
ENGROSSED SUBSTITUTE HOUSE BILL 1325

State of Washington

66th Legislature

2019 Regular Session

By House Transportation (originally sponsored by Representatives Kloba, Steele, Walen, Fey, and Slatter)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to the regulation of personal delivery devices;
2 amending RCW 46.04.320, 46.04.670, 46.61.050, 46.61.055, 46.61.060,
3 46.61.235, 46.61.240, 46.61.250, 46.61.261, 46.61.264, 46.61.269,
4 46.61.365, and 46.61.710; reenacting and amending RCW 81.80.010;
5 adding a new section to chapter 46.61 RCW; adding a new chapter to
6 Title 46 RCW; prescribing penalties; providing an effective date; and
7 declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires
11 otherwise.

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

13 (2) "Eligible entity" means a corporation, partnership,
14 association, firm, sole proprietorship, or other entity engaged in
15 business.

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

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

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

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

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

7 (d) The device is equipped with automated driving technology,
8 including software and hardware, enabling the operation of the
9 device, with the support and supervision of a remote personal
10 delivery device operator.

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

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

15 (i) With respect to a delivery or other service rendered by a
16 personal delivery device, the person who requests the delivery or
17 service; or

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

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

22 (1) The personal delivery device is operated in accordance with
23 all ordinances, resolutions, rules and regulations established by the
24 jurisdiction governing the rights-of-way within which the personal
25 delivery device is operated;

26 (2) An eligible entity may operate a personal delivery device
27 only upon:

28 (a) Crosswalks; and

29 (b) (i) Sidewalks; or

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

34 (3) A personal delivery device operator is controlling or
35 monitoring the navigation and operation of the personal delivery
36 device;

37 (4) The eligible entity maintains an insurance policy that
38 includes general liability coverage of not less than one hundred
39 thousand dollars for damages arising from the operation of the

1 personal delivery device by the eligible entity and any agent of the
2 eligible entity;

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

9 (6) The eligible entity registers an agent located in Washington
10 state for the purposes of addressing traffic infractions and
11 incidents involving personal delivery devices operated by the
12 eligible entity;

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

17 (8) The personal delivery device is equipped with all of the
18 following:

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

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

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

27 (d) If the personal delivery device is being operated between
28 sunset and sunrise, a light on both the front and rear of the
29 personal delivery device that is visible on all sides of the personal
30 delivery device in clear weather from a distance of at least five
31 hundred feet to the front and rear of the personal delivery device
32 when directly in front of low beams of headlights on a motor vehicle.

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

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

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

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

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

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

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

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

17 NEW SECTION. Sec. 5. A violation of this chapter, or of chapter
18 46.61 RCW by a personal delivery device, is a traffic infraction. The
19 infraction must be issued to a Washington-based registered agent of
20 the eligible entity that operated the personal delivery device at the
21 time the infraction was committed.

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

24 (1) "Motor vehicle" means ((every)) a vehicle that is self-
25 propelled ((and every)) or a vehicle that is propelled by electric
26 power obtained from overhead trolley wires((r)) but not operated upon
27 rails.

28 (2) "Motor vehicle" includes:

29 (a) A neighborhood electric vehicle as defined in RCW
30 46.04.357((. "Motor vehicle" includes));

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

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

34 (3) "Motor vehicle" excludes:

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

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

1 (c) A golf cart ((is not considered a motor vehicle)), except
2 ((for the purposes of chapter 46.61 RCW)) as provided in subsection
3 (2) of this section;
4 (d) A moped, for the purposes of chapter 46.70 RCW; and
5 (e) A personal delivery device as defined in section 1 of this
6 act.

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

9 (1) "Vehicle" ((includes every)) means a device capable of being
10 moved upon a public highway and in, upon, or by which any persons or
11 property is or may be transported or drawn upon a public highway((
12 including bicycles)).

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

14 (a) A power wheelchair((s)) or device((s)) other than a
15 bicycle((s)) moved by human or animal power or used exclusively upon
16 stationary rails or tracks((. Mopeds are not considered vehicles or
17 motor vehicles));

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

20 (c) A bicycle, for the purposes of chapter 46.12, 46.16A, or
21 46.70 RCW, or for RCW 82.12.045((-));

22 (d) An electric personal assistive mobility device((s are not
23 considered vehicles or motor vehicles)), for the purposes of chapter
24 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW((-));

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

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

29 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.61
30 RCW to read as follows:

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

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

35 (1) The driver of any vehicle, every bicyclist, and every
36 pedestrian shall obey, and the operation of every personal delivery
37 device shall follow, the instructions of any official traffic control

1 device applicable thereto placed in accordance with the provisions of
2 this chapter, unless otherwise directed by a traffic or police
3 officer, subject to the exception granted the driver of an authorized
4 emergency vehicle in this chapter.

5 (2) No provision of this chapter for which official traffic
6 control devices are required shall be enforced against an alleged
7 violator if at the time and place of the alleged violation an
8 official device is not in proper position and sufficiently legible or
9 visible to be seen by an ordinarily observant person. Whenever a
10 particular section does not state that official traffic control
11 devices are required, such section shall be effective even though no
12 devices are erected or in place.

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

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

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

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

32 (1) Green indication

33 (a) Vehicle operators facing a circular green signal may proceed
34 straight through or turn right or left unless a sign at such place
35 prohibits either such turn. Vehicle operators turning right or left
36 shall stop to allow other vehicles lawfully within the intersection
37 control area to complete their movements. Vehicle operators turning
38 right or left shall also stop for pedestrians who or personal

1 delivery devices that are lawfully within the intersection control
2 area as required by RCW 46.61.235(1).

3 (b) Vehicle operators facing a green arrow signal, shown alone or
4 in combination with another indication, may enter the intersection
5 control area only to make the movement indicated by such arrow, or
6 such other movement as is permitted by other indications shown at the
7 same time. Vehicle operators shall stop to allow other vehicles
8 lawfully within the intersection control area to complete their
9 movements. Vehicle operators shall also stop for pedestrians who or
10 personal delivery devices that are lawfully within the intersection
11 control area as required by RCW 46.61.235(1).

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

17 (2) Steady yellow indication

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

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

29 (3) Steady red indication

30 (a) Vehicle operators facing a steady circular red signal alone
31 shall stop at a clearly marked stop line, but if none, before
32 entering the crosswalk on the near side of the intersection or, if
33 none, then before entering the intersection control area and shall
34 remain standing until an indication to proceed is shown. However, the
35 vehicle operators facing a steady circular red signal may, after
36 stopping proceed to make a right turn from a one-way or two-way
37 street into a two-way street or into a one-way street carrying
38 traffic in the direction of the right turn; or a left turn from a
39 one-way or two-way street into a one-way street carrying traffic in
40 the direction of the left turn; unless a sign posted by competent

1 authority prohibits such movement. Vehicle operators planning to make
2 such turns shall remain stopped to allow other vehicles lawfully
3 within or approaching the intersection control area to complete their
4 movements. Vehicle operators planning to make such turns shall also
5 remain stopped for pedestrians who or personal delivery devices that
6 are lawfully within the intersection control area as required by RCW
7 46.61.235(1).

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

12 (c) Vehicle operators facing a steady red arrow indication may
13 not enter the intersection control area to make the movement
14 indicated by such arrow, and unless entering the intersection control
15 area to make such other movement as is permitted by other indications
16 shown at the same time, shall stop at a clearly marked stop line, but
17 if none, before entering a crosswalk on the near side of the
18 intersection control area, or if none, then before entering the
19 intersection control area and shall remain standing until an
20 indication to make the movement indicated by such arrow is shown.
21 However, the vehicle operators facing a steady red arrow indication
22 may, after stopping proceed to make a right turn from a one-way or
23 two-way street into a two-way street or into a one-way street
24 carrying traffic in the direction of the right turn; or a left turn
25 from a one-way street or two-way street into a one-way street
26 carrying traffic in the direction of the left turn; unless a sign
27 posted by competent authority prohibits such movement. Vehicle
28 operators planning to make such turns shall remain stopped to allow
29 other vehicles lawfully within or approaching the intersection
30 control area to complete their movements. Vehicle operators planning
31 to make such turns shall also remain stopped for pedestrians who or
32 personal delivery devices that are lawfully within the intersection
33 control area as required by RCW 46.61.235(1).

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

37 (4) If an official traffic control signal is erected and
38 maintained at a place other than an intersection, the provisions of
39 this section shall be applicable except as to those provisions which
40 by their nature can have no application. Any stop required shall be

1 made at a sign or marking on the pavement indicating where the stop
2 shall be made, but in the absence of any such sign or marking the
3 stop shall be made at the signal.

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

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

9 (1) WALK or walking person symbol—Pedestrians or personal
10 delivery devices facing such signal may cross the roadway in the
11 direction of the signal. Vehicle operators shall stop for pedestrians
12 who or personal delivery devices that are lawfully moving within the
13 intersection control area on such signal as required by RCW
14 46.61.235(1).

15 (2) Steady or flashing DON'T WALK or hand symbol—Pedestrians or
16 personal delivery devices facing such signal shall not enter the
17 roadway. Vehicle operators shall stop for pedestrians who or personal
18 delivery devices that have begun to cross the roadway before the
19 display of either signal as required by RCW 46.61.235(1).

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

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

27 (1) The operator of an approaching vehicle shall stop and remain
28 stopped to allow a pedestrian ((~~or~~)), bicycle, or personal delivery
29 device to cross the roadway within an unmarked or marked crosswalk
30 when the pedestrian ((~~or~~)), bicycle, or personal delivery device is
31 upon or within one lane of the half of the roadway upon which the
32 vehicle is traveling or onto which it is turning. For purposes of
33 this section "half of the roadway" means all traffic lanes carrying
34 traffic in one direction of travel, and includes the entire width of
35 a one-way roadway.

36 (2) No pedestrian ((~~or~~)), bicycle, or personal delivery device
37 shall suddenly leave a curb or other place of safety and walk, run,

1 or otherwise move into the path of a vehicle which is so close that
2 it is impossible for the driver to stop.

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

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

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

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

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

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

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

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

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

35 (5) No pedestrian or personal delivery device shall cross a
36 roadway intersection diagonally unless authorized by official
37 traffic-control devices; and, when authorized to cross diagonally,
38 pedestrians and personal delivery devices shall cross only in

1 accordance with the official traffic-control devices pertaining to
2 such crossing movements.

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

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

8 (1) Where sidewalks are provided it is unlawful for any
9 pedestrian to walk or otherwise move along and upon an adjacent
10 roadway. Where sidewalks are provided but wheelchair access is not
11 available, (~~disabled~~) persons with disabilities who require such
12 access may walk or otherwise move along and upon an adjacent roadway
13 until they reach an access point in the sidewalk.

14 (2) Where sidewalks are not provided, any pedestrian walking or
15 otherwise moving along and upon a highway, and any personal delivery
16 device moving along and upon a highway, shall, when practicable, walk
17 or move only on the left side of the roadway or its shoulder facing
18 traffic which may approach from the opposite direction and upon
19 meeting an oncoming vehicle shall move clear of the roadway.

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

22 (1) The driver of a vehicle shall yield the right-of-way to any
23 pedestrian (~~or~~), bicycle, or personal delivery device on a
24 sidewalk. The rider of a bicycle shall yield the right-of-way to a
25 pedestrian on a sidewalk or crosswalk. A personal delivery device
26 must yield the right-of-way to a pedestrian or a bicycle on a
27 sidewalk or crosswalk.

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (3) Operation of a moped, electric personal assistive mobility
5 device, or motorized foot scooter on a fully controlled limited
6 access highway is unlawful. Operation of a personal delivery device
7 on any part of a highway other than a sidewalk or crosswalk is
8 unlawful, except as provided in RCW 46.61.240(2). Operation of a
9 moped on a sidewalk is unlawful. Operation of a motorized foot
10 scooter or class 3 electric-assisted bicycle on a sidewalk is
11 unlawful, unless there is no alternative for a motorized foot scooter
12 or a class 3 electric-assisted bicycle to travel over a sidewalk as
13 part of a bicycle or pedestrian path.

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

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

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

21 (7) Subject to subsection (10) of this section, class 1 and class
22 2 electric-assisted bicycles and motorized foot scooters may be
23 operated on a shared-use path or any part of a highway designated for
24 the use of bicycles, but local jurisdictions or state agencies may
25 restrict or otherwise limit the access of electric-assisted bicycles
26 and motorized foot scooters, and local jurisdictions or state
27 agencies may regulate the use of class 1 and class 2 electric-
28 assisted bicycles and motorized foot scooters on facilities and
29 properties under their jurisdiction and control. Local regulation of
30 the operation of class 1 or class 2 electric-assisted bicycles, upon
31 a shared use path designated for the use of bicycles that crosses
32 jurisdictional boundaries of two or more local jurisdictions, must be
33 consistent for the entire shared use path in order for the local
34 regulation to be enforceable; however, this does not apply to local
35 regulations of a shared use path in effect as of January 1, 2018.

36 (8) Class 3 electric-assisted bicycles may be operated on
37 facilities that are within or adjacent to a highway. Class 3
38 electric-assisted bicycles may not be operated on a shared-use path,
39 except where local jurisdictions may allow the use of class 3
40 electric-assisted bicycles. State agencies or local jurisdictions may

1 regulate the use of class 3 electric-assisted bicycles on facilities
2 and properties under their jurisdiction and control. Local regulation
3 of the operation of class 3 electric-assisted bicycles, upon a shared
4 use path designated for the use of bicycles that crosses
5 jurisdictional boundaries of two or more local jurisdictions, must be
6 consistent for the entire shared use path in order for the local
7 regulation to be enforceable; however, this does not apply to local
8 regulations of a shared use path in effect as of January 1, 2018.

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

17 (10) Subsections (1) and (4) of this section do not apply to
18 motorized foot scooters. Subsection (2) of this section applies to
19 motorized foot scooters when the bicycle path, trail, bikeway,
20 equestrian trail, or hiking or recreational trail was built or is
21 maintained with federal highway transportation funds. Additionally,
22 any new trail or bicycle path or readily identifiable existing trail
23 or bicycle path not built or maintained with federal highway
24 transportation funds may be used by persons operating motorized foot
25 scooters only when appropriately signed.

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

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

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

39 (b) A municipality may restrict the speed of an EPAMD in
40 locations with congested pedestrian or nonmotorized traffic and where

1 there is significant speed differential between pedestrians or
2 nonmotorized traffic and EPAMD operators. The areas in this
3 subsection must be designated by the city engineer or designee of the
4 municipality. Municipalities shall not restrict the speed of an EPAMD
5 in the entire community or in areas in which there is infrequent
6 pedestrian traffic;

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

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

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

14 The definitions set forth in this section apply throughout this
15 chapter.

16 (1) "Common carrier" means any person who undertakes to transport
17 property for the general public by motor vehicle for compensation,
18 whether over regular or irregular routes, or regular or irregular
19 schedules, including motor vehicle operations of other carriers by
20 rail or water and of express or forwarding companies. "Common
21 carrier" does not include a personal delivery device or a personal
22 delivery device operator as those terms are defined in section 1 of
23 this act.

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

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

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

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

1 (6) "Motor carrier" includes "common carrier," "contract
2 carrier," "private carrier," and "exempt carrier" as defined in this
3 section.

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

11 (8) "Person" includes an individual, firm, copartnership,
12 corporation, company, or association or their lessees, trustees, or
13 receivers.

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

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

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

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

29 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of
31 the state government and its existing public institutions, and takes
32 effect July 1, 2019.

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