

---

**SUBSTITUTE SENATE BILL 5113**

---

**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Costa, Swecker, Kastama, Fairley, Oke, Gardner, Haugen and Eide)

READ FIRST TIME 02/08/01.

1 AN ACT Relating to the regulation of the use of motorized  
2 scooters; amending RCW 46.20.500, 46.37.530, 46.37.535, and  
3 46.61.710; and adding a new section to chapter 46.04 RCW.

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

5 **Sec. 1.** RCW 46.20.500 and 1999 c 274 s 8 are each amended to read  
6 as follows:

7 No person may drive a motorcycle or a motor-driven cycle unless  
8 such person has a valid driver's license specially endorsed by the  
9 director to enable the holder to drive such vehicles. However, a  
10 person sixteen years of age or older, holding a valid driver's  
11 license of any class issued by the state of the person's  
12 residence, may operate a moped without taking any special  
13 examination for the operation of a moped. No driver's license is  
14 required for operation of an electric-assisted bicycle if the  
15 operator is at least sixteen years of age. No driver's license is  
16 required to operate a motorized foot scooter. Persons under  
17 sixteen years of age may not operate an electric-assisted  
18 bicycle. Persons under fourteen years of age may not operate a

1 motorized foot scooter. Motorized foot scooters may not be operated  
2 at any time from a half hour after sunset to a half hour before  
3 sunrise without reflectors of a type approved by the state patrol.

4 **Sec. 2.** RCW 46.37.530 and 1997 c 328 s 4 are each amended to  
5 read as follows:

6 (1) It is unlawful:

7 (a) For any person to operate a motorcycle or motor-driven  
8 cycle not equipped with mirrors on the left and right sides of the  
9 motorcycle which shall be so located as to give the driver a  
10 complete view of the highway for a distance of at least two  
11 hundred feet to the rear of the motorcycle or motor-driven cycle:  
12 PROVIDED, That mirrors shall not be required on any motorcycle or  
13 motor-driven cycle over twenty-five years old originally  
14 manufactured without mirrors and which has been restored to its  
15 original condition and which is being ridden to or from or  
16 otherwise in conjunction with an antique or classic motorcycle  
17 contest, show, or other such assemblage: PROVIDED FURTHER, That no  
18 mirror is required on any motorcycle manufactured prior to January  
19 1, 1931;

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

24 (c) For any person to operate or ride upon a motorcycle, motor-  
25 driven cycle, or moped on a state highway, county road, or city  
26 street unless wearing upon his or her head a protective helmet of  
27 a type conforming to rules adopted by the state patrol except when  
28 the vehicle is an antique motor-driven cycle or automobile that is  
29 licensed as a motorcycle or when the vehicle is equipped with seat  
30 belts and roll bars approved by the state patrol. The helmet must  
31 be equipped with either a neck or chin strap which shall be  
32 fastened securely while the motorcycle or motor-driven cycle is in  
33 motion. Persons operating electric-assisted bicycles or motorized  
34 foot scooters shall comply with all laws and regulations related  
35 to the use of bicycle helmets;

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

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

4 (2) The state patrol is hereby authorized and empowered to  
5 adopt and amend rules, pursuant to the Administrative Procedure  
6 Act, concerning the standards and procedures for conformance of  
7 rules adopted for glasses, goggles, face shields, and protective  
8 helmets.

9 **Sec. 3.** RCW 46.37.535 and 1990 c 270 s 8 are each amended to read  
10 as follows:

11 It is unlawful for any person to rent out motorcycles, motor-  
12 driven cycles, motorized foot scooters, or mopeds unless the  
13 person also has on hand for rent helmets of a type conforming to  
14 rules adopted by the state patrol.

15 It shall be unlawful for any person to rent a motorcycle, motor-  
16 driven cycle, motorized foot scooter, or moped unless the person  
17 has in his or her possession a helmet of a type approved by the  
18 state patrol, regardless of from whom the helmet is obtained.

19 **Sec. 4.** RCW 46.61.710 and 1997 c 328 s 5 are each amended to  
20 read as follows:

21 (1) No person shall operate a moped upon the highways of this  
22 state unless the moped has been assigned a moped registration  
23 number and displays a moped permit in accordance with the  
24 provisions of RCW 46.16.630.

25 (2) Notwithstanding any other provision of law, neither a moped  
26 nor a gasoline-powered motorized foot scooter may (~~not~~) be  
27 operated on a bicycle path or trail, bikeway, equestrian trail, or  
28 hiking or recreational trail.

29 (3) Operation of a moped (~~or~~), an electric-assisted bicycle,  
30 or a motorized foot scooter on a fully controlled limited access  
31 highway or on a sidewalk is unlawful.

32 (4) Removal of any muffling device or pollution control device  
33 from a moped or motorized foot scooter is unlawful.

34 (5) Subsections (1), (2), and (4) of this section do not apply  
35 to electric-assisted bicycles. Electric-assisted bicycles may have  
36 access to highways of the state to the same extent as

1 bicycles. Electric-assisted bicycles may be operated on a  
2 multipurpose trail or bicycle lane, but local jurisdictions may  
3 restrict or otherwise limit the access of electric-assisted  
4 bicycles.

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

7 "Motorized foot scooter" means a device with no more than two  
8 five-inch or smaller diameter wheels that has handlebars, is  
9 designed to be stood or sat upon by the operator, and is powered  
10 by either an electric or internal combustion motor that is capable  
11 of propelling the device with or without human propulsion. A  
12 motorized foot scooter's motor must produce no more than one and  
13 five-tenths gross horsepower and be capable of propelling the  
14 entire device at not more than fifteen miles per hour on level  
15 ground.

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

--- END ---

