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**SENATE BILL 5303**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senators Liias and Saldaña; by request of Department of Licensing and Washington Traffic Safety Commission

AN ACT Relating to motorcycle safety; amending RCW 46.81A.020, 46.20.510, 46.20.520, and 46.20.500; prescribing penalties; and providing an effective date.

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

**Sec.**  RCW 46.81A.020 and 2013 c 33 s 1 are each amended to read as follows:

(1) The director shall administer and enforce the law pertaining to the motorcycle skills education program as set forth in this chapter.

(2) The director may adopt and enforce reasonable rules that are consistent with this chapter.

(3) The director shall revise the Washington motorcycle safety program to:

(a) Institute separate novice and advanced motorcycle skills education courses for both two-wheeled and three-wheeled motorcycles that are each a minimum of eight hours ((~~and no more than sixteen hours at a cost, except as provided in subsection (5) of this section, of (i) no more than fifty dollars for Washington state residents under the age of eighteen, and (ii) no more than one hundred twenty-five dollars for Washington state residents who are eighteen years of age or older and military personnel of any age stationed in Washington state~~));

(b) Encourage the use of loaned or used motorcycles for use in the motorcycle skills education course if the instructor approves them;

(c) Require all instructors for two-wheeled motorcycles to conduct at least three classes in a one-year period, and all instructors for three-wheeled motorcycles to conduct at least one class in a one-year period, to maintain their teaching eligibility.

(4) The department may enter into agreements to review and certify that a private motorcycle skills education course meets educational standards equivalent to those required of courses conducted under the motorcycle skills education program. An agreement entered into under this subsection must provide that the department may conduct periodic audits to ensure that educational standards continue to meet those required for courses conducted under the motorcycle skills education program, and that the costs of the review, certification, and audit process will be borne by the party seeking certification.

(5) Subject to the requirements provided in this subsection, the department must allow private motorcycle skills education programs to offer motorcycle safety education where students pay the full cost for the training. After the department has reviewed and certified that a private motorcycle skills education course proposed under this subsection meets educational standards equivalent to those offered under subsection (3)(a) of this section, the department must enter into an agreement with the private motorcycle skills education program. An agreement entered into under this subsection must provide that (a) the department may conduct periodic audits to ensure that educational standards continue to meet those of other programs approved by the department, and (b) the costs of the review((~~,~~)) and certification((~~, and audit~~)) process will be borne by the program seeking certification.

(6) The department shall obtain and compile information from applicants for a motorcycle endorsement regarding whether they have completed a state approved or certified motorcycle skills education course.

**Sec.**  RCW 46.20.510 and 2011 c 246 s 1 are each amended to read as follows:

(1) **Motorcycle instruction permit**. A person holding a valid driver's license who wishes to learn to ride a motorcycle may apply for a motorcycle instruction permit. The department may issue a motorcycle instruction permit after the applicant has successfully passed all ((~~parts of the motorcycle examination other than the driving test~~)) knowledge and skills examinations required and approved by the department. The director shall collect a fee of fifteen dollars for the motorcycle instruction permit or renewal, and deposit the fee in the motorcycle safety education account of the highway safety fund.

(a) The examination for a two-wheeled motorcycle instruction permit and the examination for a three-wheeled motorcycle instruction permit must be separate and distinct examinations.

(b) The department may authorize an entity that has entered into a contract authorized under RCW 46.20.520 to administer the motorcycle instruction permit examinations.

(2) **Effect of motorcycle instruction permit**. A person holding a motorcycle instruction permit may drive a motorcycle upon the public highways if the person has immediate possession of the permit and a valid driver's license. An individual with a motorcyclist's instruction permit may not carry passengers and may not operate a motorcycle during the hours of darkness.

(3) **Term of motorcycle instruction permit**. A motorcycle instruction permit is valid for ((~~ninety~~)) one hundred eighty days from the date of issue.

(a) The department may issue one additional ((~~ninety~~)) one hundred eighty-day permit.

(b) ((~~The department may issue a third motorcycle instruction permit upon presentation of documented evidence that the permittee is enrolled in a motorcycle skills education program as authorized in RCW 46.81A.020 with a class start date prior to the expiration of the third permit.~~)) The department may not issue more than ((~~three~~)) two motorcycle instruction permits to an applicant within a five-year period.

(4) The director may adopt and enforce reasonable rules that are consistent with this section.

**Sec.**  RCW 46.20.520 and 1998 c 245 s 89 are each amended to read as follows:

(1) The director of licensing shall use moneys designated for the motorcycle safety education account of the highway safety fund to implement by July 1, 1983, a voluntary motorcycle operator training and education program. The director may contract with public and private entities to implement this program.

(2) There is created a motorcycle safety education advisory board to assist the director of licensing in the development of a motorcycle operator training education program. The board shall monitor this program following implementation and report to the director of licensing as necessary with recommendations including, but not limited to, administration, application, and substance of the motorcycle operator training and education program.

The board shall consist of ((~~five~~)) seven members appointed by the director of licensing. ((~~Three members of the board, one of whom shall be appointed chairperson, shall be active motorcycle riders or members of nonprofit motorcycle organizations which actively support and promote motorcycle safety education. One member shall be a currently employed Washington state patrol motorcycle officer with at least five years experience and at least one year cumulative experience as a motorcycle officer. One member shall be~~)) Two members of the board must be active motorcycle riders or members of nonprofit motorcycle organizations that actively support and promote motorcycle safety education. The remainder of the board must consist of one representative from each of the following: Washington traffic safety commission, Washington state patrol, Washington association of sheriffs and police chiefs, a statewide motorcycle dealer's association, and a member of the public. The board shall appoint a chair. The term of appointment shall be two years. The board shall meet at the call of the director, but not less than two times annually ((~~and not less than five times during its term of appointment~~)), and shall receive no compensation for services but shall be reimbursed for travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The priorities of the program shall be in the following order of priority:

(a) Public awareness of motorcycle safety.

(b) Motorcycle safety education programs conducted by public and private entities.

(c) Classroom and on-cycle training.

(d) Improved motorcycle operator testing.

**Sec.**  RCW 46.20.500 and 2018 c 60 s 4 are each amended to read as follows:

(1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles. The monetary base penalty for violating this subsection is three hundred dollars.

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

(3) No driver's license is required for operation of an electric-assisted bicycle. Persons under sixteen years of age may not operate a class 3 electric-assisted bicycle.

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

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

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

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

NEW SECTION. **Sec.**  This act takes effect January 1, 2020.

**--- END ---**