

HOUSE BILL REPORT

SB 5482

As Reported by House Committee On:
Transportation

Title: An act relating to two-wheeled and three-wheeled vehicles.

Brief Description: Modifying provisions governing two-wheeled and three-wheeled vehicles.

Sponsors: Senators Haugen and Swecker; by request of Washington State Patrol.

Brief History:

Committee Activity:

Transportation: 3/19/09, 3/23/09 [DPA].

**Brief Summary of Bill
(As Amended by House)**

- Eliminates the wheel size and pedal specifications from the definition of moped to conform with the federal definition.
- Amends the state's definition of a motorcycle to conform with the federal definition for a motorcycle.
- Revises the definition of a motorized foot scooter and requires the operator to wear a helmet.
- References the federal standards for helmet certification for Washington regulations.
- Establishes a procedure to identify and repair traffic controls to detect two-wheel vehicles within existing funds.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 18 members: Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Campbell, Driscoll, Eddy, Flannigan, Klippert, Moeller, Rolfes, Sells, Simpson, Springer, Takko, Upthegrove, Wallace, Williams and Wood.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 9 members: Representatives Roach, Ranking Minority Member; Armstrong, Cox, Ericksen, Finn, Herrera, Johnson, Kristiansen and Shea.

Staff: Jerry Long (786-7306)

Background:

Moped.

A moped is a motorized device designed to travel with not more than three 16-inch or larger diameter wheels in contact with the ground, having fully operative pedals for propulsion by human power, and an electric or a liquid fuel motor with a cylinder displacement not exceeding 50 cubic centimeters which is capable of propelling the device at not more than 30 miles per hour on level ground. Presently, a moped is not required to have mirrors on the left and right sides. A moped is required to be registered with the Department of Licensing and the operator must have a valid driver license and wear a helmet. A moped cannot be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

Motorcycle.

A motorcycle is a motor vehicle designed to travel on not more than three wheels on which the driver rides astride the motor unit or power train and which is designed to be steered with a handle bar. Motorcycles are required to have mirrors on the left and right sides. The operator must have an endorsement on their driver's license and must wear a helmet.

Motorized Foot Scooter.

A motorized foot scooter is a device with no more than two 10-inch or smaller diameter wheels that has handlebars, designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. Motorized foot scooters can travel on any roadway or path where a bicycle is allowed. Presently there is no speed limit and the operator is not required to wear a helmet or have a driver's license.

Motorcycle Helmets.

Current law requires a sticker indicating that the helmet meets standards established by the U.S. Department of Transportation (USDOT). The USDOT is in the process of changing the helmet standards and the required information on manufactured helmets to notify the public and law enforcement of a conforming helmet.

Current Washington statutes are not fully in compliance with federal definitions and regulations.

Motorcycles and bicycles must follow the same rules of the road that other vehicles do. The operators must use the left and right turn lanes when making a turn.

Summary of Amended Bill:

Moped.

The wheel size and pedal specifications are eliminated from the definition of moped in conformity with the federal definition of a moped. The bill adds the requirement that mopeds must have mirrors on the left and right sides.

Motorcycle.

The state's definition of a motorcycle is amended to conform with the federal definition for a motorcycle, and includes certain vehicles that have a saddle or steering wheel. An operator of an enclosed three-wheel vehicle with a steering wheel and bucket seat that meets the definition of a motorcycle must: (1) register the vehicle as a motorcycle; (2) have a valid motorcycle endorsement; and (3) not transport children under the age of 5. The operator does not have to wear a helmet providing the vehicle has seat belts, a steering wheel, and the manufacturer has certified that the vehicle complies with federal standards for roof crush resistance.

Motorized Foot Scooter.

The definition of a motorized foot scooter is revised to specify a top speed of 20 miles per hour. A user of a motorized foot scooter must wear a bicycle helmet, and may not operate a scooter on sidewalks or fully-controlled limited access highways.

Motorcycle Helmet.

The bill references the federal standards for helmet certification.

Motorcycles and bicycles need to be detected by traffic signals. Jurisdictions with vehicle-activated control signals are required to identify signals that do not detect two-wheel vehicles. Within current resources, each jurisdiction will fix the signals to better detect two-wheel vehicles, based on their priority list.

Amended Bill Compared to Original Bill:

Motorcycles and bicycles are regulated by the rules of the road and need to be detected by traffic signals. Jurisdictions with vehicle-activated control signals are required to create a procedure for recording issues with signals and establish a procedure to prioritize and repair the signals with detection issues within current resources. Vehicle detection areas must be clearly marked on the pavement if the existing detector is anywhere but in the center of a lane and immediately before the stop line or crosswalk.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Three-wheel motorcycle operators must have a motorcycle endorsement. With all of the new vehicles coming onto the market, the State of Washington needs to come into compliance with the federal definitions and regulations. Motorcycle helmets in the State of Washington already have to comply with the USDOT motorcycle helmet regulations by existing statute. There are several people placing fraudulent USDOT stickers on motorcycle helmets that are not USDOT approved. The USDOT in the future will make it harder to place fraudulent stickers on unsafe helmets by requiring the manufacturer to have the USDOT engraved on the helmet or maybe under the clear coat of the helmet.

(Opposed) There are several good things in the bill, but it is felt the three-wheel motorcycles should be in a newly-established vehicle category. By classifying three-wheel vehicles as motorcycles, it gives these vehicles the same privileges as a motorcycle - parking, high-occupancy vehicle lanes, tolls, etc. There was concern that the helmet laws are treated as a primary infraction and that often motorcyclists are pulled over by law enforcement to inspect their helmets when the rider has done nothing wrong. This should be changed to a secondary infraction. There is no real way for law enforcement to conduct a test on a motorcycle helmet on the roadside. The state's motorcycle helmets should not have to meet the federal standards.

Persons Testifying: (In support) Jeff De Vere, Washington State Patrol.

(Opposed) Darcy Mugartequi and Donnie Landsman, American Bikers Aiming Towards Education; and Mike Kratcha, Society's Deviants.

Persons Signed In To Testify But Not Testifying: None.