

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 1772**

66th Legislature  
2019 Regular Session

Passed by the House April 18, 2019  
Yeas 80 Nays 14

---

**Speaker of the House of Representatives**

Passed by the Senate April 12, 2019  
Yeas 35 Nays 7

---

**President of the Senate**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1772** as passed by the House of Representatives and the Senate on the dates hereon set forth.

---

**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

---

ENGROSSED SUBSTITUTE HOUSE BILL 1772

---

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

**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, 46.61.710, and 46.20.500; and adding a new  
3 section to 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, or if authorized by local ordinance, as provided in  
29 section 5 of this act.

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

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

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

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, and rights-of-way under their jurisdiction and control.  
7 Local regulation of the operation of class 1 or class 2 electric-  
8 assisted bicycles, upon a shared use path designated for the use of  
9 bicycles that crosses jurisdictional boundaries of two or more local  
10 jurisdictions, must be consistent for the entire shared use path in  
11 order for the local regulation to be enforceable; however, this does  
12 not apply to local regulations of a shared use path in effect as of  
13 January 1, 2018.

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

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

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

1 or bicycle path not built or maintained with federal highway  
2 transportation funds may be used by persons operating motorized foot  
3 scooters only when (~~appropriately~~) signed to allow motorized foot  
4 scooter use.

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

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

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

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

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

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

31 (1) No person may drive either a two-wheeled or a three-wheeled  
32 motorcycle, or a motor-driven cycle unless such person has a valid  
33 driver's license specially endorsed by the director to enable the  
34 holder to drive such vehicles.

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

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

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

6 (5) No driver's license is required to operate a motorized foot  
7 scooter. Motorized foot scooters may not be operated at any time from  
8 a half hour after sunset to a half hour before sunrise without  
9 reflectors of a type approved by the state patrol. Persons under  
10 sixteen years of age may not operate a motorized foot scooter unless  
11 provided otherwise by a local jurisdiction. A motorized foot scooter  
12 may be operated at a speed of up to fifteen miles per hour on a  
13 roadway or bicycle lane, and may be operated on a sidewalk or on  
14 pedestrian or bicycle trails if authorized by a local jurisdiction,  
15 which shall specify the maximum speed of such sidewalk operation.

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

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

23 NEW SECTION. Sec. 5. A new section is added to chapter 46.61  
24 RCW to read as follows:

25 (1) A local authority may regulate the operation of motorized  
26 foot scooters and shared scooters within its jurisdiction which may  
27 include, but is not limited to, the following:

28 (a) Determining if shared scooters may be operated within the  
29 local authority's jurisdiction, and if allowed, where they may be  
30 operated;

31 (b) Requiring scooter share programs to pay reasonable fees and  
32 taxes;

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

36 (d) Adopting and assessing penalties for moving or parking  
37 violations involving shared scooters to the person responsible for  
38 such violation.

1 (2) A contract offered by a scooter share program to a  
2 prospective scooter share contractor must make the following written  
3 disclosures to a prospective scooter share contractor:

4 WHILE YOU ARE LOCATING AND RETURNING SCOOTERS, PROVIDING  
5 TRANSPORT, BATTERY CHARGE, OR REPAIR SERVICES, YOU MAY BE ENGAGED IN  
6 COMMERCIAL ACTIVITY. YOUR PRIVATE PASSENGER AUTOMOBILE, HOMEOWNERS,  
7 CONDOMINIUM, OR RENTERS INSURANCE POLICIES MIGHT NOT PROVIDE COVERAGE  
8 FOR YOU, DEPENDING ON THE TERMS OF YOUR POLICY.

9 (3) For the purposes of this section:

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

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

16 (ii) Automobile liability insurance coverage with a combined  
17 single limit of at least one million dollars; and

18 (iii) If a local authority authorizes operation of a motorized  
19 foot scooter by persons under sixteen years of age, the local  
20 authority may require all scooter share programs offering shared  
21 scooters for hire to such persons under sixteen years of age to carry  
22 insurance coverage at greater amounts negotiated between the programs  
23 and the local authority.

24 (b) "Scooter share contractor" means a person other than an  
25 employee of a scooter share program retained under an independent  
26 contract to provide scooter location or transport and/or scooter  
27 battery charging or repair services to a scooter share program.

28 (c) "Shared scooter" means any motorized foot scooter offered for  
29 hire. All shared scooters must bear a single unique alphanumeric  
30 identification visible from a distance of five feet, which shall not  
31 be obfuscated by branding or other markings, which shall be used  
32 throughout the state, including by local authorities, to identify the  
33 shared scooter.

--- END ---