
HOUSE BILL 2862

State of Washington

66th Legislature

2020 Regular Session

By Representative Orcutt

Read first time 01/27/20. Referred to Committee on Transportation.

1 AN ACT Relating to modifying the meaning of motorcycle to include
2 other steering mechanisms; and amending RCW 46.04.330, 46.61.688,
3 46.37.530, and 47.36.025.

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

5 **Sec. 1.** RCW 46.04.330 and 2013 c 174 s 1 are each amended to
6 read as follows:

7 "Motorcycle" means a motor vehicle designed to travel on not more
8 than three wheels, not including any stabilizing conversion kits, on
9 which the driver:

10 (1) Rides on a seat or saddle and the motor vehicle is designed
11 to be steered with a handlebar; or

12 (2) Rides on a seat in a partially or completely enclosed seating
13 area that is equipped with safety belts and the motor vehicle is
14 designed to be steered with a steering wheel or handlebar.

15 "Motorcycle" excludes a farm tractor, a power wheelchair, an
16 electric personal assistive mobility device, a motorized foot
17 scooter, an electric-assisted bicycle, and a moped.

18 **Sec. 2.** RCW 46.61.688 and 2019 c 173 s 1 are each amended to
19 read as follows:

20 (1) For the purposes of this section, "motor vehicle" includes:

1 (a) "Buses," meaning motor vehicles with motive power, except
2 trailers, designed to carry more than ten passengers;

3 (b) "Medium-speed electric vehicle," meaning a self-propelled,
4 electrically powered four-wheeled motor vehicle, equipped with a roll
5 cage or crush-proof body design, whose speed attainable in one mile
6 is more than thirty miles per hour but not more than thirty-five
7 miles per hour and otherwise meets or exceeds the federal regulations
8 set forth in 49 C.F.R. Sec. 571.500;

9 (c) "Motorcycle," meaning a three-wheeled motor vehicle that is
10 designed (i) so that the driver rides on a seat in a partially or
11 completely enclosed seating area that is equipped with safety belts
12 and (ii) to be steered with a steering wheel or handlebar;

13 (d) "Multipurpose passenger vehicles," meaning motor vehicles
14 with motive power, except trailers, designed to carry ten persons or
15 less that are constructed either on a truck chassis or with special
16 features for occasional off-road operation;

17 (e) "Neighborhood electric vehicle," meaning a self-propelled,
18 electrically powered four-wheeled motor vehicle whose speed
19 attainable in one mile is more than twenty miles per hour and not
20 more than twenty-five miles per hour and conforms to federal
21 regulations under 49 C.F.R. Sec. 571.500;

22 (f) "Passenger cars," meaning motor vehicles with motive power,
23 except multipurpose passenger vehicles, motorcycles, or trailers,
24 designed for carrying ten passengers or less; and

25 (g) "Trucks," meaning motor vehicles with motive power, except
26 trailers, designed primarily for the transportation of property.

27 (2)(a) This section only applies to:

28 (i) Motor vehicles that meet the manual seat belt safety
29 standards as set forth in 49 C.F.R. Sec. 571.208;

30 (ii) Motorcycles, when equipped with safety belts that meet the
31 standards set forth in 49 C.F.R. Part 571; and

32 (iii) Neighborhood electric vehicles and medium-speed electric
33 vehicles that meet the seat belt standards as set forth in 49 C.F.R.
34 Sec. 571.500.

35 (b) This section does not apply to a vehicle occupant for whom no
36 safety belt is available when all designated seating positions as
37 required under 49 C.F.R. Part 571 are occupied.

38 (3) Every person sixteen years of age or older operating or
39 riding in a motor vehicle shall wear the safety belt assembly in a
40 properly adjusted and securely fastened manner.

1 (4) No person may operate a motor vehicle unless all child
2 passengers under the age of sixteen years are either: (a) Wearing a
3 safety belt assembly or (b) are securely fastened into an approved
4 child restraint device.

5 (5) A person violating this section shall be issued a notice of
6 traffic infraction under chapter 46.63 RCW. A finding that a person
7 has committed a traffic infraction under this section shall be
8 contained in the driver's abstract but shall not be available to
9 insurance companies or employers.

10 (6) Failure to comply with the requirements of this section does
11 not constitute negligence, nor may failure to wear a safety belt
12 assembly be admissible as evidence of negligence in any civil action.

13 (7) This section does not apply to an operator or passenger,
14 except for an operator or passenger operating a commercial motor
15 vehicle as defined in RCW 46.32.005, who possesses written
16 verification from a licensed physician that the operator or passenger
17 is unable to wear a safety belt for physical or medical reasons.

18 (8) The state patrol may adopt rules exempting operators or
19 occupants of farm vehicles, construction equipment, and vehicles that
20 are required to make frequent stops from the requirement of wearing
21 safety belts.

22 **Sec. 3.** RCW 46.37.530 and 2009 c 275 s 5 are each amended to
23 read as follows:

24 (1) It is unlawful:

25 (a) For any person to operate a motorcycle, moped, or motor-
26 driven cycle not equipped with mirrors on the left and right sides
27 which shall be so located as to give the driver a complete view of
28 the highway for a distance of at least two hundred feet to the rear
29 of the motorcycle, moped, or motor-driven cycle: PROVIDED, That
30 mirrors shall not be required on any motorcycle or motor-driven cycle
31 over twenty-five years old originally manufactured without mirrors
32 and which has been restored to its original condition and which is
33 being ridden to or from or otherwise in conjunction with an antique
34 or classic motorcycle contest, show, or other such assemblage:
35 PROVIDED FURTHER, That no mirror is required on any motorcycle
36 manufactured prior to January 1, 1931;

37 (b) For any person to operate a motorcycle, moped, or motor-
38 driven cycle which does not have a windshield unless wearing glasses,

1 goggles, or a face shield of a type conforming to rules adopted by
2 the state patrol;

3 (c) For any person to operate or ride upon a motorcycle, motor-
4 driven cycle, or moped on a state highway, county road, or city
5 street unless wearing upon his or her head a motorcycle helmet except
6 when the vehicle is an antique motor-driven cycle or when the vehicle
7 is equipped with all of the following:

8 (i) Steering wheel or handlebar;

9 (ii) Seat belts that conform to standards prescribed under 49
10 C.F.R. Part 571; and

11 (iii) Partially or completely enclosed seating area for the
12 driver and passenger that is certified by the manufacturer as meeting
13 the standards prescribed under 49 C.F.R. Sec. 571.216.

14 The motorcycle helmet neck or chin strap must be fastened
15 securely while the motorcycle, moped, or motor-driven cycle is in
16 motion. Persons operating electric-assisted bicycles and motorized
17 foot scooters shall comply with all laws and regulations related to
18 the use of bicycle helmets;

19 (d) For any person to transport a child under the age of five on
20 a motorcycle or motor-driven cycle;

21 (e) For any person to sell or offer for sale a motorcycle helmet
22 that does not meet the requirements established by this section.

23 (2) The state patrol may adopt and amend rules concerning
24 standards for glasses, goggles, and face shields.

25 (3) For purposes of this section, "motorcycle helmet" means a
26 protective covering for the head consisting of a hard outer shell,
27 padding adjacent to and inside the outer shell, and a neck or chin
28 strap type retention system, with the manufacturer's certification
29 applied in accordance with 49 C.F.R. Sec. 571.218 indicating that the
30 motorcycle helmet meets standards established by the United States
31 department of transportation.

32 **Sec. 4.** RCW 47.36.025 and 2009 c 275 s 10 are each amended to
33 read as follows:

34 (1) For the purposes of this section:

35 (a) "Arterial" means a public road or highway that is designated
36 or qualifies as a principal or minor arterial under a state or local
37 law, ordinance, regulation, or plan.

38 (b) "Bicycle" means a human-powered vehicle with metallic wheels
39 at least sixteen inches in diameter or with metallic braking strips

1 and metallic components, not necessarily including the frame or fork,
2 which may be lawfully ridden on a public road or highway.

3 (c) "Bicycle route" means a route (i) that is designated as a
4 route for bicycle use in a state or local law, ordinance, rule, or
5 plan, or (ii) that provides bicycle access to urban areas that are
6 not reasonably and conveniently accessible through other bicycle
7 routes. The level of existing or projected use by bicyclists is a
8 factor to consider in determining whether a bicycle route provides
9 access that is not reasonably and conveniently available from other
10 bicycle routes. An intersection that provides necessary linkages in a
11 bicycle route or between routes is considered a part of the bicycle
12 route or routes.

13 (d) "Design complete" means that all major design work for a new
14 vehicle-activated traffic control signal has been completed and that
15 the funding necessary for complete construction of the vehicle-
16 activated traffic control signal has been firmly secured.

17 (e) "Existing vehicle-activated traffic control signal" means a
18 vehicle-activated traffic control signal that is in use or design
19 complete on or before July 26, 2009.

20 (f) (i) "Motorcycle" means a motor vehicle designed to travel on
21 not more than three wheels in contact with the ground, on which the
22 driver:

23 (A) Rides on a seat or saddle and the motor vehicle is designed
24 to be steered with a handle bar; or

25 (B) Rides on a seat in a partially or completely enclosed seating
26 area that is equipped with safety belts and the motor vehicle is
27 designed to be steered with a steering wheel or handlebar.

28 (ii) "Motorcycle" excludes a farm tractor, a power wheelchair, an
29 electric personal assistive mobility device, a motorized foot
30 scooter, an electric-assisted bicycle, and a moped.

31 (g) "Restricted right turn lane" means a right turn only lane
32 where a right turn is not allowed after stopping but only upon a
33 green signal.

34 (h) "Routinely and reliably detect motorcycles and bicycles"
35 means that the detection equipment at a vehicle-activated traffic
36 control signal is capable of detecting and will reliably detect a
37 motorcycle or bicycle (i) when the motorcycle or bicycle is present
38 immediately before a stop line or crosswalk in the center of a lane
39 at an intersection or road entrance to such an intersection, or (ii)
40 when the motorcycle or bicycle is present at marked detection areas.

1 (i) "Vehicle-activated traffic control signal" means a traffic
2 control signal on a public road or highway that detects the presence
3 of a vehicle as a means to change a signal phase.

4 (2) During routine maintenance or monitoring activities, but
5 subject to the availability of funds:

6 (a) All existing vehicle-activated traffic control signals that
7 do not currently routinely and reliably detect motorcycles and
8 bicycles must be adjusted to do so to the extent that the existing
9 equipment is capable consistent with safe traffic control. Priority
10 must be given to existing vehicle-activated traffic control signals
11 for which complaints relating to motorcycle or bicycle detection have
12 been received and existing vehicle-activated traffic control signals
13 that are otherwise identified as a detection problem for
14 motorcyclists or bicyclists, or both. Jurisdictions operating
15 existing vehicle-activated traffic control signals shall establish
16 and publicize a procedure for filing these complaints in writing or
17 by email, and maintain a record of these complaints and responses;
18 and

19 (b) Where motorcycle and bicycle detection is limited to certain
20 areas other than immediately before the stop line or crosswalk in the
21 center of a lane at an existing vehicle-activated traffic control
22 signal, those detection areas must be clearly marked on the pavement
23 at left turn lanes, through lanes, and limited right turn lanes.
24 These detection areas must also be marked to allow a bicyclist to
25 leave a bicycle lane to enter a detection area, if necessary, to
26 cross an intersection. Pavement markings must be consistent with the
27 standards described in the state of Washington's "Manual on Uniform
28 Traffic Control Devices for Streets and Highways" obtainable from the
29 department of transportation.

30 (3) (a) If at least a substantial portion of detection equipment
31 at an existing vehicle-activated traffic control signal on an
32 arterial or bicycle route is scheduled to be replaced or upgraded,
33 the replaced or upgraded detection equipment must routinely and
34 reliably detect motorcycles and bicycles. For purposes of this
35 subsection (3) (a), "substantial portion" means that the proposed
36 replacement or upgrade will cost more than twenty percent of the cost
37 of full replacement or upgraded detection equipment that would
38 routinely and reliably detect motorcycles and bicycles.

39 (b) If at least a substantial portion of detection equipment at
40 an existing vehicle-activated traffic control signal on a public road

1 or highway that is not an arterial or bicycle route is scheduled to
2 be replaced or upgraded, the replaced or upgraded detection equipment
3 must routinely and reliably detect motorcycles and bicycles. For
4 purposes of this subsection (3)(b), "substantial portion" means that
5 the proposed replacement or upgrade will cost more than fifty percent
6 of the cost of full replacement or upgraded detection equipment that
7 would routinely and reliably detect motorcycles and bicycles.

8 (4) All vehicle-activated traffic control signals that are design
9 complete and put in operation after July 26, 2009, must be designed
10 and operated, when in use, to routinely and reliably detect
11 motorcycles and bicycles, including the detection of bicycles in
12 bicycle lanes that cross an intersection.

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