

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6434

65th Legislature
2018 Regular Session

Passed by the Senate February 9, 2018
Yeas 44 Nays 2

President of the Senate

Passed by the House February 27, 2018
Yeas 86 Nays 12

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6434** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6434

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2018 Regular Session

By Senate Transportation (originally sponsored by Senators Rolfes, Rivers, Nelson, Brown, and Saldaña)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to electric-assisted bicycles; amending RCW
2 46.04.169, 46.04.071, 46.20.500, and 46.61.710; and adding a new
3 section to chapter 46.37 RCW.

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

5 **Sec. 1.** RCW 46.04.169 and 1997 c 328 s 1 are each amended to
6 read as follows:

7 "Electric-assisted bicycle" means a bicycle with two or three
8 wheels, a saddle, fully operative pedals for human propulsion, and an
9 electric motor. The electric-assisted bicycle's electric motor must
10 have a power output of no more than (~~one thousand~~) seven hundred
11 fifty watts(~~(, be incapable of propelling the device at a speed of~~
12 ~~more than twenty miles per hour on level ground, and be incapable of~~
13 ~~further increasing the speed of the device when human power alone is~~
14 ~~used to propel the device beyond twenty miles per hour)). The
15 electric-assisted bicycle must meet the requirements of one of the
16 following three classifications:~~

17 (1) "Class 1 electric-assisted bicycle" means an electric-
18 assisted bicycle in which the motor provides assistance only when the
19 rider is pedaling and ceases to provide assistance when the bicycle
20 reaches the speed of twenty miles per hour;

1 (2) "Class 2 electric-assisted bicycle" means an electric-
2 assisted bicycle in which the motor may be used exclusively to propel
3 the bicycle and is not capable of providing assistance when the
4 bicycle reaches the speed of twenty miles per hour; or

5 (3) "Class 3 electric-assisted bicycle" means an electric-
6 assisted bicycle in which the motor provides assistance only when the
7 rider is pedaling and ceases to provide assistance when the bicycle
8 reaches the speed of twenty-eight miles per hour and is equipped with
9 a speedometer.

10 **Sec. 2.** RCW 46.04.071 and 1982 c 55 s 4 are each amended to read
11 as follows:

12 "Bicycle" means every device propelled solely by human power, or
13 an electric-assisted bicycle as defined in RCW 46.04.169, upon which
14 a person or persons may ride, having two tandem wheels either of
15 which is sixteen inches or more in diameter, or three wheels, any one
16 of which is more than twenty inches in diameter.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.37
18 RCW to read as follows:

19 (1) A manufacturer or distributor of new electric-assisted
20 bicycles, where electric-assisted bicycles are defined in RCW
21 46.04.169, offered for sale or distribution in Washington state must:

22 (a) Beginning July 1, 2018, permanently affix, in a prominent
23 location, a label printed in arial font and at least nine-point type
24 that contains the classification number, top assisted speed, and
25 motor wattage;

26 (b) Comply with the equipment and manufacturing requirements for
27 bicycles adopted by the United States consumer product safety
28 commission.

29 (2) A person shall not tamper with or modify an electric-assisted
30 bicycle, as defined in RCW 46.04.169, so as to change the speed
31 capability of the electric-assisted bicycle, unless the label in
32 subsection (1)(a) of this section is appropriately replaced.

33 (3) Except as otherwise provided, an electric-assisted bicycle
34 or a rider of an electric-assisted bicycle is subject to the same
35 provisions of this title as a bicycle or the rider of a bicycle.

36 **Sec. 4.** RCW 46.20.500 and 2013 c 174 s 2 are each amended to
37 read as follows:

1 (1) No person may drive either a two-wheeled or a three-wheeled
2 motorcycle, or a motor-driven cycle unless such person has a valid
3 driver's license specially endorsed by the director to enable the
4 holder to drive such vehicles.

5 (2) However, a person sixteen years of age or older, holding a
6 valid driver's license of any class issued by the state of the
7 person's residence, may operate a moped without taking any special
8 examination for the operation of a moped.

9 (3) No driver's license is required for operation of an electric-
10 assisted bicycle (~~((if the operator is at least sixteen years of~~
11 ~~age)).~~ Persons under sixteen years of age may not operate ((~~an~~)) a
12 class 3 electric-assisted bicycle.

13 (4) No driver's license is required to operate an electric
14 personal assistive mobility device or a power wheelchair.

15 (5) No driver's license is required to operate a motorized foot
16 scooter. Motorized foot scooters may not be operated at any time from
17 a half hour after sunset to a half hour before sunrise without
18 reflectors of a type approved by the state patrol.

19 (6) A person holding a valid driver's license may operate a
20 motorcycle as defined under RCW 46.04.330(2) without a motorcycle
21 endorsement.

22 (7) A person operating a motorcycle with a stabilizing conversion
23 kit must have a valid driver's license specially endorsed by the
24 director for a three-wheeled motorcycle to enable the holder to
25 operate such a motorcycle.

26 **Sec. 5.** RCW 46.61.710 and 2011 c 171 s 81 are each amended to
27 read as follows:

28 (1) No person shall operate a moped upon the highways of this
29 state unless the moped has been assigned a moped registration number
30 and displays a moped permit in accordance with RCW 46.16A.405(2).

31 (2) Notwithstanding any other provision of law, a moped may not
32 be operated on a bicycle path or trail, bikeway, equestrian trail, or
33 hiking or recreational trail.

34 (3) Operation of a moped, electric personal assistive mobility
35 device, or motorized foot scooter(~~(, or an electric-assisted~~
36 ~~bicycle))~~ on a fully controlled limited access highway is unlawful.
37 Operation of a moped(~~(,)~~) on a sidewalk is unlawful. Operation of a
38 motorized foot scooter(~~(,)~~) or ((~~an~~)) class 3 electric-assisted
39 bicycle on a sidewalk is unlawful, unless there is no alternative for

1 a motorized foot scooter or a class 3 electric-assisted bicycle to
2 travel over a sidewalk as part of a bicycle or pedestrian path.

3 (4) Removal of any muffling device or pollution control device
4 from a moped is unlawful.

5 (5) Subsections (1), (2), and (4) of this section do not apply to
6 electric-assisted bicycles.

7 (6) Electric-assisted bicycles and motorized foot scooters may
8 have access to highways(~~(, other than limited access highways,)~~) of
9 the state to the same extent as bicycles, subject to RCW 46.61.160.

10 (7) Subject to subsection (~~((+6+))~~) (10) of this section, class 1
11 and class 2 electric-assisted bicycles and motorized foot scooters
12 may be operated on a (~~(multipurpose trail)~~) shared-use path or
13 (~~(bicycle lane)~~) any part of a highway designated for the use of
14 bicycles, but local jurisdictions or state agencies may restrict or
15 otherwise limit the access of electric-assisted bicycles and
16 motorized foot scooters, and local jurisdictions or state agencies
17 may regulate the use of class 1 and class 2 electric-assisted
18 bicycles and motorized foot scooters on facilities and properties
19 under their jurisdiction and control. Local regulation of the
20 operation of class 1 or class 2 electric-assisted bicycles, upon a
21 shared use path designated for the use of bicycles that crosses
22 jurisdictional boundaries of two or more local jurisdictions, must be
23 consistent for the entire shared use path in order for the local
24 regulation to be enforceable; however, this does not apply to local
25 regulations of a shared use path in effect as of January 1, 2018.

26 (~~((+6+))~~) (8) Class 3 electric-assisted bicycles may be operated on
27 facilities that are within or adjacent to a highway. Class 3
28 electric-assisted bicycles may not be operated on a shared-use path,
29 except where local jurisdictions may allow the use of class 3
30 electric-assisted bicycles. State agencies or local jurisdictions may
31 regulate the use of class 3 electric-assisted bicycles on facilities
32 and properties under their jurisdiction and control. Local regulation
33 of the operation of class 3 electric-assisted bicycles, upon a shared
34 use path designated for the use of bicycles that crosses
35 jurisdictional boundaries of two or more local jurisdictions, must be
36 consistent for the entire shared use path in order for the local
37 regulation to be enforceable; however, this does not apply to local
38 regulations of a shared use path in effect as of January 1, 2018.

39 (9) Except as otherwise provided in this section, an individual
40 shall not operate an electric-assisted bicycle on a trail that is

1 specifically designated as nonmotorized and that has a natural
2 surface tread that is made by clearing and grading the native soil
3 with no added surfacing materials. A local authority or agency of
4 this state having jurisdiction over a trail described in this
5 subsection may allow the operation of an electric-assisted bicycle on
6 that trail.

7 (10) Subsections (1) and (4) of this section do not apply to
8 motorized foot scooters. Subsection (2) of this section applies to
9 motorized foot scooters when the bicycle path, trail, bikeway,
10 equestrian trail, or hiking or recreational trail was built or is
11 maintained with federal highway transportation funds. Additionally,
12 any new trail or bicycle path or readily identifiable existing trail
13 or bicycle path not built or maintained with federal highway
14 transportation funds may be used by persons operating motorized foot
15 scooters only when appropriately signed.

16 ((+7)) (11) A person operating an electric personal assistive
17 mobility device (EPAMD) shall obey all speed limits and shall yield
18 the right-of-way to pedestrians and human-powered devices at all
19 times. An operator must also give an audible signal before overtaking
20 and passing a pedestrian. Except for the limitations of this
21 subsection, persons operating an EPAMD have all the rights and duties
22 of a pedestrian.

23 ((+8)) (12) The use of an EPAMD may be regulated in the
24 following circumstances:

25 (a) A municipality and the department of transportation may
26 prohibit the operation of an EPAMD on public highways within their
27 respective jurisdictions where the speed limit is greater than
28 twenty-five miles per hour;

29 (b) A municipality may restrict the speed of an EPAMD in
30 locations with congested pedestrian or nonmotorized traffic and where
31 there is significant speed differential between pedestrians or
32 nonmotorized traffic and EPAMD operators. The areas in this
33 subsection must be designated by the city engineer or designee of the
34 municipality. Municipalities shall not restrict the speed of an EPAMD
35 in the entire community or in areas in which there is infrequent
36 pedestrian traffic;

1 (c) A state agency or local government may regulate the operation
2 of an EPAMD within the boundaries of any area used for recreation,
3 open space, habitat, trails, or conservation purposes.

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