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**SENATE BILL 5378**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Lias, Wellman, Zeiger, Mullet, and Hobbs

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, 46.61.261, 46.61.264, 46.61.269, 46.61.365, and  
4 46.61.710; adding a new section to chapter 46.61 RCW; adding a new  
5 chapter to Title 46 RCW; and prescribing penalties.

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

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

10 (1) "Eligible entity" means a corporation, partnership,  
11 association, firm, sole proprietorship, or other entity engaged in  
12 business.

13 (2) "Hazardous material" means any substance defined, regulated,  
14 or listed as a hazardous substance, hazardous material, hazardous  
15 waste, toxic waste, pollutant, contaminant, or toxic substance, or  
16 identified as hazardous to human health or the environment, under  
17 state or federal law or regulation, and is capable of posing an  
18 unreasonable risk to health, safety, and property if transported in  
19 commerce.

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

1 (a) The device is intended primarily to transport property on a  
2 sidewalk or crosswalk;

3 (b) The device weighs less than one hundred twenty pounds,  
4 excluding any property being carried in the device, except that a  
5 jurisdiction that governs the right-of-way containing the sidewalk or  
6 crosswalk may allow a device to exceed this weight limit through a  
7 local permit or local ordinance;

8 (c) The device has a maximum speed of ten miles per hour; and

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

13 (4) (a) "Personal delivery device operator" means an employee or  
14 agent of an eligible entity who exercises active physical control  
15 over, or monitoring of, the navigation and operation of a personal  
16 delivery device.

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

18 (i) With respect to a delivery or other service rendered by a  
19 personal delivery device, the person who requests the delivery or  
20 service; or

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

23 NEW SECTION. **Sec. 2.** An eligible entity may operate a personal  
24 delivery device on a sidewalk or crosswalk so long as all of the  
25 following requirements are met:

26 (1) The personal delivery device is operated in accordance with  
27 the laws or ordinances, if any, established by the jurisdiction  
28 governing the right-of-way containing the sidewalk or crosswalk;

29 (2) A personal delivery device operator is actively controlling  
30 or monitoring the navigation and operation of the personal delivery  
31 device;

32 (3) The eligible entity maintains an insurance policy that  
33 includes general liability coverage of not less than one hundred  
34 thousand dollars for damages arising from the operation of the  
35 personal delivery device by the eligible entity and any agent of the  
36 eligible entity; and

37 (4) The personal delivery device is equipped with all of the  
38 following:

1 (a) A marker that clearly identifies the name and contact  
2 information of the eligible entity operating the personal delivery  
3 device and a unique identification number;

4 (b) A braking system that enables the personal delivery device to  
5 come to a controlled stop; and

6 (c) If the personal delivery device is being operated between  
7 sunset and sunrise, a light on both the front and rear of the  
8 personal delivery device that is visible on all sides of the personal  
9 delivery device in clear weather from a distance of at least five  
10 hundred feet to the front and rear of the personal delivery device  
11 when directly in front of low beams of headlights on a motor vehicle.

12 NEW SECTION. **Sec. 3.** (1) The operation of a personal delivery  
13 device is subject to all rules of the road under chapter 46.61 RCW  
14 that apply to pedestrians, unless otherwise specified within that  
15 chapter.

16 (2) A personal delivery device may not be operated to transport  
17 hazardous material.

18 NEW SECTION. **Sec. 4.** A violation of this act is a traffic  
19 infraction. The traffic citation must be issued to the eligible  
20 entity that operated the personal delivery device at the time the  
21 infraction was committed.

22 **Sec. 5.** 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. 6.** 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. 7.** 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. 8.** 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. 9.** 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 as follows, and personal  
31 delivery 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. 10.** 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. 11.** 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. 12.** RCW 46.61.240 and 1990 c 241 s 5 are each amended to  
18 read as follows:

19 (1) Every pedestrian crossing a roadway at any point other than  
20 within a marked crosswalk or within an unmarked crosswalk at an  
21 intersection shall yield the right-of-way to all vehicles upon the  
22 roadway. A personal delivery device may not cross a roadway at any  
23 point other than within a marked crosswalk or within an unmarked  
24 crosswalk at an intersection, except as provided in subsection (2) of  
25 this section.

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

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

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

38 (5) No pedestrian or personal delivery device shall cross a  
39 roadway intersection diagonally unless authorized by official

1 traffic-control devices; and, when authorized to cross diagonally,  
2 pedestrians and personal delivery devices shall cross only in  
3 accordance with the official traffic-control devices pertaining to  
4 such crossing movements.

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

8 **Sec. 13.** RCW 46.61.261 and 2010 c 242 s 3 are each amended to  
9 read as follows:

10 (1) The driver of a vehicle shall yield the right-of-way to any  
11 pedestrian ~~((or))~~, bicycle, or personal delivery device on a  
12 sidewalk. The rider of a bicycle shall yield the right-of-way to a  
13 pedestrian on a sidewalk or crosswalk. A personal delivery device  
14 must yield the right-of-way to a pedestrian or a bicycle on a  
15 sidewalk or crosswalk.

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

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

23 **Sec. 14.** RCW 46.61.264 and 1975 c 62 s 42 are each amended to  
24 read as follows:

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

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

1       **Sec. 15.** RCW 46.61.269 and 1975 c 62 s 44 are each amended to  
2 read as follows:

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

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

11       **Sec. 16.** RCW 46.61.365 and 1965 ex.s. c 155 s 51 are each  
12 amended to read as follows:

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

20       **Sec. 17.** RCW 46.61.710 and 2018 c 60 s 5 are each amended to  
21 read as follows:

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

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

28       (3) Operation of a moped, electric personal assistive mobility  
29 device, or motorized foot scooter on a fully controlled limited  
30 access highway is unlawful. Operation of a personal delivery device  
31 on any part of a highway other than a sidewalk or crosswalk is  
32 unlawful, except as provided in RCW 46.61.240(2). Operation of a  
33 moped on a sidewalk is unlawful. Operation of a motorized foot  
34 scooter or class 3 electric-assisted bicycle on a sidewalk is  
35 unlawful, unless there is no alternative for a motorized foot scooter  
36 or a class 3 electric-assisted bicycle to travel over a sidewalk as  
37 part of a bicycle or pedestrian path.

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

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

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

8 (7) Subject to subsection (10) of this section, class 1 and class  
9 2 electric-assisted bicycles and motorized foot scooters may be  
10 operated on a shared-use path or any part of a highway designated for  
11 the use of bicycles, but local jurisdictions or state agencies may  
12 restrict or otherwise limit the access of electric-assisted bicycles  
13 and motorized foot scooters, and local jurisdictions or state  
14 agencies may regulate the use of class 1 and class 2 electric-  
15 assisted bicycles and motorized foot scooters on facilities and  
16 properties under their jurisdiction and control. Local regulation of  
17 the operation of class 1 or class 2 electric-assisted bicycles, upon  
18 a shared use path designated for the use of bicycles that crosses  
19 jurisdictional boundaries of two or more local jurisdictions, must be  
20 consistent for the entire shared use path in order for the local  
21 regulation to be enforceable; however, this does not apply to local  
22 regulations of a shared use path in effect as of January 1, 2018.

23 (8) Class 3 electric-assisted bicycles may be operated on  
24 facilities that are within or adjacent to a highway. Class 3  
25 electric-assisted bicycles may not be operated on a shared-use path,  
26 except where local jurisdictions may allow the use of class 3  
27 electric-assisted bicycles. State agencies or local jurisdictions may  
28 regulate the use of class 3 electric-assisted bicycles on facilities  
29 and properties under their jurisdiction and control. Local regulation  
30 of the operation of class 3 electric-assisted bicycles, upon a shared  
31 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 (9) Except as otherwise provided in this section, an individual  
37 shall not operate an electric-assisted bicycle on a trail that is  
38 specifically designated as nonmotorized and that has a natural  
39 surface tread that is made by clearing and grading the native soil  
40 with no added surfacing materials. A local authority or agency of

1 this state having jurisdiction over a trail described in this  
2 subsection may allow the operation of an electric-assisted bicycle on  
3 that trail.

4 (10) Subsections (1) and (4) of this section do not apply to  
5 motorized foot scooters. Subsection (2) of this section applies to  
6 motorized foot scooters when the bicycle path, trail, bikeway,  
7 equestrian trail, or hiking or recreational trail was built or is  
8 maintained with federal highway transportation funds. Additionally,  
9 any new trail or bicycle path or readily identifiable existing trail  
10 or bicycle path not built or maintained with federal highway  
11 transportation funds may be used by persons operating motorized foot  
12 scooters only when appropriately signed.

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

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

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

26 (b) A municipality may restrict the speed of an EPAMD in  
27 locations with congested pedestrian or nonmotorized traffic and where  
28 there is significant speed differential between pedestrians or  
29 nonmotorized traffic and EPAMD operators. The areas in this  
30 subsection must be designated by the city engineer or designee of the  
31 municipality. Municipalities shall not restrict the speed of an EPAMD  
32 in the entire community or in areas in which there is infrequent  
33 pedestrian traffic;

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

1        NEW SECTION.    **Sec. 18.**    Sections 1 through 4 of this act  
2    constitute a new chapter in Title 46 RCW.

--- **END** ---