

2 **ESB 6316** - H COMM AMD
3 By Committee on Transportation

4 ADOPTED AS AMENDED 03/07/02

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
8 to read as follows:

9 "Electric personal assistive mobility device" (EPAMD) means a self-
10 balancing device with two wheels not in tandem, designed to transport
11 only one person by an electric propulsion system with an average power
12 of seven hundred fifty watts (one horsepower) having a maximum speed on
13 a paved level surface, when powered solely by such a propulsion system
14 while ridden by an operator weighing one hundred seventy pounds, of
15 less than twenty miles per hour.

16 **Sec. 2.** RCW 46.04.320 and 1961 c 12 s 46.04.320 are each amended
17 to read as follows:

18 "Motor vehicle" shall mean every vehicle which is self-propelled
19 and every vehicle which is propelled by electric power obtained from
20 overhead trolley wires, but not operated upon rails. An electric
21 personal assistive mobility device is not considered a motor vehicle.

22 **Sec. 3.** RCW 46.04.330 and 1990 c 250 s 20 are each amended to read
23 as follows:

24 "Motorcycle" means a motor vehicle designed to travel on not more
25 than three wheels in contact with the ground, on which the driver rides
26 astride the motor unit or power train and is designed to be steered
27 with a handle bar, but excluding a farm tractor, an electric personal
28 assistive mobility device, and a moped.

29 The Washington state patrol may approve of and define as a
30 "motorcycle" a motor vehicle that fails to meet these specific
31 criteria, but that is essentially similar in performance and
32 application to motor vehicles that do meet these specific criteria.

1 **Sec. 4.** RCW 46.04.332 and 1979 ex.s. c 213 s 3 are each amended to
2 read as follows:

3 "Motor-driven cycle" means every motorcycle, including every motor
4 scooter, with a motor (~~(which)~~) that produces not to exceed five brake
5 horsepower (developed by a prime mover, as measured by a brake applied
6 to the driving shaft). A motor-driven cycle does not include a moped
7 or an electric personal assistive mobility device.

8 **Sec. 5.** RCW 46.04.670 and 1994 c 262 s 2 are each amended to read
9 as follows:

10 "Vehicle" includes every device capable of being moved upon a
11 public highway and in, upon, or by which any persons or property is or
12 may be transported or drawn upon a public highway, including bicycles.
13 The term does not include devices other than bicycles moved by human or
14 animal power or used exclusively upon stationary rails or tracks.
15 Mopeds shall not be considered vehicles or motor vehicles for the
16 purposes of chapter 46.70 RCW. Bicycles shall not be considered
17 vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW.
18 Electric personal assistive mobility devices are not considered
19 vehicles or motor vehicles for the purposes of chapter 46.12, 46.16,
20 46.29, 46.37, or 46.70 RCW.

21 **Sec. 6.** RCW 46.20.500 and 1999 c 274 s 8 are each amended to read
22 as follows:

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

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

30 (3) No driver's license is required for operation of an electric-
31 assisted bicycle if the operator is at least sixteen years of age.
32 Persons under sixteen years of age may not operate an electric-assisted
33 bicycle.

34 (4) No driver's license is required to operate an electric personal
35 assistive mobility device.

1 **Sec. 7.** RCW 46.61.710 and 1997 c 328 s 5 are each amended to read
2 as follows:

3 (1) No person shall operate a moped upon the highways of this state
4 unless the moped has been assigned a moped registration number and
5 displays a moped permit in accordance with the provisions of RCW
6 46.16.630.

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

10 (3) Operation of a moped, electric personal assistive mobility
11 device, or an electric-assisted bicycle on a fully controlled limited
12 access highway ((or on a sidewalk)) is unlawful. Operation of a moped
13 or an electric-assisted bicycle on a sidewalk is unlawful.

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

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

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

28 (7) The use of an EPAMD may be regulated in the following
29 circumstances:

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

34 (b) A municipality may restrict the speed of an EPAMD in locations
35 with congested pedestrian or nonmotorized traffic and where there is
36 significant speed differential between pedestrians or nonmotorized
37 traffic and EPAMD operators. The areas in this subsection must be
38 designated by the city engineer or designee of the municipality.

1 Municipalities shall not restrict the speed of an EPAMD in the entire
2 community or in areas in which there is infrequent pedestrian traffic;
3 (c) A state agency or local government may regulate the operation
4 of an EPAMD within the boundaries of any area used for recreation, open
5 space, habitat, trails, or conservation purposes.

6 **Sec. 8.** RCW 35.75.020 and 1965 c 7 s 35.75.020 are each amended to
7 read as follows:

8 It shall be unlawful for any person to lead, drive, ride, or propel
9 any team, wagon, animal, or vehicle other than a bicycle, electric
10 personal assistive mobility device, or similar vehicle upon and along
11 any bicycle path constructed within or without the corporate limits of
12 any city or town excepting at suitable crossings to be provided in the
13 construction of such paths. Any person violating the provisions of
14 this section shall be guilty of a misdemeanor.

15 NEW SECTION. **Sec. 9.** The legislature shall review the provisions
16 of this act and make any necessary changes by July 1, 2005."

EFFECT: Removes the limitation on restrictions that may be imposed
upon use of an EPAMD by a municipality. Regulation by state agencies
or local governments on the use of EPAMDs is allowed in specific areas.

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