
SUBSTITUTE SENATE BILL 5378

State of Washington

65th Legislature

2017 Regular Session

By Senate Transportation (originally sponsored by Senators Sheldon, Dansel, Hasegawa, Conway, and Fortunato)

READ FIRST TIME 02/08/17.

1 AN ACT Relating to modifying the operation of motorcycles on
2 roadways laned for traffic; amending RCW 46.61.608 and 47.52.025;
3 prescribing penalties; and providing an expiration date.

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

5 **Sec. 1.** RCW 46.61.608 and 2013 c 139 s 1 are each amended to
6 read as follows:

7 (1) All motorcycles are entitled to full use of a lane and no
8 motor vehicle shall be driven in such a manner as to deprive any
9 motorcycle of the full use of a lane. This subsection shall not apply
10 to motorcycles operated two abreast in a single lane.

11 (2)(a) The operator of a motorcycle shall not overtake and pass
12 in the same lane occupied by the vehicle being overtaken, except on a
13 numbered state route that is a divided highway having two or more
14 lanes of traffic in each direction separated by a physical barrier or
15 unpaved median if the operator of the motorcycle is traveling at a
16 rate of speed no more than ten miles per hour over the speed of
17 traffic flow and not more than twenty-five miles per hour. (~~However,~~
18 ~~this subsection shall not apply~~) When the operator of a motorcycle
19 overtakes and passes a pedestrian or bicyclist (~~while maintaining~~),
20 the operator shall maintain a safe passing distance of at least three
21 feet.

1 (b) Any operator of a motor vehicle that intentionally impedes or
2 attempts to prevent any operator of a motorcycle from operating his
3 or her motorcycle as permitted under this subsection is guilty of a
4 traffic infraction.

5 (3) No person shall operate a motorcycle between lanes of traffic
6 or between adjacent lines or rows of vehicles, except on a numbered
7 state route that is a divided highway having two or more lanes of
8 traffic in each direction separated by a physical barrier or unpaved
9 median if the operator of the motorcycle is traveling at a rate of
10 speed no more than ten miles per hour over the speed of traffic flow
11 and not more than twenty-five miles per hour.

12 (4) Motorcycles shall not be operated more than two abreast in a
13 single lane.

14 (5) Subsections (2) and (3) of this section shall not apply to
15 police officers in the performance of their official duties.

16 **Sec. 2.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
17 as follows:

18 (1) Highway authorities of the state, counties, and incorporated
19 cities and towns, in addition to the specific powers granted in this
20 chapter, shall also have, and may exercise, relative to limited
21 access facilities, any and all additional authority, now or hereafter
22 vested in them relative to highways or streets within their
23 respective jurisdictions, and may regulate, restrict, or prohibit the
24 use of such limited access facilities by various classes of vehicles
25 or traffic. Such highway authorities may reserve any limited access
26 facility or portions thereof, including designated lanes or ramps for
27 the exclusive or preferential use of (a) public transportation
28 vehicles, (b) privately owned buses, (c) motorcycles, (d) private
29 motor vehicles carrying not less than a specified number of
30 passengers, or (e) the following private transportation provider
31 vehicles if the vehicle has the capacity to carry eight or more
32 passengers, regardless of the number of passengers in the vehicle,
33 and if such use does not interfere with the efficiency, reliability,
34 and safety of public transportation operations: (i) Auto
35 transportation company vehicles regulated under chapter 81.68 RCW;
36 (ii) passenger charter carrier vehicles regulated under chapter 81.70
37 RCW, except marked or unmarked stretch limousines and stretch sport
38 utility vehicles as defined under department of licensing rules;
39 (iii) private nonprofit transportation provider vehicles regulated

1 under chapter 81.66 RCW; and (iv) private employer transportation
2 service vehicles, when such limitation will increase the efficient
3 utilization of the highway facility or will aid in the conservation
4 of energy resources. Regulations authorizing such exclusive or
5 preferential use of a highway facility may be declared to be
6 effective at all time or at specified times of day or on specified
7 days.

8 (2) Any transit-only lanes that allow other vehicles to access
9 abutting businesses that are reserved pursuant to subsection (1) of
10 this section may not be authorized for the use of private
11 transportation provider vehicles as described under subsection (1) of
12 this section.

13 (3) Highway authorities of the state, counties, or incorporated
14 cities and towns may prohibit the use of limited access facilities by
15 the following private transportation provider vehicles: (a) Auto
16 transportation company vehicles regulated under chapter 81.68 RCW;
17 (b) passenger charter carrier vehicles regulated under chapter 81.70
18 RCW, and marked or unmarked limousines and stretch sport utility
19 vehicles as defined under department of licensing rules; (c) private
20 nonprofit transportation provider vehicles regulated under chapter
21 81.66 RCW; and (d) private employer transportation service vehicles,
22 when the average transit speed in the high occupancy vehicle travel
23 lane fails to meet department standards and falls below forty-five
24 miles per hour at least ninety percent of the time during the peak
25 hours for two consecutive months.

26 (4)(a) Local authorities are encouraged to establish a process
27 for private transportation providers, described under subsections (1)
28 and (3) of this section, to apply for the use of limited access
29 facilities that are reserved for the exclusive or preferential use of
30 public transportation vehicles.

31 (b) The process must provide a list of facilities that the local
32 authority determines to be unavailable for use by the private
33 transportation provider and must provide the criteria used to reach
34 that determination.

35 (c) The application and review processes must be uniform and
36 should provide for an expeditious response by the authority.

37 (5) When the department has opened the use of the shoulder of a
38 limited access facility for public transportation vehicles, the
39 department must allow motorcycles to use the shoulder during the same
40 time periods and conditions.

1 (6) For the purposes of this section, "private employer
2 transportation service" means regularly scheduled, fixed-route
3 transportation service that is similarly marked or identified to
4 display the business name or logo on the driver and passenger sides
5 of the vehicle, meets the annual certification requirements of the
6 department, and is offered by an employer for the benefit of its
7 employees.

8 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 31,
9 2019.

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