

**SHB 1325 - H AMD 281**

By Representative Kloba

**ADOPTED 03/12/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

6 (1) "Department" means the department of licensing.

7 (2) "Eligible entity" means a corporation, partnership,  
8 association, firm, sole proprietorship, or other entity engaged in  
9 business.

10 (3) "Hazardous material" means any material that has been  
11 designated as hazardous under 49 U.S.C. Sec. 5103, and is required to  
12 be placarded under subpart F of 49 C.F.R. Part 172.

13 (4) "Personal delivery device" means an electrically powered  
14 device to which all of the following apply:

15 (a) The device is intended primarily to transport property on  
16 sidewalks and crosswalks;

17 (b) The device weighs less than one hundred twenty pounds,  
18 excluding any property being carried in the device;

19 (c) The device will operate at a maximum speed of six miles per  
20 hour; and

21 (d) The device is equipped with automated driving technology,  
22 including software and hardware, enabling the operation of the  
23 device, with the support and supervision of a remote personal  
24 delivery device operator.

25 (5)(a) "Personal delivery device operator" means an employee or  
26 agent of an eligible entity who has the capability to control or  
27 monitor the navigation and operation of a personal delivery device.

28 (b) "Personal delivery device operator" does not include:

29 (i) With respect to a delivery or other service rendered by a  
30 personal delivery device, the person who requests the delivery or  
31 service; or

1 (ii) A person who only arranges for and dispatches a personal  
2 delivery device for a delivery or other service.

3 NEW SECTION. **Sec. 2.** An eligible entity may operate a personal  
4 delivery device so long as all of the following requirements are met:

5 (1) The personal delivery device is operated in accordance with  
6 all ordinances, resolutions, rules and regulations established by the  
7 jurisdiction governing the rights-of-way within which the personal  
8 delivery device is operated;

9 (2) An eligible entity may operate a personal delivery device  
10 only upon:

11 (a) Crosswalks; and

12 (b) (i) Sidewalks; or

13 (ii) If a sidewalk is not provided or is not accessible, an area  
14 where a pedestrian is permitted to travel, subject to RCW 46.61.250,  
15 provided that the adjacent roadway has a speed limit of less than  
16 forty-five miles per hour;

17 (3) A personal delivery device operator is controlling or  
18 monitoring the navigation and operation of the personal delivery  
19 device;

20 (4) The eligible entity maintains an insurance policy that  
21 includes general liability coverage of not less than one hundred  
22 thousand dollars for damages arising from the operation of the  
23 personal delivery device by the eligible entity and any agent of the  
24 eligible entity;

25 (5) The eligible entity must report any incidents, resulting in  
26 personal injury or property damage that meets the accident reporting  
27 threshold for property damage under RCW 46.52.030(5), to the law  
28 enforcement agency of the local jurisdiction governing the right-of-  
29 way containing the sidewalk or crosswalk where the incident occurred,  
30 within forty-eight hours of the incident;

31 (6) The eligible entity registers an agent located in Washington  
32 state for the purposes of addressing traffic infractions and  
33 incidents involving personal delivery devices operated by the  
34 eligible entity;

35 (7) The eligible entity submits a self-certification form to the  
36 department with the information required under section 3 of this act,  
37 both before operating a personal delivery device and on an annual  
38 basis thereafter; and

1 (8) The personal delivery device is equipped with all of the  
2 following:

3 (a) A marker that clearly identifies the name and contact  
4 information of the eligible entity operating the personal delivery  
5 device, a unique identification number, and the name of the agent  
6 required to be registered under subsection (6) of this section;

7 (b) A braking system that enables the personal delivery device to  
8 come to a controlled stop;

9 (c) A flag pole, attached to the personal delivery device, of at  
10 least forty-eight inches in height; and

11 (d) If the personal delivery device is being operated between  
12 sunset and sunrise, a light on both the front and rear of the  
13 personal delivery device that is visible on all sides of the personal  
14 delivery device in clear weather from a distance of at least five  
15 hundred feet to the front and rear of the personal delivery device  
16 when directly in front of low beams of headlights on a motor vehicle.

17 NEW SECTION. **Sec. 3.** The department of licensing shall create a  
18 self-certification form for an eligible entity to submit prior to  
19 operating a personal delivery device and thereafter on an annual  
20 basis. Through the form, the department must obtain:

21 (1) The name and address of the eligible entity and its  
22 registered agent within Washington;

23 (2) The name of the jurisdiction in which the personal delivery  
24 device will be operated;

25 (3) An acknowledgment by the eligible entity that each personal  
26 delivery device will display a unique identification number;

27 (4) An affirmation by the eligible entity that it possesses  
28 insurance as required in section 2 of this act; and

29 (5) A list of any incidents, as described in section 2(5) of this  
30 act, and any traffic infractions, as described in section 5 of this  
31 act, involving any personal delivery device operated by the eligible  
32 entity in Washington state in the previous year.

33 NEW SECTION. **Sec. 4.** (1) A personal delivery device may not be  
34 operated to transport hazardous material, in a quantity and form that  
35 may pose an unreasonable risk to health, safety, or property when  
36 transported in commerce.

37 (2) A personal delivery device may not be operated to transport  
38 beer, wine, spirits, or other consumable alcohol.

1        NEW SECTION.    **Sec. 5.** A violation of this chapter, or of chapter  
2 46.61 RCW by a personal delivery device, is a traffic infraction. The  
3 infraction must be issued to a Washington-based registered agent of  
4 the eligible entity that operated the personal delivery device at the  
5 time the infraction was committed.

6        **Sec. 6.** RCW 46.04.320 and 2010 c 217 s 1 are each amended to  
7 read as follows:

8        (1) "Motor vehicle" means ((every)) a vehicle that is self-  
9 propelled ((and every)) or a vehicle that is propelled by electric  
10 power obtained from overhead trolley wires((r)) but not operated upon  
11 rails.

12        (2) "Motor vehicle" includes:

13        (a) A neighborhood electric vehicle as defined in RCW  
14 46.04.357((. "Motor vehicle" includes));

15        (b) A medium-speed electric vehicle as defined in RCW 46.04.295;  
16 and

17        (c) A golf cart for the purposes of chapter 46.61 RCW.

18        (3) "Motor vehicle" excludes:

19        (a) An electric personal assistive mobility device ((is not  
20 considered a motor vehicle.));

21        (b) A power wheelchair ((is not considered a motor vehicle.));

22        (c) A golf cart ((is not considered a motor vehicle)), except  
23 ((for the purposes of chapter 46.61 RCW)) as provided in subsection  
24 (2) of this section;

25        (d) A moped, for the purposes of chapter 46.70 RCW; and

26        (e) A personal delivery device as defined in section 1 of this  
27 act.

28        **Sec. 7.** RCW 46.04.670 and 2011 c 171 s 19 are each amended to  
29 read as follows:

30        (1) "Vehicle" ((includes every)) means a device capable of being  
31 moved upon a public highway and in, upon, or by which any persons or  
32 property is or may be transported or drawn upon a public highway((r  
33 including bicycles)).

34        (2) "Vehicle" ((does not include)) excludes:

35        (a) A power wheelchair((s)) or device((s)) other than a  
36 bicycle((s)) moved by human or animal power or used exclusively upon  
37 stationary rails or tracks((. Mopeds are not considered vehicles or  
38 motor vehicles));

1 (b) A moped, for the purposes of chapter 46.70 RCW(~~(. Bicycles~~  
2 ~~are not considered vehicles));~~

3 (c) A bicycle, for the purposes of chapter 46.12, 46.16A, or  
4 46.70 RCW, or for RCW 82.12.045(~~(-));~~

5 (d) An electric personal assistive mobility device(~~(s are not~~  
6 ~~considered vehicles or motor vehicles)), for the purposes of chapter  
7 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW(~~(-));~~~~

8 (e) A golf cart (~~(is not considered a vehicle))~~, except for the  
9 purposes of chapter 46.61 RCW; and

10 (f) A personal delivery device as defined in section 1 of this  
11 act, except for the purposes of chapter 46.61 RCW.

12 NEW SECTION. Sec. 8. A new section is added to chapter 46.61  
13 RCW to read as follows:

14 For the purposes of this chapter, "personal delivery device" has  
15 the same meaning as in section 1 of this act.

16 **Sec. 9.** RCW 46.61.050 and 1975 c 62 s 18 are each amended to  
17 read as follows:

18 (1) The driver of any vehicle, every bicyclist, and every  
19 pedestrian shall obey, and the operation of every personal delivery  
20 device shall follow, the instructions of any official traffic control  
21 device applicable thereto placed in accordance with the provisions of  
22 this chapter, unless otherwise directed by a traffic or police  
23 officer, subject to the exception granted the driver of an authorized  
24 emergency vehicle in this chapter.

25 (2) No provision of this chapter for which official traffic  
26 control devices are required shall be enforced against an alleged  
27 violator if at the time and place of the alleged violation an  
28 official device is not in proper position and sufficiently legible or  
29 visible to be seen by an ordinarily observant person. Whenever a  
30 particular section does not state that official traffic control  
31 devices are required, such section shall be effective even though no  
32 devices are erected or in place.

33 (3) Whenever official traffic control devices are placed in  
34 position approximately conforming to the requirements of this  
35 chapter, such devices shall be presumed to have been so placed by the  
36 official act or direction of lawful authority, unless the contrary  
37 shall be established by competent evidence.

1 (4) Any official traffic control device placed pursuant to the  
2 provisions of this chapter and purporting to conform to the lawful  
3 requirements pertaining to such devices shall be presumed to comply  
4 with the requirements of this chapter, unless the contrary shall be  
5 established by competent evidence.

6 **Sec. 10.** RCW 46.61.055 and 1993 c 153 s 2 are each amended to  
7 read as follows:

8 Whenever traffic is controlled by traffic control signals  
9 exhibiting different colored lights, or colored lighted arrows,  
10 successively one at a time or in combination, only the colors green,  
11 red and yellow shall be used, except for special pedestrian signals  
12 carrying a word or legend, and said lights shall indicate and apply  
13 to drivers of vehicles (~~and~~), pedestrians, and personal delivery  
14 devices, as follows:

15 (1) Green indication

16 (a) Vehicle operators facing a circular green signal may proceed  
17 straight through or turn right or left unless a sign at such place  
18 prohibits either such turn. Vehicle operators turning right or left  
19 shall stop to allow other vehicles lawfully within the intersection  
20 control area to complete their movements. Vehicle operators turning  
21 right or left shall also stop for pedestrians who or personal  
22 delivery devices that are lawfully within the intersection control  
23 area as required by RCW 46.61.235(1).

24 (b) Vehicle operators facing a green arrow signal, shown alone or  
25 in combination with another indication, may enter the intersection  
26 control area only to make the movement indicated by such arrow, or  
27 such other movement as is permitted by other indications shown at the  
28 same time. Vehicle operators shall stop to allow other vehicles  
29 lawfully within the intersection control area to complete their  
30 movements. Vehicle operators shall also stop for pedestrians who or  
31 personal delivery devices that are lawfully within the intersection  
32 control area as required by RCW 46.61.235(1).

33 (c) Unless otherwise directed by a pedestrian control signal, as  
34 provided in RCW 46.61.060 as now or hereafter amended, pedestrians or  
35 personal delivery devices facing any green signal, except when the  
36 sole green signal is a turn arrow, may proceed across the roadway  
37 within any marked or unmarked crosswalk.

38 (2) Steady yellow indication

1 (a) Vehicle operators facing a steady circular yellow or yellow  
2 arrow signal are thereby warned that the related green movement is  
3 being terminated or that a red indication will be exhibited  
4 immediately thereafter when vehicular traffic shall not enter the  
5 intersection. Vehicle operators shall stop for pedestrians who or  
6 personal delivery devices that are lawfully within the intersection  
7 control area as required by RCW 46.61.235(1).

8 (b) Pedestrians or personal delivery devices facing a steady  
9 circular yellow or yellow arrow signal, unless otherwise directed by  
10 a pedestrian control signal as provided in RCW 46.61.060 shall not  
11 enter the roadway.

12 (3) Steady red indication

13 (a) Vehicle operators facing a steady circular red signal alone  
14 shall stop at a clearly marked stop line, but if none, before  
15 entering the crosswalk on the near side of the intersection or, if  
16 none, then before entering the intersection control area and shall  
17 remain standing until an indication to proceed is shown. However, the  
18 vehicle operators facing a steady circular red signal may, after  
19 stopping proceed to make a right turn from a one-way or two-way  
20 street into a two-way street or into a one-way street carrying  
21 traffic in the direction of the right turn; or a left turn from a  
22 one-way or two-way street into a one-way street carrying traffic in  
23 the direction of the left turn; unless a sign posted by competent  
24 authority prohibits such movement. Vehicle operators planning to make  
25 such turns shall remain stopped to allow other vehicles lawfully  
26 within or approaching the intersection control area to complete their  
27 movements. Vehicle operators planning to make such turns shall also  
28 remain stopped for pedestrians who or personal delivery devices that  
29 are lawfully within the intersection control area as required by RCW  
30 46.61.235(1).

31 (b) Unless otherwise directed by a pedestrian control signal as  
32 provided in RCW 46.61.060 as now or hereafter amended, pedestrians or  
33 personal delivery devices facing a steady circular red signal alone  
34 shall not enter the roadway.

35 (c) Vehicle operators facing a steady red arrow indication may  
36 not enter the intersection control area to make the movement  
37 indicated by such arrow, and unless entering the intersection control  
38 area to make such other movement as is permitted by other indications  
39 shown at the same time, shall stop at a clearly marked stop line, but  
40 if none, before entering a crosswalk on the near side of the

1 intersection control area, or if none, then before entering the  
2 intersection control area and shall remain standing until an  
3 indication to make the movement indicated by such arrow is shown.  
4 However, the vehicle operators facing a steady red arrow indication  
5 may, after stopping proceed to make a right turn from a one-way or  
6 two-way street into a two-way street or into a one-way street  
7 carrying traffic in the direction of the right turn; or a left turn  
8 from a one-way street or two-way street into a one-way street  
9 carrying traffic in the direction of the left turn; unless a sign  
10 posted by competent authority prohibits such movement. Vehicle  
11 operators planning to make such turns shall remain stopped to allow  
12 other vehicles lawfully within or approaching the intersection  
13 control area to complete their movements. Vehicle operators planning  
14 to make such turns shall also remain stopped for pedestrians who or  
15 personal delivery devices that are lawfully within the intersection  
16 control area as required by RCW 46.61.235(1).

17 (d) Unless otherwise directed by a pedestrian signal, pedestrians  
18 or personal delivery devices facing a steady red arrow signal  
19 indication shall not enter the roadway.

20 (4) If an official traffic control signal is erected and  
21 maintained at a place other than an intersection, the provisions of  
22 this section shall be applicable except as to those provisions which  
23 by their nature can have no application. Any stop required shall be  
24 made at a sign or marking on the pavement indicating where the stop  
25 shall be made, but in the absence of any such sign or marking the  
26 stop shall be made at the signal.

27 **Sec. 11.** RCW 46.61.060 and 1993 c 153 s 3 are each amended to  
28 read as follows:

29 Whenever pedestrian control signals exhibiting the words "Walk"  
30 or the walking person symbol or "Don't Walk" or the hand symbol are  
31 operating, the signals shall indicate as follows:

32 (1) WALK or walking person symbol—Pedestrians or personal  
33 delivery devices facing such signal may cross the roadway in the  
34 direction of the signal. Vehicle operators shall stop for pedestrians  
35 who or personal delivery devices that are lawfully moving within the  
36 intersection control area on such signal as required by RCW  
37 46.61.235(1).

38 (2) Steady or flashing DON'T WALK or hand symbol—Pedestrians or  
39 personal delivery devices facing such signal shall not enter the



1 roadway. Vehicle operators shall stop for pedestrians who or personal  
2 delivery devices that have begun to cross the roadway before the  
3 display of either signal as required by RCW 46.61.235(1).

4 (3) Pedestrian control signals having the "Wait" legend in use on  
5 August 6, 1965, shall be deemed authorized signals and shall indicate  
6 the same as the "Don't Walk" legend. Whenever such pedestrian control  
7 signals are replaced the legend "Wait" shall be replaced by the  
8 legend "Don't Walk" or the hand symbol.

9 **Sec. 12.** RCW 46.61.235 and 2010 c 242 s 1 are each amended to  
10 read as follows:

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

20 (2) No pedestrian (~~(or)~~), bicycle, or personal delivery device  
21 shall suddenly leave a curb or other place of safety and walk, run,  
22 or otherwise move into the path of a vehicle which is so close that  
23 it is impossible for the driver to stop.

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

26 (4) Whenever any vehicle is stopped at a marked crosswalk or at  
27 any unmarked crosswalk at an intersection to permit a pedestrian  
28 (~~(or)~~), bicycle, or personal delivery device to cross the roadway,  
29 the driver of any other vehicle approaching from the rear shall not  
30 overtake and pass such stopped vehicle.

31 (5) (a) If a person is found to have committed an infraction under  
32 this section within a school, playground, or crosswalk speed zone  
33 created under RCW 46.61.440, the person must be assessed a monetary  
34 penalty equal to twice the penalty assessed under RCW 46.63.110. The  
35 penalty may not be waived, reduced, or suspended.

36 (b) Fifty percent of the moneys collected under this subsection  
37 must be deposited into the school zone safety account.

1       **Sec. 13.** RCW 46.61.240 and 1990 c 241 s 5 are each amended to  
2 read as follows:

3       (1) Every pedestrian or personal delivery device crossing a  
4 roadway at any point other than within a marked crosswalk or within  
5 an unmarked crosswalk at an intersection shall yield the right-of-way  
6 to all vehicles upon the roadway.

7       (2) Where curb ramps exist at or adjacent to intersections or at  
8 marked crosswalks in other locations, (~~disabled~~) persons with  
9 disabilities or personal delivery devices may enter the roadway from  
10 the curb ramps and cross the roadway within or as closely as  
11 practicable to the crosswalk. All other pedestrian rights and duties  
12 as defined elsewhere in this chapter remain applicable.

13       (3) Any pedestrian crossing a roadway at a point where a  
14 pedestrian tunnel or overhead pedestrian crossing has been provided  
15 shall yield the right-of-way to all vehicles upon the roadway.

16       (4) Between adjacent intersections at which traffic-control  
17 signals are in operation pedestrians shall not cross at any place  
18 except in a marked crosswalk.

19       (5) No pedestrian or personal delivery device shall cross a  
20 roadway intersection diagonally unless authorized by official  
21 traffic-control devices; and, when authorized to cross diagonally,  
22 pedestrians and personal delivery devices shall cross only in  
23 accordance with the official traffic-control devices pertaining to  
24 such crossing movements.

25       (6) No pedestrian or personal delivery device shall cross a  
26 roadway at an unmarked crosswalk where an official sign prohibits  
27 such crossing.

28       **Sec. 14.** RCW 46.61.250 and 1990 c 241 s 6 are each amended to  
29 read as follows:

30       (1) Where sidewalks are provided it is unlawful for any  
31 pedestrian to walk or otherwise move along and upon an adjacent  
32 roadway. Where sidewalks are provided but wheelchair access is not  
33 available, (~~disabled~~) persons with disabilities who require such  
34 access may walk or otherwise move along and upon an adjacent roadway  
35 until they reach an access point in the sidewalk.

36       (2) Where sidewalks are not provided, any pedestrian walking or  
37 otherwise moving along and upon a highway, and any personal delivery  
38 device moving along and upon a highway, shall, when practicable, walk  
39 or move only on the left side of the roadway or its shoulder facing

1 traffic which may approach from the opposite direction and upon  
2 meeting an oncoming vehicle shall move clear of the roadway.

3 **Sec. 15.** RCW 46.61.261 and 2010 c 242 s 3 are each amended to  
4 read as follows:

5 (1) The driver of a vehicle shall yield the right-of-way to any  
6 pedestrian ~~((or))~~, bicycle, or personal delivery device on a  
7 sidewalk. The rider of a bicycle shall yield the right-of-way to a  
8 pedestrian on a sidewalk or crosswalk. A personal delivery device  
9 must yield the right-of-way to a pedestrian or a bicycle on a  
10 sidewalk or crosswalk.

11 (2) (a) If a person is found to have committed an infraction under  
12 this section within a school, playground, or crosswalk speed zone  
13 created under RCW 46.61.440, the person must be assessed a monetary  
14 penalty equal to twice the penalty assessed under RCW 46.63.110. The  
15 penalty may not be waived, reduced, or suspended.

16 (b) Fifty percent of the moneys collected under this subsection  
17 must be deposited into the school zone safety account.

18 **Sec. 16.** RCW 46.61.264 and 1975 c 62 s 42 are each amended to  
19 read as follows:

20 (1) Upon the immediate approach of an authorized emergency  
21 vehicle making use of an audible signal meeting the requirements of  
22 RCW 46.37.380 ~~((subsection))~~ (4) and visual signals meeting the  
23 requirements of RCW 46.37.190, or of a police vehicle meeting the  
24 requirements of RCW 46.61.035 ~~((subsection))~~ (3), every pedestrian  
25 and every personal delivery device shall yield the right-of-way to  
26 the authorized emergency vehicle.

27 (2) This section shall not relieve the driver of an authorized  
28 emergency vehicle from the duty to drive with due regard for the  
29 safety of all persons using the highway nor from the duty to exercise  
30 due care to avoid colliding with any pedestrian or any personal  
31 delivery device.

32 **Sec. 17.** RCW 46.61.269 and 1975 c 62 s 44 are each amended to  
33 read as follows:

34 (1) No pedestrian or personal delivery device shall enter or  
35 remain upon any bridge or approach thereto beyond a bridge signal  
36 gate, or barrier indicating a bridge is closed to through traffic,  
37 after a bridge operation signal indication has been given.

1 (2) No pedestrian or personal delivery device shall pass through,  
2 around, over, or under any crossing gate or barrier at a railroad  
3 grade crossing or bridge while such gate or barrier is closed or is  
4 being opened or closed.

5 **Sec. 18.** RCW 46.61.365 and 1965 ex.s. c 155 s 51 are each  
6 amended to read as follows:

7 The driver of a vehicle within a business or residence district  
8 emerging from an alley, driveway or building shall stop such vehicle  
9 immediately prior to driving onto a sidewalk or onto the sidewalk  
10 area extending across any alleyway or driveway, and shall yield the  
11 right-of-way to any pedestrian or personal delivery device as may be  
12 necessary to avoid collision, and upon entering the roadway shall  
13 yield the right-of-way to all vehicles approaching on said roadway.

14 **Sec. 19.** RCW 46.61.710 and 2018 c 60 s 5 are each amended to  
15 read as follows:

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

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

22 (3) Operation of a moped, electric personal assistive mobility  
23 device, or motorized foot scooter on a fully controlled limited  
24 access highway is unlawful. Operation of a personal delivery device  
25 on any part of a highway other than a sidewalk or crosswalk is  
26 unlawful, except as provided in RCW 46.61.240(2). Operation of a  
27 moped on a sidewalk is unlawful. Operation of a motorized foot  
28 scooter or class 3 electric-assisted bicycle on a sidewalk is  
29 unlawful, unless there is no alternative for a motorized foot scooter  
30 or a class 3 electric-assisted bicycle to travel over a sidewalk as  
31 part of a bicycle or pedestrian path.

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

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

36 (6) Electric-assisted bicycles and motorized foot scooters may  
37 have access to highways of the state to the same extent as bicycles,  
38 subject to RCW 46.61.160.

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

16 (8) Class 3 electric-assisted bicycles may be operated on  
17 facilities that are within or adjacent to a highway. Class 3  
18 electric-assisted bicycles may not be operated on a shared-use path,  
19 except where local jurisdictions may allow the use of class 3  
20 electric-assisted bicycles. State agencies or local jurisdictions may  
21 regulate the use of class 3 electric-assisted bicycles on facilities  
22 and properties under their jurisdiction and control. Local regulation  
23 of the operation of class 3 electric-assisted bicycles, upon a shared  
24 use path designated for the use of bicycles that crosses  
25 jurisdictional boundaries of two or more local jurisdictions, must be  
26 consistent for the entire shared use path in order for the local  
27 regulation to be enforceable; however, this does not apply to local  
28 regulations of a shared use path in effect as of January 1, 2018.

29 (9) Except as otherwise provided in this section, an individual  
30 shall not operate an electric-assisted bicycle on a trail that is  
31 specifically designated as nonmotorized and that has a natural  
32 surface tread that is made by clearing and grading the native soil  
33 with no added surfacing materials. A local authority or agency of  
34 this state having jurisdiction over a trail described in this  
35 subsection may allow the operation of an electric-assisted bicycle on  
36 that trail.

37 (10) Subsections (1) and (4) of this section do not apply to  
38 motorized foot scooters. Subsection (2) of this section applies to  
39 motorized foot scooters when the bicycle path, trail, bikeway,  
40 equestrian trail, or hiking or recreational trail was built or is

1 maintained with federal highway transportation funds. Additionally,  
2 any new trail or bicycle path or readily identifiable existing trail  
3 or bicycle path not built or maintained with federal highway  
4 transportation funds may be used by persons operating motorized foot  
5 scooters only when appropriately signed.

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

13 (12) The use of an EPAMD may be regulated in the following  
14 circumstances:

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

19 (b) A municipality may restrict the speed of an EPAMD in  
20 locations with congested pedestrian or nonmotorized traffic and where  
21 there is significant speed differential between pedestrians or  
22 nonmotorized traffic and EPAMD operators. The areas in this  
23 subsection must be designated by the city engineer or designee of the  
24 municipality. Municipalities shall not restrict the speed of an EPAMD  
25 in the entire community or in areas in which there is infrequent  
26 pedestrian traffic;

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

30 (13) A personal delivery device must give an audible signal  
31 before overtaking and passing a pedestrian or a bicyclist.

32 **Sec. 20.** RCW 81.80.010 and 2009 c 94 s 1 are each reenacted and  
33 amended to read as follows:

34 The definitions set forth in this section apply throughout this  
35 chapter.

36 (1) "Common carrier" means any person who undertakes to transport  
37 property for the general public by motor vehicle for compensation,  
38 whether over regular or irregular routes, or regular or irregular  
39 schedules, including motor vehicle operations of other carriers by

1 rail or water and of express or forwarding companies. "Common  
2 carrier" does not include a personal delivery device or a personal  
3 delivery device operator as those terms are defined in section 1 of  
4 this act.

5 (2) "Contract carrier" includes all motor vehicle operators not  
6 included under the terms "common carrier" and "private carrier" as  
7 defined in this section, and further includes any person who under  
8 special and individual contracts or agreements transports property by  
9 motor vehicle for compensation.

10 (3) "Common carrier" and "contract carrier" includes persons  
11 engaged in the business of providing, contracting for, or undertaking  
12 to provide transportation of property for compensation over the  
13 public highways of the state of Washington as brokers or forwarders.

14 (4) "Exempt carrier" means any person operating a vehicle  
15 exempted under RCW 81.80.040.

16 (5) "Household goods carrier" means a person who transports for  
17 compensation, by motor vehicle within this state, or who advertises,  
18 solicits, offers, or enters into an agreement to transport household  
19 goods as defined by the commission.

20 (6) "Motor carrier" includes "common carrier," "contract  
21 carrier," "private carrier," and "exempt carrier" as defined in this  
22 section.

23 (7) "Motor vehicle" means any truck, trailer, semitrailer,  
24 tractor, dump truck which uses a hydraulic or mechanical device to  
25 dump or discharge its load, or any self-propelled or motor-driven  
26 vehicle used upon any public highway of this state for the purpose of  
27 transporting property, but not including baggage, mail, and express  
28 transported on the vehicles of auto transportation companies carrying  
29 passengers.

30 (8) "Person" includes an individual, firm, copartnership,  
31 corporation, company, or association or their lessees, trustees, or  
32 receivers.

33 (9) A "private carrier" is a person who transports by his or her  
34 own motor vehicle, with or without compensation, property which is  
35 owned or is being bought or sold by the person, or property where the  
36 person is the seller, purchaser, lessee, or bailee and the  
37 transportation is incidental to and in furtherance of some other  
38 primary business conducted by the person in good faith.

39 (10) "Public highway" means every street, road, or highway in  
40 this state.

1 (11) "Vehicle" means every device capable of being moved upon a  
2 public highway and in, upon, or by which any person or property is or  
3 may be transported or drawn upon a public highway, except devices  
4 moved by human or animal power or used exclusively upon stationary  
5 rail or tracks.

6 NEW SECTION. **Sec. 21.** Sections 1 through 5 of this act  
7 constitute a new chapter in Title 46 RCW.

8 NEW SECTION. **Sec. 22.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of  
10 the state government and its existing public institutions, and takes  
11 effect July 1, 2019."

12 Correct the title.

EFFECT: (1) Modifies the definition of a "personal delivery device operator" to mean an employee or agent of an eligible entity who has the capability to control or monitor a personal delivery device, rather than an employee or agent of an eligible entity who exercises active physical control over or monitoring of a personal delivery device;

(2) Removes the provisions that require regulatory oversight by the Utilities and Transportation Commission (UTC) beginning July 1, 2021;

(3) Removes the requirements requiring the approval of a local jurisdiction, prior to July 2021, before an eligible entity may operate a personal delivery device, and removes the manner in which a local jurisdiction might specifically condition the operation of a personal delivery device;

(4) Requires that a personal delivery device be operated in accordance with all the laws and regulations of a jurisdiction that governs the rights-of-way within which a personal delivery device may be operated;

(5) Requires the Department of Licensing to design a self-certification form for eligible entities, to obtain the name and address of the eligible entity and its registered agent; the name of the jurisdiction in which the personal delivery device will operate; an acknowledgment that each personal delivery device will display a unique identification number; an affirmation by the eligible entity that it possesses the required insurance; and a list of any incidents or traffic infractions involving personal delivery devices operated by the eligible entity;

(6) Requires that an eligible entity submit a self-certification form prior to operating a personal delivery device and then annually thereafter;

(7) Clarifies that a personal delivery device and a personal delivery device operator are not within the definition of "common carrier," for the purposes of UTC regulation; and

(8) Removes the restriction that a personal delivery device may not cross a roadway at any point other than within a marked crosswalk



or within an unmarked crosswalk at an intersection, except at curb ramps.

--- END ---