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HOUSE BILL 1116

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State of Washington

66th Legislature

2019 Regular Session

**By** Representatives Lovick and Ryu; by request of Department of Licensing and Washington Traffic Safety Commission

Prefiled 01/11/19. Read first time 01/14/19. Referred to Committee on Transportation.

1 AN ACT Relating to motorcycle safety; amending RCW 46.81A.020,  
2 46.20.510, 46.20.520, and 46.20.500; prescribing penalties; and  
3 providing an effective date.

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

5 **Sec. 1.** RCW 46.81A.020 and 2013 c 33 s 1 are each amended to  
6 read as follows:

7 (1) The director shall administer and enforce the law pertaining  
8 to the motorcycle skills education program as set forth in this  
9 chapter.

10 (2) The director may adopt and enforce reasonable rules that are  
11 consistent with this chapter.

12 (3) The director shall revise the Washington motorcycle safety  
13 program to:

14 (a) Institute separate novice and advanced motorcycle skills  
15 education courses for both two-wheeled and three-wheeled motorcycles  
16 that are each a minimum of eight hours (~~and no more than sixteen~~  
17 ~~hours at a cost, except as provided in subsection (5) of this~~  
18 ~~section, of (i) no more than fifty dollars for Washington state~~  
19 ~~residents under the age of eighteen, and (ii) no more than one~~  
20 ~~hundred twenty-five dollars for Washington state residents who are~~

1 ~~eighteen years of age or older and military personnel of any age~~  
2 ~~stationed in Washington state));~~

3 (b) Encourage the use of loaned or used motorcycles for use in  
4 the motorcycle skills education course if the instructor approves  
5 them;

6 (c) Require all instructors for two-wheeled motorcycles to  
7 conduct at least three classes in a one-year period, and all  
8 instructors for three-wheeled motorcycles to conduct at least one  
9 class in a one-year period, to maintain their teaching eligibility.

10 (4) The department may enter into agreements to review and  
11 certify that a private motorcycle skills education course meets  
12 educational standards equivalent to those required of courses  
13 conducted under the motorcycle skills education program. An agreement  
14 entered into under this subsection must provide that the department  
15 may conduct periodic audits to ensure that educational standards  
16 continue to meet those required for courses conducted under the  
17 motorcycle skills education program, and that the costs of the  
18 review, certification, and audit process will be borne by the party  
19 seeking certification.

20 (5) Subject to the requirements provided in this subsection, the  
21 department must allow private motorcycle skills education programs to  
22 offer motorcycle safety education where students pay the full cost  
23 for the training. After the department has reviewed and certified  
24 that a private motorcycle skills education course proposed under this  
25 subsection meets educational standards equivalent to those offered  
26 under subsection (3)(a) of this section, the department must enter  
27 into an agreement with the private motorcycle skills education  
28 program. An agreement entered into under this subsection must provide  
29 that (a) the department may conduct periodic audits to ensure that  
30 educational standards continue to meet those of other programs  
31 approved by the department, and (b) the costs of the review(~~(7)~~) and  
32 certification(~~(7—and—audit)~~) process will be borne by the program  
33 seeking certification.

34 (6) The department shall obtain and compile information from  
35 applicants for a motorcycle endorsement regarding whether they have  
36 completed a state approved or certified motorcycle skills education  
37 course.

38 **Sec. 2.** RCW 46.20.510 and 2011 c 246 s 1 are each amended to  
39 read as follows:

1           (1) **Motorcycle instruction permit.** A person holding a valid  
2 driver's license who wishes to learn to ride a motorcycle may apply  
3 for a motorcycle instruction permit. The department may issue a  
4 motorcycle instruction permit after the applicant has successfully  
5 passed all (~~parts of the motorcycle examination other than the~~  
6 ~~driving test~~) knowledge and skills examinations required and  
7 approved by the department. The director shall collect a fee of  
8 fifteen dollars for the motorcycle instruction permit or renewal, and  
9 deposit the fee in the motorcycle safety education account of the  
10 highway safety fund.

11           (a) The examination for a two-wheeled motorcycle instruction  
12 permit and the examination for a three-wheeled motorcycle instruction  
13 permit must be separate and distinct examinations.

14           (b) The department may authorize an entity that has entered into  
15 a contract authorized under RCW 46.20.520 to administer the  
16 motorcycle instruction permit examinations.

17           (2) **Effect of motorcycle instruction permit.** A person holding a  
18 motorcycle instruction permit may drive a motorcycle upon the public  
19 highways if the person has immediate possession of the permit and a  
20 valid driver's license. An individual with a motorcyclist's  
21 instruction permit may not carry passengers and may not operate a  
22 motorcycle during the hours of darkness.

23           (3) **Term of motorcycle instruction permit.** A motorcycle  
24 instruction permit is valid for (~~ninety~~) one hundred eighty days  
25 from the date of issue.

26           (a) The department may issue one additional (~~ninety~~) one  
27 hundred eighty-day permit.

28           (~~The department may issue a third motorcycle instruction~~  
29 ~~permit upon presentation of documented evidence that the permittee is~~  
30 ~~enrolled in a motorcycle skills education program as authorized in~~  
31 ~~RCW 46.81A.020 with a class start date prior to the expiration of the~~  
32 ~~third permit.~~) The department may not issue more than (~~three~~) two  
33 motorcycle instruction permits to an applicant within a five-year  
34 period.

35           (4) The director may adopt and enforce reasonable rules that are  
36 consistent with this section.

37           **Sec. 3.** RCW 46.20.520 and 1998 c 245 s 89 are each amended to  
38 read as follows:

1 (1) The director of licensing shall use moneys designated for the  
2 motorcycle safety education account of the highway safety fund to  
3 implement by July 1, 1983, a voluntary motorcycle operator training  
4 and education program. The director may contract with public and  
5 private entities to implement this program.

6 (2) There is created a motorcycle safety education advisory board  
7 to assist the director of licensing in the development of a  
8 motorcycle operator training education program. The board shall  
9 monitor this program following implementation and report to the  
10 director of licensing as necessary with recommendations including,  
11 but not limited to, administration, application, and substance of the  
12 motorcycle operator training and education program.

13 The board shall consist of (~~five~~) seven members appointed by  
14 the director of licensing. (~~Three members of the board, one of whom~~  
15 ~~shall be appointed chairperson, shall be active motorcycle riders or~~  
16 ~~members of nonprofit motorcycle organizations which actively support~~  
17 ~~and promote motorcycle safety education. One member shall be a~~  
18 ~~currently employed Washington state patrol motorcycle officer with at~~  
19 ~~least five years experience and at least one year cumulative~~  
20 ~~experience as a motorcycle officer. One member shall be~~) Two members  
21 of the board must be active motorcycle riders or members of nonprofit  
22 motorcycle organizations that actively support and promote motorcycle  
23 safety education. The remainder of the board must consist of one  
24 representative from each of the following: Washington traffic safety  
25 commission, Washington state patrol, Washington association of  
26 sheriffs and police chiefs, a statewide motorcycle dealer's  
27 association, and a member of the public. The board shall appoint a  
28 chair. The term of appointment shall be two years. The board shall  
29 meet at the call of the director, but not less than two times  
30 annually (~~and not less than five times during its term of~~  
31 ~~appointment~~), and shall receive no compensation for services but  
32 shall be reimbursed for travel expenses while engaged in business of  
33 the board in accordance with RCW 43.03.050 and 43.03.060 as now  
34 existing or hereafter amended.

35 (3) The priorities of the program shall be in the following order  
36 of priority:

37 (a) Public awareness of motorcycle safety.

38 (b) Motorcycle safety education programs conducted by public and  
39 private entities.

40 (c) Classroom and on-cycle training.

1 (d) Improved motorcycle operator testing.

2 **Sec. 4.** RCW 46.20.500 and 2018 c 60 s 4 are each amended to read  
3 as follows:

4 (1) No person may drive either a two-wheeled or a three-wheeled  
5 motorcycle, or a motor-driven cycle unless such person has a valid  
6 driver's license specially endorsed by the director to enable the  
7 holder to drive such vehicles. The monetary base penalty for  
8 violating this subsection is three hundred dollars.

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

13 (3) No driver's license is required for operation of an electric-  
14 assisted bicycle. Persons under sixteen years of age may not operate  
15 a class 3 electric-assisted bicycle.

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

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

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

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

29 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2020.

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