
SENATE BILL 5113

State of Washington

57th Legislature

2001 Regular Session

By Senators Costa, Swecker, Kastama, Fairley, Oke, Gardner, Haugen and Eide

Read first time 01/11/2001. Referred to Committee on Transportation.

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, 46.61.160,
3 46.61.710, and 46.04.332; and adding a new section to chapter
4 46.04 RCW.

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

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

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

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

(1) It is unlawful:

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

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

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

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

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

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

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

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

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

16 **Sec. 4.** RCW 46.61.160 and 1982 c 55 s 5 are each amended to read
17 as follows:

18 The department of transportation may by order, and local
19 authorities may by ordinance or resolution, with respect to any
20 limited access highway under their respective jurisdictions
21 prohibit the use of any such highway by funeral processions, or by
22 parades, pedestrians, bicycles or other nonmotorized traffic, or
23 by any person operating a motor-driven cycle. Bicyclists and
24 operators of motorized scooters may use the right shoulder of
25 limited-access highways except where prohibited. The department of
26 transportation may by order, and local authorities may by
27 ordinance or resolution, with respect to any limited-access
28 highway under their respective jurisdictions prohibit the use of
29 the shoulders of any such highway by bicycles or motorized
30 scooters within urban areas or upon other sections of the highway
31 where such use is deemed to be unsafe.

32 The department of transportation or the local authority
33 adopting any such prohibitory regulation shall erect and maintain
34 official traffic control devices on the limited access roadway on
35 which such regulations are applicable, and when so erected no
36 person may disobey the restrictions stated on such devices.

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Sec. 5. RCW 46.61.710 and 1997 c 328 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 the provisions of RCW 46.16.630.

(2) Notwithstanding any other provision of law, neither a moped nor a motorized scooter may ~~((not))~~ be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

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

(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. Electric-assisted bicycles may have access to highways of the state to the same extent as bicycles. Electric-assisted bicycles may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles.

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

"Motorized scooter" means a two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by either an electric or internal combustion motor that is capable of propelling the device with or without human propulsion.

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

Sec. 7. RCW 46.04.332 and 1979 ex.s. c 213 s 3 are each amended to read as follows:

"Motor-driven cycle" means every motorcycle ~~((, including every~~

1 ~~motor-scooter,~~) with a motor which produces not to exceed five
2 brake horsepower (developed by a prime mover, as measured by a
3 brake applied to the driving shaft). A motor-driven cycle does not
4 include a moped.

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