
20 a passenger seating position, or is being transported in a neighborhood  
21 electric vehicle or medium-speed electric vehicle that is in operation,  
22 the driver of the vehicle shall keep the child properly restrained as  
23 follows:

24 (a) A child must be restrained in a child restraint system, if the  
25 passenger seating position equipped with a safety belt system allows  
26 sufficient space for installation, until the child is eight years old,  
27 unless the child is four feet nine inches or taller. The child  
28 restraint system must comply with standards of the United States  
29 department of transportation and must be secured in the vehicle in  
30 accordance with instructions of the vehicle manufacturer and the child  
31 restraint system manufacturer.

32 (b) A child who is eight years of age or older or four feet nine  
33 inches or taller shall be properly restrained with the motor vehicle's  
34 safety belt properly adjusted and fastened around the child's body or  
35 an appropriately fitting child restraint system.

36 (c) The driver of a vehicle transporting a child who is under

1 thirteen years old shall transport the child in the back seat positions  
2 in the vehicle where it is practical to do so.

3 (2) Enforcement of subsection (1) of this section is subject to a  
4 visual inspection by law enforcement to determine if the child  
5 restraint system in use is appropriate for the child's individual  
6 height, weight, and age. The visual inspection for usage of a child  
7 restraint system must ensure that the child restraint system is being  
8 used in accordance with the instruction of the vehicle and the child  
9 restraint system manufacturers. The driver of a vehicle transporting  
10 a child who is under thirteen years old shall transport the child in  
11 the back seat positions in the vehicle where it is practical to do so.

12 (3) A person violating subsection (1) of this section may be issued  
13 a notice of traffic infraction under chapter 46.63 RCW. If the person  
14 to whom the notice was issued presents proof of acquisition of an  
15 approved child passenger restraint system or a child booster seat, as  
16 appropriate, within seven days to the jurisdiction issuing the notice  
17 and the person has not previously had a violation of this section  
18 dismissed, the jurisdiction shall dismiss the notice of traffic  
19 infraction.

20 (4) Failure to comply with the requirements of this section shall  
21 not constitute negligence by a parent or legal guardian. Failure to  
22 use a child restraint system shall not be admissible as evidence of  
23 negligence in any civil action.

24 (5) This section does not apply to: (a) For hire vehicles, (b)  
25 vehicles designed to transport sixteen or less passengers, including  
26 the driver, operated by auto transportation companies, as defined in  
27 RCW 81.68.010, (c) vehicles providing customer shuttle service between  
28 parking, convention, and hotel facilities, and airport terminals, and  
29 (d) school buses.

30 (6) As used in this section, "child restraint system" means a child  
31 passenger restraint system that meets the Federal Motor Vehicle Safety  
32 Standards set forth in 49 C.F.R. 571.213.

33 (7) The requirements of subsection (1) of this section do not apply  
34 in any seating position where there is only a lap belt available and  
35 the child weighs more than forty pounds.

36 (8)(a) Except as provided in (b) of this subsection, a person who  
37 has a current national certification as a child passenger safety  
38 technician and who in good faith provides inspection, adjustment, or

1 educational services regarding child passenger restraint systems is not  
2 liable for civil damages resulting from any act or omission in  
3 providing the services, other than acts or omissions constituting gross  
4 negligence or willful or wanton misconduct.

5 (b) The immunity provided in this subsection does not apply to a  
6 certified child passenger safety technician who is employed by a  
7 retailer of child passenger restraint systems and who, during his or  
8 her hours of employment and while being compensated, provides  
9 inspection, adjustment, or educational services regarding child  
10 passenger restraint systems.

11 **Sec. 5.** RCW 46.61.688 and 2003 c 353 s 4 are each amended to read  
12 as follows:

13 (1) For the purposes of this section, the term "motor vehicle"  
14 includes:

15 (a) "Buses," meaning motor vehicles with motive power, except  
16 trailers, designed to carry more than ten passengers;

17 (b) "Multipurpose passenger vehicles," meaning motor vehicles with  
18 motive power, except trailers, designed to carry ten persons or less  
19 that are constructed either on a truck chassis or with special features  
20 for occasional off-road operation;

21 (c) "Neighborhood electric vehicle," meaning a self-propelled,  
22 electrically powered four-wheeled motor vehicle whose speed attainable  
23 in one mile is more than twenty miles per hour and not more than  
24 twenty-five miles per hour and conforms to federal regulations under  
25 ((Title)) 49 C.F.R. ((Part)) Sec. 571.500;

26 (d) "Medium-speed electric vehicle" meaning a self-propelled,  
27 electrically powered four-wheeled motor vehicle, equipped with a roll  
28 cage or crush-proof body design, whose speed attainable in one mile is  
29 more than thirty miles per hour but not more than thirty-five miles per  
30 hour and otherwise meets or exceeds the federal regulations set forth  
31 in 49 C.F.R. Sec. 571.500;

32 (e) "Passenger cars," meaning motor vehicles with motive power,  
33 except multipurpose passenger vehicles, motorcycles, or trailers,  
34 designed for carrying ten passengers or less; and

35 ((+e)) (f) "Trucks," meaning motor vehicles with motive power,  
36 except trailers, designed primarily for the transportation of property.

1 (2) This section only applies to motor vehicles that meet the  
2 manual seat belt safety standards as set forth in federal motor vehicle  
3 safety standard 208 and to neighborhood electric vehicles and medium-  
4 speed electric vehicles. This section does not apply to a vehicle  
5 occupant for whom no safety belt is available when all designated  
6 seating positions as required by federal motor vehicle safety standard  
7 208 are occupied.

8 (3) Every person sixteen years of age or older operating or riding  
9 in a motor vehicle shall wear the safety belt assembly in a properly  
10 adjusted and securely fastened manner.

11 (4) No person may operate a motor vehicle unless all child  
12 passengers under the age of sixteen years are either: (a) Wearing a  
13 safety belt assembly or (b) are securely fastened into an approved  
14 child restraint device.

15 (5) A person violating this section shall be issued a notice of  
16 traffic infraction under chapter 46.63 RCW. A finding that a person  
17 has committed a traffic infraction under this section shall be  
18 contained in the driver's abstract but shall not be available to  
19 insurance companies or employers.

20 (6) Failure to comply with the requirements of this section does  
21 not constitute negligence, nor may failure to wear a safety belt  
22 assembly be admissible as evidence of negligence in any civil action.

23 (7) This section does not apply to an operator or passenger who  
24 possesses written verification from a licensed physician that the  
25 operator or passenger is unable to wear a safety belt for physical or  
26 medical reasons.

27 (8) The state patrol may adopt rules exempting operators or  
28 occupants of farm vehicles, construction equipment, and vehicles that  
29 are required to make frequent stops from the requirement of wearing  
30 safety belts.

31 NEW SECTION. **Sec. 6.** This act takes effect August 1, 2007.

--- END ---