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HOUSE BILL 2588

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Green, Chase, and Ormsby

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1            AN ACT Relating to the regulation of local electric carts; amending  
2 RCW 35.75.020, 46.04.320, 46.04.400, 46.04.670, 46.61.110, 46.61.125,  
3 46.61.235, 46.61.261, 46.61.755, 46.61.758, 46.61.770, and 46.61.780;  
4 adding a new section to chapter 46.04 RCW; and providing an effective  
5 date.

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

7            **Sec. 1.** RCW 35.75.020 and 2002 c 247 s 8 are each amended to read  
8 as follows:

9            It shall be unlawful for any person to lead, drive, ride, or propel  
10 any team, wagon, animal, or vehicle other than a bicycle, local  
11 electric cart, electric personal assistive mobility device, or similar  
12 vehicle upon and along any bicycle path constructed within or without  
13 the corporate limits of any city or town excepting at suitable  
14 crossings to be provided in the construction of such paths. Any person  
15 violating the provisions of this section shall be guilty of a  
16 misdemeanor.

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

1 "Local electric cart" means a self-propelled, electrically powered,  
2 four-wheeled device whose speed attainable in one mile is less than  
3 twenty miles per hour and which is not required to conform to federal  
4 regulations under 49 C.F.R. Sec. 571.500.

5 **Sec. 3.** RCW 46.04.320 and 2007 c 510 s 1 are each amended to read  
6 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 "Motor vehicle" includes a medium-speed electric vehicle as defined in  
12 RCW 46.04.295. An electric personal assistive mobility device is not  
13 considered a motor vehicle. A power wheelchair is not considered a  
14 motor vehicle. A local electric cart is not considered a motor  
15 vehicle.

16 **Sec. 4.** RCW 46.04.400 and 2003 c 141 s 5 are each amended to read  
17 as follows:

18 "Pedestrian" means any person who is afoot or who is using a  
19 wheelchair, a power wheelchair, a local electric cart, or a means of  
20 conveyance propelled by human power other than a bicycle.

21 **Sec. 5.** RCW 46.04.670 and 2003 c 141 s 6 are each amended to read  
22 as follows:

23 "Vehicle" includes every device capable of being moved upon a  
24 public highway and in, upon, or by which any persons or property is or  
25 may be transported or drawn upon a public highway, including bicycles.  
26 The term does not include power wheelchairs or devices other than  
27 bicycles moved by human or animal power or used exclusively upon  
28 stationary rails or tracks. mopeds shall not be considered vehicles or  
29 motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall  
30 not be considered vehicles for the purposes of chapter 46.12, 46.16, or  
31 46.70 RCW. Electric personal assistive mobility devices and local  
32 electric carts are not considered vehicles or motor vehicles for the  
33 purposes of chapter 46.12, 46.16, 46.29, 46.37, or 46.70 RCW.

1       **Sec. 6.** RCW 46.61.110 and 2005 c 396 s 1 are each amended to read  
2 as follows:

3       The following rules shall govern the overtaking and passing of  
4 vehicles proceeding in the same direction, subject to those  
5 limitations, exceptions and special rules hereinafter stated:

6       (1) The driver of a vehicle overtaking other traffic proceeding in  
7 the same direction shall pass to the left thereof at a safe distance  
8 and shall not again drive to the right side of the roadway until safely  
9 clear of the overtaken traffic.

10       (2) The driver of a vehicle approaching a pedestrian, local  
11 electric cart, or bicycle that is on the roadway or on the right-hand  
12 shoulder or bicycle lane of the roadway shall pass to the left at a  
13 safe distance to clearly avoid coming into contact with the pedestrian,  
14 local electric cart, or bicyclist, and shall not again drive to the  
15 right side of the roadway until safely clear of the overtaken  
16 pedestrian, local electric cart, or bicyclist.

17       (3) Except when overtaking and passing on the right is permitted,  
18 overtaken traffic shall give way to the right in favor of an overtaking  
19 vehicle on audible signal and shall not increase speed until completely  
20 passed by the overtaking vehicle.

21       **Sec. 7.** RCW 46.61.125 and 2005 c 396 s 3 are each amended to read  
22 as follows:

23       (1) No vehicle shall be driven on the left side of the roadway  
24 under the following conditions:

25       (a) When approaching or upon the crest of a grade or a curve in the  
26 highway where the driver's view is obstructed within such distance as  
27 to create a hazard in the event other traffic might approach from the  
28 opposite direction;

29       (b) When approaching within one hundred feet of or traversing any  
30 intersection or railroad grade crossing;

31       (c) When the view is obstructed upon approaching within one hundred  
32 feet of any bridge, viaduct or tunnel;

33       (d) When a bicycle, local electric cart, or pedestrian is within  
34 view of the driver and is approaching from the opposite direction, or  
35 is present, in the roadway, shoulder, or bicycle lane within a distance  
36 unsafe to the bicyclist, local electric cart operator, or pedestrian

1 due to the width or condition of the roadway, shoulder, or bicycle  
2 lane.

3 (2) The foregoing limitations shall not apply upon a one-way  
4 roadway, nor under the conditions described in RCW 46.61.100(1)(b), nor  
5 to the driver of a vehicle turning left into or from an alley, private  
6 road or driveway.

7 **Sec. 8.** RCW 46.61.235 and 2000 c 85 s 1 are each amended to read  
8 as follows:

9 (1) The operator of an approaching vehicle shall stop and remain  
10 stopped to allow a pedestrian, local electric cart, or bicycle to cross  
11 the roadway within an unmarked or marked crosswalk when the pedestrian,  
12 local electric cart, or bicycle is upon or within one lane of the half  
13 of the roadway upon which the vehicle is traveling or onto which it is  
14 turning. For purposes of this section "half of the roadway" means all  
15 traffic lanes carrying traffic in one direction of travel, and includes  
16 the entire width of a one-way roadway.

17 (2) No pedestrian, local electric cart, or bicycle shall suddenly  
18 leave a curb or other place of safety and walk, run, or otherwise move  
19 into the path of a vehicle which is so close that it is impossible for  
20 the driver to stop.

21 (3) Subsection (1) of this section does not apply under the  
22 conditions stated in RCW 46.61.240(2).

23 (4) Whenever any vehicle is stopped at a marked crosswalk or at any  
24 unmarked crosswalk at an intersection to permit a pedestrian, local  
25 electric cart, or bicycle to cross the roadway, the driver of any other  
26 vehicle approaching from the rear shall not overtake and pass such  
27 stopped vehicle.

28 **Sec. 9.** RCW 46.61.261 and 2000 c 85 s 2 are each amended to read  
29 as follows:

30 The driver of a vehicle shall yield the right-of-way to any  
31 pedestrian, local electric cart, or bicycle on a sidewalk. The  
32 (~~rider~~) operator of a bicycle or local electric cart shall yield the  
33 right-of-way to a pedestrian on a sidewalk or crosswalk.

34 **Sec. 10.** RCW 46.61.755 and 2000 c 85 s 3 are each amended to read  
35 as follows:

1 (1) Every person riding a bicycle or operating a local electric  
2 cart upon a roadway shall be granted all of the rights and shall be  
3 subject to all of the duties applicable to the driver of a vehicle by  
4 this chapter, except as to special regulations in RCW 46.61.750 through  
5 46.61.780 and except as to those provisions of this chapter which by  
6 their nature can have no application.

7 (2) Every person riding a bicycle or operating a local electric  
8 cart upon a sidewalk or crosswalk must be granted all of the rights and  
9 is subject to all of the duties applicable to a pedestrian by this  
10 chapter.

11 **Sec. 11.** RCW 46.61.758 and 1982 c 55 s 8 are each amended to read  
12 as follows:

13 All hand signals required of persons operating bicycles or local  
14 electric carts shall be given in the following manner:

15 (1) Left turn. Left hand and arm extended horizontally beyond the  
16 side of the bicycle or local electric cart;

17 (2) Right turn. Left hand and arm extended upward beyond the side  
18 of the bicycle or local electric cart, or right hand and arm extended  
19 horizontally to the right side of the bicycle;

20 (3) Stop or decrease speed. Left hand and arm extended downward  
21 beyond the side of the bicycle or local electric cart.

22 The hand signals required by this section shall be given before  
23 initiation of a turn.

24 **Sec. 12.** RCW 46.61.770 and 1982 c 55 s 7 are each amended to read  
25 as follows:

26 (1) Every person operating a bicycle or local electric cart upon a  
27 roadway at a rate of speed less than the normal flow of traffic at the  
28 particular time and place shall ride as near to the right side of the  
29 right through lane as is safe except as may be appropriate while  
30 preparing to make or while making turning movements, or while  
31 overtaking and passing another bicycle, local electric cart, or vehicle  
32 proceeding in the same direction. A person operating a bicycle or  
33 local electric cart upon a roadway or highway other than a limited-  
34 access highway, which roadway or highway carries traffic in one  
35 direction only and has two or more marked traffic lanes, may (~~ride~~)  
36 position themselves as near to the left side of the left through lane

1 as is safe. A person operating a bicycle or local electric cart upon  
2 a roadway may use the shoulder of the roadway or any specially  
3 designated bicycle lane if such exists.

4 (2) Persons riding bicycles upon a roadway shall not ride more than  
5 two abreast except on paths or parts of roadways set aside for the  
6 exclusive use of bicycles.

7 **Sec. 13.** RCW 46.61.780 and 1998 c 165 s 17 are each amended to  
8 read as follows:

9 (1) Every bicycle and local electric cart when in use during the  
10 hours of darkness as ((defined)) described in RCW 46.37.020 shall be  
11 equipped with a lamp on the front which shall emit a white light  
12 visible from a distance of at least five hundred feet to the front and  
13 with a red reflector on the rear of a type approved by the state patrol  
14 which shall be visible from all distances up to six hundred feet to the  
15 rear when directly in front of lawful lower beams of head lamps on a  
16 motor vehicle. A lamp emitting a red light visible from a distance of  
17 five hundred feet to the rear may be used in addition to the red  
18 reflector. A light-emitting diode flashing taillight visible from a  
19 distance of five hundred feet to the rear may also be used in addition  
20 to the red reflector.

21 (2) Every bicycle and local electric cart shall be equipped with a  
22 brake which will enable the operator to make the braked wheels skid on  
23 dry, level, clean pavement.

24 (3) Every local electric cart when in use during the hours of  
25 darkness as described in RCW 46.37.020 must be equipped with and  
26 utilize turn signal indicators that must be plainly visible from both  
27 the front and rear of the cart from a distance of five hundred feet.

28 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2010.

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