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**SUBSTITUTE HOUSE BILL 1772**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Transportation (originally sponsored by Representatives Macri, Chambers, Fitzgibbon, Irwin, and Shewmake)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to motorized foot scooters; amending RCW  
2 46.04.336, 46.04.670, and 46.61.710; and adding a new section to  
3 chapter 46.61 RCW.

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

5 **Sec. 1.** RCW 46.04.336 and 2009 c 275 s 3 are each amended to  
6 read as follows:

7 "Motorized foot scooter" means a device with (~~no more than~~) two  
8 (~~ten-inch or smaller diameter~~) or three wheels that has handlebars,  
9 (~~is designed to~~) a floorboard that can be stood upon (~~by the~~  
10 ~~operator~~) while riding, and is powered by an internal combustion  
11 engine or electric motor that (~~is capable of propelling the device~~  
12 ~~with or without human propulsion at a speed no more~~) has a maximum  
13 speed of no greater than twenty miles per hour on level ground.

14 For purposes of this section, a motor-driven cycle, a moped, an  
15 electric-assisted bicycle, or a motorcycle is not a motorized foot  
16 scooter.

17 **Sec. 2.** RCW 46.04.670 and 2011 c 171 s 19 are each amended to  
18 read as follows:

19 "Vehicle" includes every device capable of being moved upon a  
20 public highway and in, upon, or by which any persons or property is

1 or may be transported or drawn upon a public highway, including  
2 bicycles. "Vehicle" does not include power wheelchairs or devices  
3 other than bicycles moved by human or animal power or used  
4 exclusively upon stationary rails or tracks. Mopeds are not  
5 considered vehicles or motor vehicles for the purposes of chapter  
6 46.70 RCW. Bicycles and motorized foot scooters are not considered  
7 vehicles for the purposes of chapter 46.12, 46.16A, or 46.70 RCW or  
8 RCW 82.12.045. Electric personal assistive mobility devices and  
9 motorized foot scooters are not considered vehicles or motor vehicles  
10 for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70  
11 RCW. A golf cart is not considered a vehicle, except for the purposes  
12 of chapter 46.61 RCW.

13 **Sec. 3.** RCW 46.61.710 and 2018 c 60 s 5 are each amended to read  
14 as follows:

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

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

21 (3) Operation of a moped, electric personal assistive mobility  
22 device, or motorized foot scooter on a fully controlled limited  
23 access highway is unlawful. Operation of a moped on a sidewalk is  
24 unlawful. Operation of a motorized foot scooter or class 3 electric-  
25 assisted bicycle on a sidewalk is unlawful, unless there is no  
26 alternative for a motorized foot scooter or a class 3 electric-  
27 assisted bicycle to travel over a sidewalk as part of a bicycle or  
28 pedestrian path.

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

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

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

37 (7) Subject to subsection (10) of this section, class 1 and class  
38 2 electric-assisted bicycles and motorized foot scooters may be  
39 operated on a shared-use path or any part of a highway designated for

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

13 (8) Class 3 electric-assisted bicycles may be operated on  
14 facilities that are within or adjacent to a highway. Class 3  
15 electric-assisted bicycles may not be operated on a shared-use path,  
16 except where local jurisdictions may allow the use of class 3  
17 electric-assisted bicycles. State agencies or local jurisdictions may  
18 regulate the use of class 3 electric-assisted bicycles on facilities  
19 and properties under their jurisdiction and control. Local regulation  
20 of the operation of class 3 electric-assisted bicycles, upon a shared  
21 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 (9) Except as otherwise provided in this section, an individual  
27 shall not operate an electric-assisted bicycle on a trail that is  
28 specifically designated as nonmotorized and that has a natural  
29 surface tread that is made by clearing and grading the native soil  
30 with no added surfacing materials. A local authority or agency of  
31 this state having jurisdiction over a trail described in this  
32 subsection may allow the operation of an electric-assisted bicycle on  
33 that trail.

34 (10) Subsections (1) and (4) of this section do not apply to  
35 motorized foot scooters. Subsection (2) of this section applies to  
36 motorized foot scooters when the bicycle path, trail, bikeway,  
37 equestrian trail, or hiking or recreational trail was built or is  
38 maintained with federal highway transportation funds. Additionally,  
39 any new trail or bicycle path or readily identifiable existing trail  
40 or bicycle path not built or maintained with federal highway

1 transportation funds may be used by persons operating motorized foot  
2 scooters only when appropriately signed.

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

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

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

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

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

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.61  
28 RCW to read as follows:

29 (1) A local authority may regulate the operation of motorized  
30 foot scooters and shared scooters within its jurisdiction including,  
31 but not limited to, by:

32 (a) Requiring scooter share operators to pay fees;

33 (b) Requiring scooter share operators to indemnify the local  
34 authority for claims, demands, costs including reasonable attorneys'  
35 fees, losses, or damages, brought against the local authority and  
36 arising out of any negligent act, error, omission, or willful  
37 misconduct by the scooter share operator or its officers and/or  
38 employees, except to the extent that such claims, demands, costs,  
39 losses, or damages arise out of the local authority's negligence;

1 (c) Requiring that shared scooters be staged in a manner  
2 compliant with the Americans with disabilities act, to ensure clear  
3 passage of pedestrian traffic on sidewalks;

4 (d) Adopting and assessing penalties for moving or parking  
5 violations involving shared scooters to the person responsible for  
6 such violation, which shall not exceed penalties assessed to riders  
7 of bicycles.

8 (2) For the purposes of this section:

9 (a) "Scooter share operator" means a person offering shared  
10 scooters for hire. All scooter share operators must carry the  
11 following insurance coverage:

12 (i) Commercial general liability insurance coverage with a limit  
13 of at least one million dollars for each occurrence and five million  
14 dollars aggregate; and

15 (ii) Automobile liability insurance coverage with a combined  
16 single limit of at least one million dollars.

17 (b) "Scooter share program" means the offering of shared scooters  
18 for hire.

19 (c) "Shared scooter" means any motorized foot scooter offered for  
20 hire. All shared scooters must bear a single unique alphanumeric  
21 identification visible from a distance of five feet, which shall be  
22 used throughout the state, including by local authorities, to  
23 identify the shared scooter.

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