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**SENATE BILL 5471**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Cleveland, J. Wilson, Shewmake, Randall, Lovelett, Valdez, C. Wilson, Dhingra, Kuderer, Lias, and Van De Wege

Read first time 01/19/23. Referred to Committee on Transportation.

1 AN ACT Relating to the use of electric-assisted bicycles on  
2 certain trails and roads by persons with disabilities; reenacting and  
3 amending RCW 46.61.710; providing an effective date; and declaring an  
4 emergency.

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

6 **Sec. 1.** RCW 46.61.710 and 2019 c 214 s 19 and 2019 c 170 s 3 are  
7 each reenacted and amended to read as follows:

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

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

14 (3) Operation of a moped, electric personal assistive mobility  
15 device, or motorized foot scooter on a fully controlled limited  
16 access highway is unlawful. Operation of a personal delivery device  
17 on any part of a highway other than a sidewalk or crosswalk is  
18 unlawful, except as provided in RCW 46.61.240(2) and 46.61.250(2).  
19 Operation of a moped on a sidewalk is unlawful. Operation of a  
20 motorized foot scooter or class 3 electric-assisted bicycle on a  
21 sidewalk is unlawful, unless there is no alternative for a motorized

1 foot scooter or a class 3 electric-assisted bicycle to travel over a  
2 sidewalk as part of a bicycle or pedestrian path, or if authorized by  
3 local ordinance, as provided in RCW 46.61.715.

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

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

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

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

27 (8) Class 3 electric-assisted bicycles may be operated on  
28 facilities that are within or adjacent to a highway. Class 3  
29 electric-assisted bicycles may not be operated on a shared-use path,  
30 except where local jurisdictions may allow the use of class 3  
31 electric-assisted bicycles. State agencies or local jurisdictions may  
32 regulate the use of class 3 electric-assisted bicycles on facilities  
33 and properties under their jurisdiction and control. Local regulation  
34 of the operation of class 3 electric-assisted bicycles, upon a shared  
35 use path designated for the use of bicycles that crosses  
36 jurisdictional boundaries of two or more local jurisdictions, must be  
37 consistent for the entire shared use path in order for the local  
38 regulation to be enforceable; however, this does not apply to local  
39 regulations of a shared use path in effect as of January 1, 2018.

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

10 (b) The department of natural resources and the department of  
11 fish and wildlife must allow persons who possess a current parking  
12 placard for persons with disabilities, issued by the department of  
13 licensing under chapter 46.19 RCW, to use class 1 and class 2  
14 electric-assisted bicycles on all nonmotorized natural surface trails  
15 and closed roads under the agency's jurisdiction and control and on  
16 which bicycles are allowed.

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 signed to allow motorized foot scooter use.

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~~) 25 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 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of  
12 the state government and its existing public institutions, and takes  
13 effect July 1, 2023.

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