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**HOUSE BILL 1435**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Representatives Kretz, Sutherland, Graham, Dent, Eslick, and Ormsby

Read first time 02/01/21. Referred to Committee on Local Government.

1 AN ACT Relating to authorizing local authorities to implement  
2 bicycle tour permits; adding a new section to chapter 36.75 RCW;  
3 adding a new section to chapter 35.75 RCW; and adding a new section  
4 to chapter 35A.47 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.75  
7 RCW to read as follows:

8 (1) A rural county may adopt, by ordinance, a requirement for a  
9 bicycle tour permit for the use and enjoyment of public roads,  
10 trails, and paths within the county by groups of six or more  
11 bicyclists that are not family members and who do not reside in the  
12 same household, and in which an individual, group, or entity has been  
13 compensated to organize or lead the bicycle group. In adopting a  
14 bicycle tour permit requirement, the county may:

15 (a) Require the group applying for the permit to designate the  
16 routes that the group will be using as well as the date and time of  
17 the ride. The county may reject a proposed route, or propose an  
18 alternative route, if the original proposed route would delay or  
19 hinder road construction or other prescheduled activities planned on  
20 a public road;

1 (b) Require, if determined by the county to be necessary for  
2 public safety or an orderly transit by the group, that a sheriff's  
3 deputy or other law enforcement official escort the group while using  
4 county roads;

5 (c) Charge a fee for the permit. The fee may be based upon the  
6 size of the group and the route that will be taken. The county may  
7 not set the fee for the permit at a rate greater than that reasonably  
8 necessary to recover the costs of administering and enforcing the  
9 permit and of providing the public services, including, if necessary,  
10 a sheriff's deputy or other law enforcement escort, that are  
11 available during the tour to the group;

12 (d) Require a damage deposit before the issuance of a permit for  
13 groups of more than 50 persons. The damage deposit may be used by the  
14 county to repair, replace, or otherwise remedy any physical damage  
15 caused by the bicycle group. The damage deposit required for a permit  
16 may not exceed \$20 per person in the group. Any portion of the damage  
17 deposit not reasonably used to repair, replace, or otherwise remedy  
18 physical damage must be returned to the person, or persons, that made  
19 the deposit within 30 days of the permitted group's use of the  
20 permit;

21 (e) Establish dates and times for which the permit is valid;

22 (f) Provide either a paper permit, or an electronic permit that  
23 can be displayed on a cellular phone or portable electronic device,  
24 that is to be in the possession of the permittee when using the  
25 designated route;

26 (g) Establish a civil penalty for violating bicycle tour permit  
27 requirements, or for lacking a bicycle tour permit when required,  
28 provided that any such penalty not exceed \$250 per individual  
29 violator for each violation; and

30 (h) Adopt a presumption that any bicyclists that are not family  
31 members and who do not reside in the same household, who are riding  
32 in a group of six or more with a guide or other person paid to lead a  
33 group of riders, present are subject to the bicycle tour permit  
34 requirements.

35 (2) A county adopting a bicycle tour permit requirement may enter  
36 into an interlocal agreement with a city or town within the county  
37 for the county's bicycle tour permit requirements to apply to roads,  
38 trails, and paths owned or maintained by the city or town. The  
39 interlocal agreement must include an agreed division of revenue from  
40 any permits applied for within the city or town, and the fee charged

1 for a bicycle tour permit for a route within a city or town may not  
2 exceed that charged elsewhere in the county.

3 (3) A county may waive the bicycle tour permit fee, as may be  
4 provided in the enacting ordinance.

5 (4) For the purposes of this section:

6 (a) "Rural county" means a county with a population density of  
7 less than 100 persons per square mile or a county smaller than 225  
8 square miles as determined by the office of financial management and  
9 published each year by the department for the period July 1st to June  
10 30th.

11 (b) "Family members" means children, stepchildren, grandchildren,  
12 great grandchildren, parents, stepparents, grandparents, great  
13 grandparents, siblings, aunts, uncles, and those legally married to  
14 or in a state registered domestic partnership with one another.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.75  
16 RCW to read as follows:

17 (1) Any city or town may adopt, by ordinance, a requirement for a  
18 bicycle tour permit for the use and enjoyment of public roads,  
19 trails, and paths within the city or town by groups of six or more  
20 bicyclists that are not family members and who do not reside in the  
21 same household. In adopting a bicycle tour permit requirement, the  
22 city or town may:

23 (a) Require the group applying for the permit to designate the  
24 roads, trails, or paths that the group will be using as well as the  
25 date and time of the ride. The city or town may reject a proposed  
26 route, or propose an alternative route, if the original proposed  
27 route would delay or hinder road construction or other prescheduled  
28 activities planned on a public road;

29 (b) Require that a sheriff's deputy or other law enforcement  
30 official, if determined by the city or town to be necessary for  
31 public safety or an orderly transit by the group, escort the group  
32 while using county roads;

33 (c) Charge a fee for the permit. The fee can be based upon the  
34 size of the group and the route that will be taken. The city or town  
35 may not set the fee for the permit at a rate greater than that  
36 reasonably necessary to recover the costs of administering and  
37 enforcing the permit and of providing the public services, including,  
38 if necessary, a sheriff's deputy or other law enforcement escort,  
39 that are available during the tour to the group;

1 (d) Require a damage deposit before the issuance of a permit for  
2 groups of more than 50 persons. The damage deposit may be used by the  
3 city or town to repair, replace, or otherwise remedy any physical  
4 damage caused by the bicycle group. The damage deposit required for a  
5 permit may not exceed \$20 per person in the group. Any portion of the  
6 damage deposit not reasonably used to repair, replace, or otherwise  
7 remedy physical damage must be returned to the person, or persons,  
8 that made the deposit within 30 days of the permitted group's use of  
9 the permit;

10 (e) Establish dates and times for which the permit is valid;

11 (f) Provide either a paper permit, or an electronic permit that  
12 can be displayed on a cellular phone or portable electronic device,  
13 that is to be in the possession of the permittee when using the  
14 designated roads, trails, or paths;

15 (g) Establish a civil penalty for violating bicycle tour permit  
16 requirements, or for lacking a bicycle tour permit when required,  
17 provided that any such penalty not exceed \$250 per individual  
18 violator for each violation; and

19 (h) Adopt a presumption that any bicyclists that are not family  
20 members and who do not reside in the same household, who are riding  
21 in a group of six or more with a guide or other person paid to lead a  
22 group of riders, present are subject to the bicycle tour permit  
23 requirements.

24 (2) A city or town adopting a bicycle tour permit requirement may  
25 enter into an interlocal agreement with a county for the county's  
26 bicycle tour permit requirements to apply to roads, trails, and paths  
27 owned or maintained by the city or town. The interlocal agreement  
28 must include an agreed division of revenue from any permits applied  
29 for within the city or town, and the fee charged for a bicycle tour  
30 permit for use within a city or town may not exceed that charged  
31 elsewhere in the county.

32 (3) A city or town may waive the bicycle tour permit fee, as may  
33 be provided in the enacting ordinance.

34 (4) For the purposes of this section, "family members" means  
35 children, stepchildren, grandchildren, great grandchildren, parents,  
36 stepparents, grandparents, great grandparents, siblings, aunts,  
37 uncles, and those legally married to or in a state registered  
38 domestic partnership with one another.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 35A.47  
2    RCW to read as follows:  
3        A code city may adopt an ordinance to issue a bicycle tour permit  
4    and to charge associated fees as provided for in section 2 of this  
5    act.

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