
HOUSE BILL 2596

State of Washington 65th Legislature 2018 Regular Session

By Representatives Riccelli, Volz, Shea, Ormsby, and Vick

Read first time 01/10/18. Referred to Committee on Transportation.

1 AN ACT Relating to governing the use of narrow track vehicles;
2 amending RCW 46.04.320, 46.61.165, 46.61.184, 46.61.575, 46.61.608,
3 and 47.52.025; adding a new section to chapter 46.04 RCW; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04
7 RCW to read as follows:

8 "Narrow track vehicle" means a fully enclosed motor vehicle with
9 three or four wheels that does not exceed forty inches in width. A
10 "narrow track vehicle" that does not exceed one hundred two inches in
11 length is classified as a "short narrow track vehicle."

12 **Sec. 2.** RCW 46.04.320 and 2010 c 217 s 1 are each amended to
13 read as follows:

14 "Motor vehicle" means every vehicle that is self-propelled and
15 every vehicle that is propelled by electric power obtained from
16 overhead trolley wires, but not operated upon rails. "Motor vehicle"
17 includes a neighborhood electric vehicle as defined in RCW 46.04.357.
18 "Motor vehicle" includes a medium-speed electric vehicle as defined
19 in RCW 46.04.295. "Motor vehicle" includes a narrow track vehicle as
20 defined in section 1 of this act. An electric personal assistive

1 mobility device is not considered a motor vehicle. A power wheelchair
2 is not considered a motor vehicle. A golf cart is not considered a
3 motor vehicle, except for the purposes of chapter 46.61 RCW.

4 **Sec. 3.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read
5 as follows:

6 (1) The state department of transportation and the local
7 authorities are authorized to reserve all or any portion of any
8 highway under their respective jurisdictions, including any
9 designated lane or ramp, for the exclusive or preferential use of one
10 or more of the following: (a) Public transportation vehicles; (b)
11 motorcycles; (c) narrow track vehicles; (d) private motor vehicles
12 carrying no fewer than a specified number of passengers; or (~~(d)~~)
13 (e) the following private transportation provider vehicles if the
14 vehicle has the capacity to carry eight or more passengers,
15 regardless of the number of passengers in the vehicle, and if such
16 use does not interfere with the efficiency, reliability, and safety
17 of public transportation operations: (i) Auto transportation company
18 vehicles regulated under chapter 81.68 RCW; (ii) passenger charter
19 carrier vehicles regulated under chapter 81.70 RCW, except marked or
20 unmarked stretch limousines and stretch sport utility vehicles as
21 defined under department of licensing rules; (iii) private nonprofit
22 transportation provider vehicles regulated under chapter 81.66 RCW;
23 and (iv) private employer transportation service vehicles, when such
24 limitation will increase the efficient utilization of the highway or
25 will aid in the conservation of energy resources.

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

31 (3) The state department of transportation and the local
32 authorities authorized to reserve all or any portion of any highway
33 under their respective jurisdictions, for exclusive or preferential
34 use, may prohibit the use of a high occupancy vehicle lane by the
35 following private transportation provider vehicles: (a) Auto
36 transportation company vehicles regulated under chapter 81.68 RCW;
37 (b) passenger charter carrier vehicles regulated under chapter 81.70
38 RCW, and marked or unmarked limousines and stretch sport utility
39 vehicles as defined under department of licensing rules; (c) private

1 nonprofit transportation provider vehicles regulated under chapter
2 81.66 RCW; and (d) private employer transportation service vehicles,
3 when the average transit speed in the high occupancy vehicle lane
4 fails to meet department of transportation standards and falls below
5 forty-five miles per hour at least ninety percent of the time during
6 the peak hours, as determined by the department of transportation or
7 the local authority, whichever operates the facility.

8 (4) Regulations authorizing such exclusive or preferential use of
9 a highway facility may be declared to be effective at all times or at
10 specified times of day or on specified days. Violation of a
11 restriction of highway usage prescribed by the appropriate authority
12 under this section is a traffic infraction.

13 (5) Local authorities are encouraged to establish a process for
14 private transportation providers, as described under subsections (1)
15 and (3) of this section, to apply for the use of public
16 transportation facilities reserved for the exclusive or preferential
17 use of public transportation vehicles. The application and review
18 processes should be uniform and should provide for an expeditious
19 response by the local authority. Whenever practicable, local
20 authorities should enter into agreements with such private
21 transportation providers to allow for the reasonable use of these
22 facilities.

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

30 **Sec. 4.** RCW 46.61.184 and 2015 c 32 s 1 are each amended to read
31 as follows:

32 Notwithstanding any provision of law to the contrary, the
33 operator of a bicycle, moped, ~~((or))~~ street legal motorcycle, or
34 narrow track vehicle approaching an intersection, including a left
35 turn intersection, that is controlled by a triggered traffic control
36 signal using a vehicle detection device that is inoperative due to
37 the size or composition of the bicycle, moped, ~~((or))~~ street legal
38 motorcycle, or narrow track vehicle shall come to a full and complete
39 stop at the intersection. If the traffic control signal, including

1 the left turn signal, as appropriate, fails to operate after one
2 cycle of the traffic signal, the operator may, after exercising due
3 care, proceed directly through the intersection or proceed to turn
4 left, as appropriate. It is not a defense to a violation of RCW
5 46.61.050 that the operator of a bicycle, moped, ~~((or))~~ motorcycle,
6 or narrow track vehicle proceeded under the belief that a traffic
7 control signal used a vehicle detection device or was inoperative due
8 to the size or composition of the bicycle, moped, ~~((or))~~ motorcycle,
9 or narrow track vehicle when the signal did not use a vehicle
10 detection device or that any such device was not in fact inoperative
11 due to the size or composition of the bicycle, moped, ~~((or))~~
12 motorcycle, or narrow track vehicle. For purposes of this section,
13 "bicycle" includes a bicycle, as defined in RCW 46.04.071, and an
14 electric-assisted bicycle, as defined in RCW 46.04.169.

15 **Sec. 5.** RCW 46.61.575 and 1977 ex.s. c 151 s 41 are each amended
16 to read as follows:

17 (1) Except as otherwise provided in this section, every vehicle
18 stopped or parked upon a two-way roadway shall be so stopped or
19 parked with the right-hand wheels parallel to and within twelve
20 inches of the right-hand curb or as close as practicable to the right
21 edge of the right-hand shoulder.

22 (2) Except when otherwise provided by local ordinance, every
23 vehicle stopped or parked upon a one-way roadway shall be so stopped
24 or parked parallel to the curb or edge of the roadway, in the
25 direction of authorized traffic movement, with its right-hand wheels
26 within twelve inches of the right-hand curb or as close as
27 practicable to the right edge of the right-hand shoulder, or with its
28 left-hand wheels within twelve inches of the left-hand curb or as
29 close as practicable to the left edge of the left-hand shoulder.

30 (3) Local authorities may by ordinance or resolution permit angle
31 parking on any roadway, except that angle parking shall not be
32 permitted on any federal-aid or state highway unless the secretary of
33 transportation has determined by order that the roadway is of
34 sufficient width to permit angle parking without interfering with the
35 free movement of traffic.

36 (4)(a) When local authorities permit angle parking of motorcycles
37 on a roadway, as provided in subsection (3) of this section, a short
38 narrow track vehicle, as defined in section 1 of this act, may also
39 park in the angled manner specified for motorcycles, except when a

1 short narrow track vehicle is specifically prohibited from parking in
2 this manner by local ordinance.

3 (b) A short narrow track vehicle, as defined in section 1 of this
4 act, may park in parking stalls restricted to motorcycle parking
5 only, except when a short narrow track vehicle is specifically
6 prohibited from parking in these parking stalls by local ordinance.

7 (5) The secretary with respect to highways under his or her
8 jurisdiction may place official traffic control devices prohibiting,
9 limiting, or restricting the stopping, standing, or parking of
10 vehicles on any highway where the secretary has determined by order,
11 such stopping, standing, or parking is dangerous to those using the
12 highway or where the stopping, standing, or parking of vehicles would
13 unduly interfere with the free movement of traffic thereon. No person
14 shall stop, stand, or park any vehicle in violation of the
15 restrictions indicated by such devices.

16 **Sec. 6.** RCW 46.61.608 and 2013 c 139 s 1 are each amended to
17 read as follows:

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

23 (2) The operator of a motorcycle or narrow track vehicle shall
24 not overtake and pass in the same lane occupied by the vehicle being
25 overtaken. However, this subsection shall not apply when the operator
26 of a motorcycle or narrow track vehicle overtakes and passes a
27 pedestrian or bicyclist while maintaining a safe passing distance of
28 at least three feet.

29 (3) No person shall operate a motorcycle or narrow track vehicle
30 between lanes of traffic or between adjacent lines or rows of
31 vehicles.

32 (4) Motorcycles and narrow track vehicles shall not be operated
33 more than two abreast in a single lane.

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

36 **Sec. 7.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
37 as follows:

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

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

35 (3) Highway authorities of the state, counties, or incorporated
36 cities and towns may prohibit the use of limited access facilities by
37 the following private transportation provider vehicles: (a) Auto
38 transportation company vehicles regulated under chapter 81.68 RCW;
39 (b) passenger charter carrier vehicles regulated under chapter 81.70
40 RCW, and marked or unmarked limousines and stretch sport utility

1 vehicles as defined under department of licensing rules; (c) private
2 nonprofit transportation provider vehicles regulated under chapter
3 81.66 RCW; and (d) private employer transportation service vehicles,
4 when the average transit speed in the high occupancy vehicle travel
5 lane fails to meet department standards and falls below forty-five
6 miles per hour at least ninety percent of the time during the peak
7 hours for two consecutive months.

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

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

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

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

26 NEW SECTION. **Sec. 8.** If any part of this act is found to be in
27 conflict with federal requirements that are a condition precedent to
28 the allocation of federal funds to the state, the conflicting part of
29 this act is inoperative solely to the extent of the conflict and the
30 findings or determination do not affect the operation of the
31 remainder of this act.

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