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SENATE BILL 5254

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State of Washington

66th Legislature

2019 Regular Session

By Senators Sheldon and Conway

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  
13 the left-hand side of a vehicle traveling in the left-most lane of  
14 traffic on a numbered state route that is a divided highway having  
15 two or more lanes of traffic in each direction separated by a  
16 physical barrier or unpaved median if the operator of the motorcycle  
17 is traveling at a rate of speed no more than ten miles per hour over  
18 the speed of traffic flow and not more than twenty-five miles per  
19 hour. (~~However, this subsection shall not apply~~) When the operator  
20 of a motorcycle overtakes and passes a pedestrian or bicyclist

1 (~~while maintaining~~), the operator shall maintain a safe passing  
2 distance of at least three feet.

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

7 (3) No person shall operate a motorcycle between lanes of traffic  
8 or between adjacent lines or rows of vehicles.

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

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

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

15 (1) Highway authorities of the state, counties, and incorporated  
16 cities and towns, in addition to the specific powers granted in this  
17 chapter, shall also have, and may exercise, relative to limited  
18 access facilities, any and all additional authority, now or hereafter  
19 vested in them relative to highways or streets within their  
20 respective jurisdictions, and may regulate, restrict, or prohibit the  
21 use of such limited access facilities by various classes of vehicles  
22 or traffic. Such highway authorities may reserve any limited access  
23 facility or portions thereof, including designated lanes or ramps for  
24 the exclusive or preferential use of (a) public transportation  
25 vehicles, (b) privately owned buses, (c) motorcycles, (d) private  
26 motor vehicles carrying not less than a specified number of  
27 passengers, or (e) the following private transportation provider  
28 vehicles if the vehicle has the capacity to carry eight or more  
29 passengers, regardless of the number of passengers in the vehicle,  
30 and if such use does not interfere with the efficiency, reliability,  
31 and safety of public transportation operations: (i) Auto  
32 transportation company vehicles regulated under chapter 81.68 RCW;  
33 (ii) passenger charter carrier vehicles regulated under chapter 81.70  
34 RCW, except marked or unmarked stretch limousines and stretch sport  
35 utility vehicles as defined under department of licensing rules;  
36 (iii) private nonprofit transportation provider vehicles regulated  
37 under chapter 81.66 RCW; and (iv) private employer transportation  
38 service vehicles, when such limitation will increase the efficient  
39 utilization of the highway facility or will aid in the conservation

1 of energy resources. Regulations authorizing such exclusive or  
2 preferential use of a highway facility may be declared to be  
3 effective at all time or at specified times of day or on specified  
4 days.

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

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

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

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

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

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

38 (6) For the purposes of this section, "private employer  
39 transportation service" means regularly scheduled, fixed-route  
40 transportation service that is similarly marked or identified to

1 display the business name or logo on the driver and passenger sides  
2 of the vehicle, meets the annual certification requirements of the  
3 department, and is offered by an employer for the benefit of its  
4 employees.

5 NEW SECTION. **Sec. 3.** Section 1 of this act expires July 31,  
6 2022.

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