

# SENATE BILL REPORT

## SB 5482

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As Amended by House, April 9, 2009

**Title:** An act relating to two-wheeled and three-wheeled vehicles.

**Brief Description:** Modifying provisions governing two-wheeled and three-wheeled vehicles.

**Sponsors:** Senators Haugen and Swecker; by request of Washington State Patrol.

**Brief History:**

**Committee Activity:** Transportation: 2/05/09, 2/19/09 [DP, w/oRec].

Passed Senate: 3/07/09, 31-13.

Passed House: 4/09/09, 59-38.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Jarrett, Kastama, Kauffman, Kilmer, King, Ranker and Sheldon.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Benton.

**Staff:** Dory Nicpon (786-7321)

**Background:** Current statutes defining and regulating motorcycles, mopeds, and motorized foot scooters are inconsistent with federal definitions and regulations. The federal definition of a motorcycle allows for a saddle and steering wheel, while the state definition of motorcycle is limited to units which are ridden astride by the driver and steered by handlebars. State laws pertaining to mopeds require compliance with federal safety standards, but also contain wheel size and pedal specifications that conflict with those specifications included in the federal definition of moped. Some vehicles that meet the state definition of motorized foot scooter are capable of traveling at freeway speeds, yet current statutes allow drivers to operate them on bicycle paths and without a driver's license or endorsement. Under federal law, any vehicle that travels at speeds of 25 miles per hour or more must follow certain safety requirements.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** The state definition of motorcycle is amended to conform with the federal definition for motorcycle, and includes certain vehicles that have a saddle or steering wheel. An operator of an enclosed three-wheel vehicle with a steering wheel and bucket seat that meets the definition of motorcycle must: (1) register the vehicle as a motorcycle; (2) have a valid motorcycle endorsement; (3) wear a seat belt and helmet – unless the manufacturer has certified compliance with federal standards for roof crush resistance; and (4) not transport children under the age of five.

The wheel size and pedal specifications are eliminated from the definition of moped in conformity with the federal definition of moped.

The definition of a motorized foot scooter is revised to specify a top speed of 20 miles per hour. A user of a motorized foot scooter must wear a bicycle helmet, and may not operate the scooter on sidewalks or fully-controlled limited access highways.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill ensures safety and fixes problems that arise because state statutes are inconsistent with federal definitions or modern industry standards.

CON: This bill creates compliance and enforcement difficulties because it references an engineering standard rather than a consumer standard. Motorist and law enforcements officers will have a difficult time determining whether particular equipment is compliant.

OTHER: This bill seems like overkill; it may be complicating rather than clarifying existing law.

**Persons Testifying:** PRO: Captain Jeff DeVere, Washington State Patrol (WSP); Melissa VanGorkom, WSP.

CON: Donnie Landsman, A Brotherhood Against Totalitarian Enactments (ABATE) of Washington.

OTHER: Larry Walker, Washington Road Riders Association.

**House Amendment(s):** Jurisdictions with vehicle-activated control signals are required to create a procedure for recording issues with signals and establish a procedure to prioritize and repair the signals with detection issues. Vehicle detection areas must be clearly marked on the pavement if the existing detector is anywhere but in the center of the lane and immediately before the stop line or crosswalk.

A person holding a valid driver's license may operate a motorcycle as defined in RCW 46.04.330 (2) (i.e. with a partially or completely enclosed seat, and equipped with safety belts and a steering wheel) without a motorcycle endorsement.