

CERTIFICATION OF ENROLLMENT

SENATE BILL 5968

55th Legislature
1997 Regular Session

Passed by the Senate April 22, 1997
YEAS 40 NAYS 0

President of the Senate

Passed by the House April 10, 1997
YEAS 89 NAYS 9

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5968** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5968

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senators Thibaudeau, Wood, Haugen and Prince

Read first time 02/24/97. Referred to Committee on Transportation.

1 AN ACT Relating to electric-assisted bicycles; amending RCW
2 46.16.010, 46.20.500, 46.37.530, and 46.61.710; and adding a new
3 section to chapter 46.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
6 to read as follows:

7 "Electric-assisted bicycle" means a bicycle with two or three
8 wheels, a saddle, fully operative pedals for human propulsion, and an
9 electric motor. The electric-assisted bicycle's electric motor must
10 have a power output of no more than one thousand watts, be incapable of
11 propelling the device at a speed of more than twenty miles per hour on
12 level ground, and be incapable of further increasing the speed of the
13 device when human power alone is used to propel the device beyond
14 twenty miles per hour.

15 **Sec. 2.** RCW 46.16.010 and 1996 c 184 s 1 are each amended to read
16 as follows:

17 (1) It is unlawful for a person to operate any vehicle over and
18 along a public highway of this state without first having obtained and

1 having in full force and effect a current and proper vehicle license
2 and display vehicle license number plates therefor as by this chapter
3 provided. Failure to make initial registration before operation on the
4 highways of this state is a misdemeanor, and any person convicted
5 thereof shall be punished by a fine of no less than three hundred
6 thirty dollars, no part of which may be suspended or deferred. Failure
7 to renew an expired registration before operation on the highways of
8 this state is a traffic infraction.

9 (2) The licensing of a vehicle in another state by a resident of
10 this state, as defined in RCW 46.16.028, evading the payment of any tax
11 or license fee imposed in connection with registration, is a gross
12 misdemeanor punishable as follows:

13 (a) For a first offense, up to one year in the county jail and a
14 fine equal to twice the amount of delinquent taxes and fees, no part of
15 which may be suspended or deferred;

16 (b) For a second or subsequent offense, up to one year in the
17 county jail and a fine equal to four times the amount of delinquent
18 taxes and fees, no part of which may be suspended or deferred;

19 (c) For fines levied under (b) of this subsection, an amount equal
20 to the avoided taxes and fees owed shall be deposited in the vehicle
21 licensing fraud account created in the state treasury;

22 (d) The avoided taxes and fees shall be deposited and distributed
23 in the same manner as if the taxes and fees were properly paid in a
24 timely fashion.

25 (3) These provisions shall not apply to the following vehicles:

26 (a) Electric-assisted bicycles;

27 (b) Farm vehicles ((as defined in RCW 46.04.181)) if operated
28 within a radius of fifteen miles of the farm where principally used or
29 garaged, farm tractors and farm implements including trailers designed
30 as cook or bunk houses used exclusively for animal herding temporarily
31 operating or drawn upon the public highways, and trailers used
32 exclusively to transport farm implements from one farm to another
33 during the daylight hours or at night when such equipment has lights
34 that comply with the law((: PROVIDED FURTHER, That these provisions
35 shall not apply to))i

36 (c) Spray or fertilizer applicator rigs designed and used
37 exclusively for spraying or fertilization in the conduct of
38 agricultural operations and not primarily for the purpose of
39 transportation, and nurse rigs or equipment auxiliary to the use of and

1 designed or modified for the fueling, repairing, or loading of spray
2 and fertilizer applicator rigs and not used, designed, or modified
3 primarily for the purpose of transportation(~~(: PROVIDED FURTHER, That~~
4 ~~these provisions shall not apply to))i~~);

5 (d) Fork lifts operated during daylight hours on public highways
6 adjacent to and within five hundred feet of the warehouses which they
7 serve(~~(: PROVIDED FURTHER, That these provisions shall not apply to~~
8 ~~equipment defined as follows:))i~~);

9 (e) "Special highway construction equipment" (~~(is))~~ defined as
10 follows: Any vehicle which is designed and used primarily for grading
11 of highways, paving of highways, earth moving, and other construction
12 work on highways and which is not designed or used primarily for the
13 transportation of persons or property on a public highway and which is
14 only incidentally operated or moved over the highway. It includes, but
15 is not limited to, road construction and maintenance machinery so
16 designed and used such as portable air compressors, air drills, asphalt
17 spreaders, bituminous mixers, bucket loaders, track laying tractors,
18 ditchers, leveling graders, finishing machines, motor graders, paving
19 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
20 lighting plants, welders, pumps, power shovels and draglines, self-
21 propelled and tractor-drawn earth moving equipment and machinery,
22 including dump trucks and tractor-dump trailer combinations which
23 either (~~(+1))~~) (i) are in excess of the legal width, or (~~(+2))~~) (ii)
24 which, because of their length, height, or unladen weight, may not be
25 moved on a public highway without the permit specified in RCW 46.44.090
26 and which are not operated laden except within the boundaries of the
27 project limits as defined by the contract, and other similar types of
28 construction equipment, or (~~(+3))~~) (iii) which are driven or moved upon
29 a public highway only for the purpose of crossing such highway from one
30 property to another, provided such movement does not exceed five
31 hundred feet and the vehicle is equipped with wheels or pads which will
32 not damage the roadway surface.

33 Exclusions:

34 "Special highway construction equipment" does not include any of
35 the following:

36 Dump trucks originally designed to comply with the legal size and
37 weight provisions of this code notwithstanding any subsequent
38 modification which would require a permit, as specified in RCW
39 46.44.090, to operate such vehicles on a public highway, including

1 trailers, truck-mounted transit mixers, cranes and shovels, or other
2 vehicles designed for the transportation of persons or property to
3 which machinery has been attached.

4 (4) The following vehicles, whether operated solo or in
5 combination, are exempt from license registration and displaying
6 license plates as required by this chapter:

7 (a) A converter gear used to convert a semitrailer into a trailer
8 or a two-axle truck or tractor into a three or more axle truck or
9 tractor or used in any other manner to increase the number of axles of
10 a vehicle. Converter gear includes an auxiliary axle, booster axle,
11 dolly, and jeep axle.

12 (b) A tow dolly that is used for towing a motor vehicle behind
13 another motor vehicle. The front or rear wheels of the towed vehicle
14 are secured to and rest on the tow dolly that is attached to the towing
15 vehicle by a tow bar.

16 **Sec. 3.** RCW 46.20.500 and 1982 c 77 s 1 are each amended to read
17 as follows:

18 No person may drive a motorcycle or a motor-driven cycle unless
19 such person has a valid driver's license specially endorsed by the
20 director to enable the holder to drive such vehicles, nor may a person
21 drive a motorcycle of a larger engine displacement than that authorized
22 by such special endorsement or by an instruction permit for such
23 category(~~(:—PROVIDED, That any)~~). However, a person sixteen years of
24 age or older, holding a valid driver's license of any class issued by
25 the state of the person's residence, may operate a moped without taking
26 any special examination for the operation of a moped. No driver's
27 license is required for operation of an electric-assisted bicycle if
28 the operator is at least sixteen years of age. Persons under sixteen
29 years of age may not operate an electric-assisted bicycle.

30 **Sec. 4.** RCW 46.37.530 and 1990 c 270 s 7 are each amended to read
31 as follows:

32 (1) It is unlawful:

33 (a) For any person to operate a motorcycle or motor-driven cycle
34 not equipped with mirrors on the left and right sides of the motorcycle
35 which shall be so located as to give the driver a complete view of the
36 highway for a distance of at least two hundred feet to the rear of the
37 motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be

1 required on any motorcycle or motor-driven cycle over twenty-five years
2 old originally manufactured without mirrors and which has been restored
3 to its original condition and which is being ridden to or from or
4 otherwise in conjunction with an antique or classic motorcycle contest,
5 show, or other such assemblage: PROVIDED FURTHER, That no mirror is
6 required on any motorcycle manufactured prior to January 1, 1931;

7 (b) For any person to operate a motorcycle or motor-driven cycle
8 which does not have a windshield unless wearing glasses, goggles, or a
9 face shield of a type conforming to rules adopted by the state patrol;

10 (c) For any person to operate or ride upon a motorcycle, motor-
11 driven cycle, or moped on a state highway, county road, or city street
12 unless wearing upon his or her head a protective helmet of a type
13 conforming to rules adopted by the state patrol except when the vehicle
14 is an antique motor-driven cycle or automobile that is licensed as a
15 motorcycle or when the vehicle is equipped with seat belts and roll
16 bars approved by the state patrol. The helmet must be equipped with
17 either a neck or chin strap which shall be fastened securely while the
18 motorcycle or motor-driven cycle is in motion. Persons operating
19 electric-assisted bicycles shall comply with all laws and regulations
20 related to the use of bicycle helmets;

21 (d) For any person to transport a child under the age of five on a
22 motorcycle or motor-driven cycle;

23 (e) For any person to sell or offer for sale a motorcycle helmet
24 which does not meet the requirements established by the state patrol.

25 (2) The state patrol is hereby authorized and empowered to adopt
26 and amend rules, pursuant to the Administrative Procedure Act,
27 concerning the standards and procedures for conformance of rules
28 adopted for glasses, goggles, face shields, and protective helmets.

29 **Sec. 5.** RCW 46.61.710 and 1979 ex.s. c 213 s 8 are each amended to
30 read as follows:

31 (1) No person shall operate a moped upon the highways of this state
32 unless the moped has been assigned a moped registration number and
33 displays a moped permit in accordance with the provisions of RCW
34 46.16.630.

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

1 (3) Operation of a moped or an electric-assisted bicycle on a fully
2 controlled limited access highway or on a sidewalk is unlawful.

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

5 (5) Subsections (1), (2), and (4) of this section do not apply to
6 electric-assisted bicycles. Electric-assisted bicycles may have access
7 to highways of the state to the same extent as bicycles. Electric-
8 assisted bicycles may be operated on a multipurpose trail or bicycle
9 lane, but local jurisdictions may restrict or otherwise limit the
10 access of electric-assisted bicycles.

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