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**SENATE BILL 5751**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Liias, Rivers, and Palumbo

AN ACT Relating to motorized foot scooters; amending RCW 46.04.336, 46.04.670, 46.61.710, and 46.20.500; and adding a new section to chapter 46.61 RCW.

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

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

"Motorized foot scooter" means a device with no more than two ((~~ten-inch~~)) twelve-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion at a speed no more than twenty miles per hour on level ground.

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

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

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. "Vehicle" does not include power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds are not considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles and motorized foot scooters are not considered vehicles for the purposes of chapter 46.12, 46.16A, or 46.70 RCW or RCW 82.12.045. Electric personal assistive mobility devices and motorized foot scooters are not considered vehicles or motor vehicles for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW. A golf cart is not considered a vehicle, except for the purposes of chapter 46.61 RCW.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol. Persons under sixteen years of age may not operate a motorized foot scooter. Motorized foot scooters may not be operated at a speed greater than fifteen miles per hour.

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

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

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

(1) A local authority may regulate the operation of motorized foot scooters within its jurisdiction by:

(a) Restricting the maximum speed a person may operate a motorized foot scooter in pedestrian zones, such as plazas and promenades;

(b) Adopting and assessing penalties for moving or parking violations involving motorized foot scooters to the person responsible for the violation, which shall not exceed penalties assessed to riders of bicycles.

(2) A local authority may regulate the operation of shared scooters within its jurisdiction by:

(a) Requiring scooter share operators to pay fees, provided that the total amount of the fees collected do not exceed the reasonable cost to the local authority of administering scooter share programs;

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

(c) In the interests of safety and right-of-way management, designating locations where scooter share operators may not stage shared scooters, provided that at least one location is permitted on each side of each city block in commercial zones and business districts;

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

(3) A local authority may require scooter share operators, as a condition for operating a scooter share program, to provide to the local authority anonymized fleet and ride activity data for all trips starting or ending within the jurisdiction of the local authority on any vehicle of the scooter share operator or of any person or company controlled by, controlling, or under common control with the scooter share operator, provided that, to ensure individual privacy:

(a) The data is provided via an application programming interface, subject to the scooter share operator's license agreement for the interface, in compliance with a national data format specification, such as the mobility data specification;

(b) Any data provided is treated as trade secret and proprietary business information, shall not be shared to third parties without the scooter share operator's consent, and is not treated as owned by the local authority; and

(c) Such data shall be considered personally identifiable information, and shall under no circumstances be disclosed pursuant to public records requests received by the local authority without prior aggregation or obfuscation to protect individual privacy.

(4) In regulating shared scooters or scooter share programs, a local authority may not impose any unduly restrictive requirement on a scooter share operator, including requiring operation below cost, nor subject riders of shared scooters to requirements more restrictive than those applicable to riders of privately owned motorized foot scooters or bicycles.

(5) For the purposes of this section:

(a) "Scooter share operator" means a person offering shared scooters for hire. All scooter share operators must carry the following insurance coverage dedicated exclusively for operation of shared scooters:

(i) Commercial general liability insurance coverage with a limit of no less than one million dollars for each occurrence and five million dollars aggregate;

(ii) Automobile insurance coverage with a limit of no less than one million dollars for each occurrence and one million dollars aggregate;

(iii) Umbrella or excess liability coverage with a limit of no less than five million dollars for each occurrence and five million dollars aggregate; and

(iv) Where the scooter share operator employs persons, workers' compensation coverage no less than required by law;

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

(c) "Shared scooter" means any motorized foot scooter offered for hire. All shared scooters must meet the following requirements to be offered for hire:

(i) Bear a single unique alphanumeric identification visible from a distance of five feet, which shall not be obfuscated by branding or other markings, and which shall be used throughout the state, including by local authorities, to identify the shared scooter; and

(ii) Have a locking mechanism to enable the user to lock the shared scooter to a stationary physical object such as a bike rack.

**--- END ---**