
SUBSTITUTE SENATE BILL 6351

State of Washington

54th Legislature

1996 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Thibaudeau, Prentice, Owen and Wood)

Read first time 02/02/96.

1 AN ACT Relating to electric-assisted bicycles; amending RCW
2 46.16.010, 46.20.500, 46.37.530, and 46.61.710; and adding a new
3 section to chapter 46.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
6 to 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. For such a device to be considered an electric-
10 assisted bicycle, it must meet the requirements of the Federal Motor
11 Vehicle Safety Standards as set forth in 49 C.F.R. 571.1 et seq., and
12 must operate so that the electric motor disengages or ceases to
13 function when the brakes are applied. The electric-assisted bicycle's
14 electric motor must have a power output of no more than one thousand
15 watts, be incapable of propelling the device at a speed of more than
16 twenty miles per hour on level ground, and be incapable of further
17 increasing the speed of the device when human power alone is used to
18 propel the device beyond twenty miles per hour.

1 **Sec. 2.** RCW 46.16.010 and 1993 c 238 s 1 are each amended to read
2 as follows:

3 (1) It is unlawful for a person to operate any vehicle over and
4 along a public highway of this state without first having obtained and
5 having in full force and effect a current and proper vehicle license
6 and display vehicle license number plates therefor as by this chapter
7 provided. Failure to make initial registration before operation on the
8 highways of this state is a misdemeanor, and any person convicted
9 thereof shall be punished by a fine of no less than three hundred
10 thirty dollars, no part of which may be suspended or deferred. Failure
11 to renew an expired registration before operation on the highways of
12 this state is a traffic infraction.

13 (2) The licensing of a vehicle in another state by a resident of
14 this state, as defined in RCW 46.16.028, evading the payment of any tax
15 or license fee imposed in connection with registration, is a gross
16 misdemeanor punishable as follows:

17 (a) For a first offense, up to one year in the county jail and a
18 fine equal to twice the amount of delinquent taxes and fees, no part of
19 which may be suspended or deferred;

20 (b) For a second or subsequent offense, up to one year in the
21 county jail and a fine equal to three times the amount of delinquent
22 taxes and fees, no part of which may be suspended or deferred.

23 (3) These provisions shall not apply to the following vehicles:

24 (a) Electric-assisted bicycles;

25 (b) Farm ((vehicle[s] as defined in RCW 46.04.181)) vehicles if
26 operated within a radius of fifteen miles of the farm where principally
27 used or garaged, farm tractors and farm implements including trailers
28 designed as cook or bunk houses used exclusively for animal herding
29 temporarily operating or drawn upon the public highways, and trailers
30 used exclusively to transport farm implements from one farm to another
31 during the daylight hours or at night when such equipment has lights
32 that comply with the law((:—PROVIDED FURTHER, That these provisions
33 shall not apply to)));

34 (c) Spray or fertilizer applicator rigs designed and used
35 exclusively for spraying or fertilization in the conduct of
36 agricultural operations and not primarily for the purpose of
37 transportation, and nurse rigs or equipment auxiliary to the use of and
38 designed or modified for the fueling, repairing or loading of spray and
39 fertilizer applicator rigs and not used, designed, or modified

1 primarily for the purpose of transportation(~~((: PROVIDED FURTHER, That~~
2 ~~these provisions shall not apply to))~~);

3 (d) Fork lifts operated during daylight hours on public highways
4 adjacent to and within five hundred feet of the warehouses which they
5 serve(~~((: PROVIDED FURTHER, That these provisions shall not apply to~~
6 ~~equipment defined as follows:))~~);

7 (e) "Special highway construction equipment" (~~(is)~~) defined as
8 follows: Any vehicle which is designed and used primarily for grading
9 of highways, paving of highways, earth moving, and other construction
10 work on highways and which is not designed or used primarily for the
11 transportation of persons or property on a public highway and which is
12 only incidentally operated or moved over the highway. It includes, but
13 is not limited to, road construction and maintenance machinery so
14 designed and used such as portable air compressors, air drills, asphalt
15 spreaders, bituminous mixers, bucket loaders, track laying tractors,
16 ditchers, leveling graders, finishing machines, motor graders, paving
17 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
18 lighting plants, welders, pumps, power shovels and draglines, self-
19 propelled and tractor-drawn earth moving equipment and machinery,
20 including dump trucks and tractor-dump trailer combinations which
21 either (~~(+1)~~) (i) are in excess of the legal width or (~~(+2)~~) (ii)
22 which, because of their length, height, or unladen weight, may not be
23 moved on a public highway without the permit specified in RCW 46.44.090
24 and which are not operated laden except within the boundaries of the
25 project limits as defined by the contract, and other similar types of
26 construction equipment, or (~~(+3)~~) (iii) which are driven or moved upon
27 a public highway only for the purpose of crossing such highway from one
28 property to another, provided such movement does not exceed five
29 hundred feet and the vehicle is equipped with wheels or pads which will
30 not damage the roadway surface.

31 Exclusions:

32 "Special highway construction equipment" does not include any of
33 the following:

34 Dump trucks originally designed to comply with the legal size and
35 weight provisions of this code notwithstanding any subsequent
36 modification which would require a permit, as specified in RCW
37 46.44.090, to operate such vehicles on a public highway, including
38 trailers, truck-mounted transit mixers, cranes and shovels, or other

1 vehicles designed for the transportation of persons or property to
2 which machinery has been attached.

3 (4) The following vehicles, whether operated solo or in
4 combination, are exempt from license registration and displaying
5 license plates as required by this chapter:

6 (a) A converter gear used to convert a semitrailer into a trailer
7 or a two-axle truck or tractor into a three or more axle truck or
8 tractor or used in any other manner to increase the number of axles of
9 a vehicle. Converter gear includes an auxiliary axle, booster axle,
10 dolly, and jeep axle.

11 (b) A tow dolly that is used for towing a motor vehicle behind
12 another motor vehicle. The front or rear wheels of the towed vehicle
13 are secured to and rest on the tow dolly that is attached to the towing
14 vehicle by a tow bar.

15 **Sec. 3.** RCW 46.20.500 and 1982 c 77 s 1 are each amended to read
16 as follows:

17 No person may drive a motorcycle or a motor-driven cycle unless
18 such person has a valid driver's license specially endorsed by the
19 director to enable the holder to drive such vehicles, nor may a person
20 drive a motorcycle of a larger engine displacement than that authorized
21 by such special endorsement or by an instruction permit for such
22 category(~~(:—PROVIDED, That any)~~). However, a person sixteen years of
23 age or older, holding a valid driver's license of any class issued by
24 the state of the person's residence, may operate a moped without taking
25 any special examination for the operation of a moped. No driver's
26 license is required for operation of an electric-assisted bicycle if
27 the operator is at least sixteen years of age. Persons under sixteen
28 years of age may not operate an electric-assisted bicycle.

29 **Sec. 4.** RCW 46.37.530 and 1990 c 270 s 7 are each amended to read
30 as follows:

31 (1) It is unlawful:

32 (a) For any person to operate a motorcycle or motor-driven cycle
33 not equipped with mirrors on the left and right sides of the motorcycle
34 which shall be so located as to give the driver a complete view of the
35 highway for a distance of at least two hundred feet to the rear of the
36 motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be
37 required on any motorcycle or motor-driven cycle over twenty-five years

1 old originally manufactured without mirrors and which has been restored
2 to its original condition and which is being ridden to or from or
3 otherwise in conjunction with an antique or classic motorcycle contest,
4 show, or other such assemblage: PROVIDED FURTHER, That no mirror is
5 required on any motorcycle manufactured prior to January 1, 1931;

6 (b) For any person to operate a motorcycle or motor-driven cycle
7 which does not have a windshield unless wearing glasses, goggles, or a
8 face shield of a type conforming to rules adopted by the state patrol;

9 (c) For any person to operate or ride upon a motorcycle, motor-
10 driven cycle, or moped on a state highway, county road, or city street
11 unless wearing upon his or her head a protective helmet of a type
12 conforming to rules adopted by the state patrol except when the vehicle
13 is an antique motor-driven cycle or automobile that is licensed as a
14 motorcycle or when the vehicle is equipped with seat belts and roll
15 bars approved by the state patrol. The helmet must be equipped with
16 either a neck or chin strap which shall be fastened securely while the
17 motorcycle or motor-driven cycle is in motion. Persons operating
18 electric-assisted bicycles shall comply with all laws and regulations
19 related to the use of bicycle helmets;

20 (d) For any person to transport a child under the age of five on a
21 motorcycle or motor-driven cycle;

22 (e) For any person to sell or offer for sale a motorcycle helmet
23 which does not meet the requirements established by the state patrol.

24 (2) The state patrol is hereby authorized and empowered to adopt
25 and amend rules, pursuant to the Administrative Procedure Act,
26 concerning the standards and procedures for conformance of rules
27 adopted for glasses, goggles, face shields, and protective helmets.

28 **Sec. 5.** RCW 46.61.710 and 1979 ex.s. c 213 s 8 are each amended to
29 read as follows:

30 (1) No person shall operate a moped upon the highways of this state
31 unless the moped has been assigned a moped registration number and
32 displays a moped permit in accordance with the provisions of RCW
33 46.16.630.

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

37 (3) Operation of a moped on a fully controlled limited access
38 highway or on a sidewalk is unlawful.

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

3 (5) Subsections (1) through (4) of this section do not apply to
4 electric-assisted bicycles. Electric-assisted bicycles shall have
5 access to highways of the state to the same extent as bicycles.
6 Electric-assisted bicycles may be operated on a multipurpose trail or
7 bicycle lane, but local jurisdictions may restrict or otherwise limit
8 the access of electric-assisted bicycles by posting notice of the
9 restrictions on the trail or bicycle lane.

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