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SENATE BILL 6434

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State of Washington                      65th Legislature                      2018 Regular Session

By Senators Rolfes, Rivers, Nelson, Brown, and Saldaña

Read first time 01/17/18. Referred to Committee on Transportation.

1            AN ACT Relating to electric-assisted bicycles; amending RCW  
2 46.04.169, 46.04.071, 46.20.500, and 46.61.710; and adding a new  
3 section to chapter 46.37 RCW.

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

5            **Sec. 1.** RCW 46.04.169 and 1997 c 328 s 1 are each amended to  
6 read as follows:

7            "Electric-assisted bicycle" means a bicycle with two or three  
8 wheels, a saddle, fully operative pedals for human propulsion, and an  
9 electric motor. The electric-assisted bicycle's electric motor must  
10 have a power output of no more than (~~one thousand~~) seven hundred  
11 fifty watts(~~(, be incapable of propelling the device at a speed of~~  
12 ~~more than twenty miles per hour on level ground, and be incapable of~~  
13 ~~further increasing the speed of the device when human power alone is~~  
14 ~~used to propel the device beyond twenty miles per hour)). The  
15 electric-assisted bicycle must meet the requirements of one of the  
16 following three classifications:~~

17            (1) "Class 1 electric-assisted bicycle" means an electric-  
18 assisted bicycle in which the motor provides assistance only when the  
19 rider is pedaling and ceases to provide assistance when the bicycle  
20 reaches the speed of twenty miles per hour;

1       (2) "Class 2 electric-assisted bicycle" means an electric-  
2 assisted bicycle in which the motor may be used exclusively to propel  
3 the bicycle and is not capable of providing assistance when the  
4 bicycle reaches the speed of twenty miles per hour; or

5       (3) "Class 3 electric-assisted bicycle" means an electric-  
6 assisted bicycle in which the motor provides assistance only when the  
7 rider is pedaling and ceases to provide assistance when the bicycle  
8 reaches the speed of twenty-eight miles per hour and is equipped with  
9 a speedometer.

10       **Sec. 2.** RCW 46.04.071 and 1982 c 55 s 4 are each amended to read  
11 as follows:

12       "Bicycle" means every device propelled solely by human power, or  
13 an electric-assisted bicycle as defined in RCW 46.04.169, upon which  
14 a person or persons may ride, having two tandem wheels either of  
15 which is sixteen inches or more in diameter, or three wheels, any one  
16 of which is more than twenty inches in diameter.

17       NEW SECTION.   **Sec. 3.** A new section is added to chapter 46.37  
18 RCW to read as follows:

19       (1) A manufacturer or distributor of new electric-assisted  
20 bicycles, where electric-assisted bicycles are defined in RCW  
21 46.04.169, offered for sale or distribution in Washington state must:

22       (a) Beginning July 1, 2018, permanently affix, in a prominent  
23 location, a label printed in arial font and at least nine-point type  
24 that contains the classification number, top assisted speed, and  
25 motor wattage;

26       (b) Comply with the equipment and manufacturing requirements for  
27 bicycles adopted by the United States consumer product safety  
28 commission.

29       (2) A person shall not tamper with or modify an electric-assisted  
30 bicycle, as defined in RCW 46.04.169, so as to change the speed  
31 capability of the electric-assisted bicycle, unless the label in  
32 subsection (1)(a) of this section is appropriately replaced.

33       (3) Except as otherwise provided, an electric-assisted bicycle  
34 or a rider of an electric-assisted bicycle is subject to the same  
35 provisions of this title as a bicycle or the rider of a bicycle.

36       **Sec. 4.** RCW 46.20.500 and 2013 c 174 s 2 are each amended to  
37 read as follows:

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

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

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

13 (4) No driver's license is required to operate an electric  
14 personal assistive mobility device or a power wheelchair.

15 (5) No driver's license is required to operate a motorized foot  
16 scooter. Motorized foot scooters may not be operated at any time from  
17 a half hour after sunset to a half hour before sunrise without  
18 reflectors of a type approved by the state patrol.

19 (6) A person holding a valid driver's license may operate a  
20 motorcycle as defined under RCW 46.04.330(2) without a motorcycle  
21 endorsement.

22 (7) A person operating a motorcycle with a stabilizing conversion  
23 kit must have a valid driver's license specially endorsed by the  
24 director for a three-wheeled motorcycle to enable the holder to  
25 operate such a motorcycle.

26 **Sec. 5.** RCW 46.61.710 and 2011 c 171 s 81 are each amended to  
27 read as follows:

28 (1) No person shall operate a moped upon the highways of this  
29 state unless the moped has been assigned a moped registration number  
30 and displays a moped permit in accordance with RCW 46.16A.405(2).

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

34 (3) Operation of a moped, electric personal assistive mobility  
35 device, or motorized foot scooter(~~(, or an electric-assisted~~  
36 ~~bicycle)~~) on a fully controlled limited access highway is unlawful.  
37 Operation of a moped(~~(r)~~) on a sidewalk is unlawful. Operation of a  
38 motorized foot scooter(~~(r)~~) or ((an)) class 3 electric-assisted  
39 bicycle on a sidewalk is unlawful, unless there is no alternative for

1 a motorized foot scooter or a class 3 electric-assisted bicycle to  
2 travel over a sidewalk as part of a bicycle or pedestrian path.

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

5 (5) Subsections (1), (2), and (4) of this section do not apply to  
6 electric-assisted bicycles.

7 (6) Electric-assisted bicycles and motorized foot scooters may  
8 have access to highways(~~(, other than limited access highways,)~~) of  
9 the state to the same extent as bicycles, subject to RCW 46.61.160.

10 (7) Subject to subsection (~~((6))~~) (9) of this section, class 1  
11 and class 2 electric-assisted bicycles and motorized foot scooters  
12 may be operated on a (~~(multipurpose trail)~~) shared-use path or  
13 (~~(bicycle lane)~~) any part of a highway designated for the use of  
14 bicycles, but local jurisdictions may restrict or otherwise limit the  
15 access of electric-assisted bicycles and motorized foot scooters, and  
16 state agencies may regulate the use of motorized foot scooters on  
17 facilities and properties under their jurisdiction and control.

18 (~~((6))~~) (8) Class 3 electric-assisted bicycles may be operated on  
19 facilities that are within or adjacent to a highway. Class 3  
20 electric-assisted bicycles may not be operated on a shared-use path,  
21 except where local jurisdictions may allow the use of class 3  
22 electric-assisted bicycles. State or local agencies may regulate the  
23 use of class 3 electric-assisted bicycles on facilities and  
24 properties under their jurisdiction and control.

25 (9) Subsections (1) and (4) of this section do not apply to  
26 motorized foot scooters. Subsection (2) of this section applies to  
27 motorized foot scooters when the bicycle path, trail, bikeway,  
28 equestrian trail, or hiking or recreational trail was built or is  
29 maintained with federal highway transportation funds. Additionally,  
30 any new trail or bicycle path or readily identifiable existing trail  
31 or bicycle path not built or maintained with federal highway  
32 transportation funds may be used by persons operating motorized foot  
33 scooters only when appropriately signed.

34 (~~((7))~~) (10) A person operating an electric personal assistive  
35 mobility device (EPAMD) shall obey all speed limits and shall yield  
36 the right-of-way to pedestrians and human-powered devices at all  
37 times. An operator must also give an audible signal before overtaking  
38 and passing a pedestrian. Except for the limitations of this  
39 subsection, persons operating an EPAMD have all the rights and duties  
40 of a pedestrian.

1        (~~(8)~~) (11) The use of an EPAMD may be regulated in the  
2 following circumstances:

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

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

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

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