**5623-S.E AMS SHEL S4554.1 - NOT FOR FLOOR USE**

**ESSB 5623** - S AMD **537**

By Senators Sheldon, Hasegawa

**ADOPTED 02/05/2016**

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 46.61.608 and 2013 c 139 s 1 are each amended to read as follows:

(1) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

(2)(a) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken, except on the left-hand side of a vehicle traveling in the left-most lane of traffic on a numbered state route that is a divided highway having two or more lanes of traffic in each direction separated by a physical barrier or unpaved median if the operator of the motorcycle is traveling at a rate of speed no more than ten miles per hour over the speed of traffic flow and not more than twenty-five miles per hour. ((~~However, this subsection shall not apply~~)) When the operator of a motorcycle overtakes and passes a pedestrian or bicyclist ((~~while maintaining~~)), the operator shall maintain a safe passing distance of at least three feet.

(b) Any operator of a motor vehicle that intentionally impedes or attempts to prevent any operator of a motorcycle from operating his or her motorcycle as permitted under this subsection is guilty of a traffic infraction.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to police officers in the performance of their official duties.

**Sec.**  RCW 47.52.025 and 2013 c 26 s 3 are each amended to read as follows:

(1) Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of (a) public transportation vehicles, (b) privately owned buses, (c) motorcycles, (d) private motor vehicles carrying not less than a specified number of passengers, or (e) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are reserved pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) Highway authorities of the state, counties, or incorporated cities and towns may prohibit the use of limited access facilities by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle travel lane fails to meet department standards and falls below forty-five miles per hour at least ninety percent of the time during the peak hours for two consecutive months.

(4)(a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (3) of this section, to apply for the use of limited access facilities that are reserved for the exclusive or preferential use of public transportation vehicles.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(5) When the department has opened the use of the shoulder of a limited access facility for public transportation vehicles, the department must allow motorcycles to use the shoulder during the same time periods and conditions.

(6) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

NEW SECTION. **Sec.**  Section 1 of this act expires July 31, 2018."

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On page 1, line 2 of the title, after "traffic;" strike the remainder of the title and insert "amending RCW 46.61.608 and 47.52.025; prescribing penalties; and providing an expiration date."

EFFECT: Clarifies that motorcycles passing in the same lane on the left-hand side of a vehicle that is traveling in the left-most lane of traffic may only occur on state highways that have a physical barrier or median separating on-coming traffic. The expiration date is extended one year to July 31, 2018.

Provides that when WSDOT opens the shoulder as a lane for the operation of public transportation vehicles, it must also allow motorcycles to use the shoulder lane under the same conditions.