

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6316

57th Legislature
2002 Regular Session

Passed by the Senate March 11, 2002
YEAS 37 NAYS 7

President of the Senate

Passed by the House March 7, 2002
YEAS 91 NAYS 2

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6316** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

Approved

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6316

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington

57th Legislature

2002 Regular Session

By Senators Kastama, Horn, Prentice, Johnson, Eide, Finkbeiner, McCaslin, McDonald, Swecker, Jacobsen, Fairley, Oke, Costa, Thibaudeau, Morton and Benton

Read first time 01/15/2002. Referred to Committee on Transportation.

1 AN ACT Relating to electric personal assistive mobility devices;
2 amending RCW 46.04.320, 46.04.330, 46.04.332, 46.04.670, 46.20.500,
3 46.61.710, and 35.75.020; adding a new section to chapter 46.04 RCW;
4 and creating a new section.

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

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

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

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

17 "Motor vehicle" shall mean every vehicle which is self-propelled
18 and every vehicle which is propelled by electric power obtained from

1 overhead trolley wires, but not operated upon rails. An electric
2 personal assistive mobility device is not considered a motor vehicle.

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

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

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

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

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

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

23 "Vehicle" includes every device capable of being moved upon a
24 public highway and in, upon, or by which any persons or property is or
25 may be transported or drawn upon a public highway, including bicycles.
26 The term does not include devices other than bicycles moved by human or
27 animal power or used exclusively upon stationary rails or tracks.
28 mopeds shall not be considered vehicles or motor vehicles for the
29 purposes of chapter 46.70 RCW. Bicycles shall not be considered
30 vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW.
31 Electric personal assistive mobility devices are not considered
32 vehicles or motor vehicles for the purposes of chapter 46.12, 46.16,
33 46.29, 46.37, or 46.70 RCW.

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

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

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

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

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

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

16 (1) No person shall operate a moped upon the highways of this state
17 unless the moped has been assigned a moped registration number and
18 displays a moped permit in accordance with the provisions of RCW
19 46.16.630.

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

23 (3) Operation of a moped, electric personal assistive mobility
24 device, or an electric-assisted bicycle on a fully controlled limited
25 access highway ((or on a sidewalk)) is unlawful. Operation of a moped
26 or an electric-assisted bicycle on a sidewalk is unlawful.

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

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

35 (6) A person operating an electric personal assistive mobility
36 device (EPAMD) shall obey all speed limits and shall yield the right-
37 of-way to pedestrians and human-powered devices at all times. An
38 operator must also give an audible signal before overtaking and passing

1 a pedestrian. Except for the limitations of this subsection, persons
2 operating an EPAMD have all the rights and duties of a pedestrian.

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

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

9 (b) A municipality may restrict the speed of an EPAMD in locations
10 with congested pedestrian or nonmotorized traffic and where there is
11 significant speed differential between pedestrians or nonmotorized
12 traffic and EPAMD operators. The areas in this subsection must be
13 designated by the city engineer or designee of the municipality.
14 Municipalities shall not restrict the speed of an EPAMD in the entire
15 community or in areas in which there is infrequent pedestrian traffic;

16 (c) A state agency or local government may regulate the operation
17 of an EPAMD within the boundaries of any area used for recreation, open
18 space, habitat, trails, or conservation purposes.

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

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

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

--- END ---