

ESHB 1325 - S COMM AMD  
By Committee on Transportation

ADOPTED 04/10/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

6 (1) "Department" means the department of licensing.

7 (2) "Eligible entity" means a corporation, partnership,  
8 association, firm, sole proprietorship, or other entity engaged in  
9 business.

10 (3) "Hazardous material" means any material that has been  
11 designated as hazardous under 49 U.S.C. Sec. 5103, and is required to  
12 be placarded under subpart F of 49 C.F.R. Part 172.

13 (4) "Personal delivery device" means an electrically powered  
14 device to which all of the following apply:

15 (a) The device is intended primarily to transport property on  
16 sidewalks and crosswalks;

17 (b) The device weighs less than one hundred twenty pounds,  
18 excluding any property being carried in the device;

19 (c) The device will operate at a maximum speed of six miles per  
20 hour; and

21 (d) The device is equipped with automated driving technology,  
22 including software and hardware, enabling the operation of the  
23 device, with the support and supervision of a remote personal  
24 delivery device operator.

25 (5) (a) "Personal delivery device operator" means an employee or  
26 agent of an eligible entity who has the capability to control or  
27 monitor the navigation and operation of a personal delivery device.

28 (b) "Personal delivery device operator" does not include:

29 (i) With respect to a delivery or other service rendered by a  
30 personal delivery device, the person who requests the delivery or  
31 service; or

1 (ii) A person who only arranges for and dispatches a personal  
2 delivery device for a delivery or other service.

3 NEW SECTION. **Sec. 2.** An eligible entity may operate a personal  
4 delivery device so long as all of the following requirements are met:

5 (1) The personal delivery device is operated in accordance with  
6 all ordinances, resolutions, rules and regulations established by the  
7 jurisdiction governing the rights-of-way within which the personal  
8 delivery device is operated;

9 (2) An eligible entity may operate a personal delivery device  
10 only upon:

11 (a) Crosswalks; and

12 (b) (i) Sidewalks; or

13 (ii) If a sidewalk is not provided or is not accessible, an area  
14 where a pedestrian is permitted to travel, subject to RCW 46.61.250,  
15 provided that the adjacent roadway has a speed limit of less than  
16 forty-five miles per hour;

17 (3) A personal delivery device operator is controlling or  
18 monitoring the navigation and operation of the personal delivery  
19 device;

20 (4) The eligible entity maintains an insurance policy that  
21 includes general liability coverage of not less than one hundred  
22 thousand dollars for damages arising from the operation of the  
23 personal delivery device by the eligible entity and any agent of the  
24 eligible entity;

25 (5) The eligible entity must report any incidents, resulting in  
26 personal injury or property damage that meets the accident reporting  
27 threshold for property damage under RCW 46.52.030(5), to the law  
28 enforcement agency of the local jurisdiction governing the right-of-  
29 way containing the sidewalk, crosswalk, or roadway where the incident  
30 occurred, within forty-eight hours of the incident;

31 (6) The eligible entity registers an agent located in Washington  
32 state for the purposes of addressing traffic infractions and  
33 incidents involving personal delivery devices operated by the  
34 eligible entity;

35 (7) The eligible entity submits a self-certification form to the  
36 department with the information required under section 3 of this act,  
37 both before operating a personal delivery device and on an annual  
38 basis thereafter;

1 (8) The personal delivery device is equipped with all of the  
2 following:

3 (a) A marker that clearly identifies the name and contact  
4 information of the eligible entity operating the personal delivery  
5 device, a unique identification number for the device, and the name  
6 and contact information including a mailing address of the agent  
7 required to be registered under subsection (6) of this section;

8 (b) A braking system that enables the personal delivery device to  
9 come to a controlled stop; and

10 (c) If the personal delivery device is being operated between  
11 sunset and sunrise, a light on both the front and rear of the  
12 personal delivery device that is visible on all sides of the personal  
13 delivery device in clear weather from a distance of at least five  
14 hundred feet to the front and rear of the personal delivery device  
15 when directly in front of low beams of headlights on a motor vehicle;  
16 and

17 (9) A delivery device may not be operated in Washington until it  
18 has been added to the list in the self-certification and the annual  
19 registration fee has been paid.

20 NEW SECTION. **Sec. 3.** The department of licensing shall create a  
21 self-certification form for an eligible entity to submit prior to  
22 operating a personal delivery device and thereafter on an annual  
23 basis. Through the form, the department must obtain:

24 (1) The name and address of the eligible entity and its  
25 registered agent within Washington, including the registered agent's  
26 name, address, and driver's license number, and any other information  
27 the department may require;

28 (2) The name of the jurisdiction in which the personal delivery  
29 device will be operated;

30 (3) An acknowledgment by the eligible entity that: (a) Each  
31 personal delivery device will display a unique identification number  
32 and other information specified in section 2(8) of this act; and (b)  
33 the registered agent is responsible for any infraction committed by  
34 its personal delivery device;

35 (4) An affirmation by the eligible entity that it possesses  
36 insurance as required in section 2 of this act;

37 (5) A list of any incidents, as described in section 2(5) of this  
38 act, and any traffic infractions, as described in section 5 of this

1 act, involving any personal delivery device operated by the eligible  
2 entity in Washington state in the previous year; and

3 (6) A list of each device identified by a unique identification  
4 number that the eligible entity intends to operate in the state  
5 during the year and payment of a fee of fifty dollars per personal  
6 delivery device listed. The fee must be deposited into the motor  
7 vehicle fund. The list must be updated and the fee paid prior to the  
8 eligible entity operating a device not listed in the annual self-  
9 certification.

10 NEW SECTION. **Sec. 4.** (1) A personal delivery device may not be  
11 operated to transport hazardous material, in a quantity and form that  
12 may pose an unreasonable risk to health, safety, or property when  
13 transported in commerce.

14 (2) A personal delivery device may not be operated to transport  
15 beer, wine, spirits, or other consumable alcohol.

16 NEW SECTION. **Sec. 5.** (1) A violation of this chapter, or of  
17 chapter 46.61 RCW by a personal delivery device, is a traffic  
18 infraction. A notice of infraction must be mailed to the registered  
19 agent listed on the personal delivery device within fourteen days of  
20 the violation.

21 (2) The registered agent of the eligible entity operating a  
22 personal delivery device is responsible for an infraction under RCW  
23 46.63.030(1).

24 (3) Infractions committed by a personal delivery device are not  
25 part of the registered agent's driving record under RCW 46.52.101 and  
26 46.52.120. Additionally, infractions issued under this section shall  
27 be processed in the same manner as parking infractions, including for  
28 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and  
29 46.20.270(2). The amount of the fine issued for an infraction issued  
30 under this section shall not exceed the amount of a fine issued for  
31 other parking infractions within the jurisdiction.

32 **Sec. 6.** RCW 46.04.320 and 2010 c 217 s 1 are each amended to  
33 read as follows:

34 (1) "Motor vehicle" means (~~every~~) a vehicle that is self-  
35 propelled (~~and every~~) or a vehicle that is propelled by electric  
36 power obtained from overhead trolley wires(~~(r)~~) but not operated upon  
37 rails.

1       (2) "Motor vehicle" includes:  
2       (a) A neighborhood electric vehicle as defined in RCW  
3 46.04.357 (~~(. "Motor vehicle" includes)~~);  
4       (b) A medium-speed electric vehicle as defined in RCW 46.04.295;  
5 and  
6       (c) A golf cart for the purposes of chapter 46.61 RCW.  
7       (3) "Motor vehicle" excludes:  
8       (a) An electric personal assistive mobility device (~~(is not~~  
9 considered a motor vehicle.));  
10       (b) A power wheelchair (~~(is not considered a motor vehicle.)~~);  
11       (c) A golf cart (~~(is not considered a motor vehicle)~~), except  
12 (~~for the purposes of chapter 46.61 RCW~~) as provided in subsection  
13 (2) of this section;  
14       (d) A moped, for the purposes of chapter 46.70 RCW; and  
15       (e) A personal delivery device as defined in section 1 of this  
16 act.

17       **Sec. 7.** RCW 46.04.670 and 2011 c 171 s 19 are each amended to  
18 read as follows:

19       (1) "Vehicle" (~~(includes every)~~) means a device capable of being  
20 moved upon a public highway and in, upon, or by which any persons or  
21 property is or may be transported or drawn upon a public highway (~~(~~  
22 including bicycles).

23       (2) "Vehicle" (~~(does not include)~~) excludes:

24       (a) A power wheelchair(~~(s)~~) or device(~~(s)~~) other than a  
25 bicycle(~~(s)~~) moved by human or animal power or used exclusively upon  
26 stationary rails or tracks (~~(. Mopeds are not considered vehicles or~~  
27 motor vehicles));

28       (b) A moped, for the purposes of chapter 46.70 RCW (~~(. Bicycles~~  
29 are not considered vehicles));

30       (c) A bicycle, for the purposes of chapter 46.12, 46.16A, or  
31 46.70 RCW, or for RCW 82.12.045 (~~(-)~~);

32       (d) An electric personal assistive mobility device (~~(s are not~~  
33 considered vehicles or motor vehicles), for the purposes of chapter  
34 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW (~~(-)~~);

35       (e) A golf cart (~~(is not considered a vehicle)~~), except for the  
36 purposes of chapter 46.61 RCW; and

37       (f) A personal delivery device as defined in section 1 of this  
38 act, except for the purposes of chapter 46.61 RCW.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 46.61  
2    RCW to read as follows:

3        For the purposes of this chapter, "personal delivery device" has  
4    the same meaning as in section 1 of this act.

5        **Sec. 9.**    RCW 46.61.050 and 1975 c 62 s 18 are each amended to  
6    read as follows:

7        (1)    The driver of any vehicle, every bicyclist, and every  
8    pedestrian shall obey, and the operation of every personal delivery  
9    device shall follow, the instructions of any official traffic control  
10   device applicable thereto placed in accordance with the provisions of  
11   this chapter, unless otherwise directed by a traffic or police  
12   officer, subject to the exception granted the driver of an authorized  
13   emergency vehicle in this chapter.

14        (2)    No provision of this chapter for which official traffic  
15   control devices are required shall be enforced against an alleged  
16   violator if at the time and place of the alleged violation an  
17   official device is not in proper position and sufficiently legible or  
18   visible to be seen by an ordinarily observant person. Whenever a  
19   particular section does not state that official traffic control  
20   devices are required, such section shall be effective even though no  
21   devices are erected or in place.

22        (3)    Whenever official traffic control devices are placed in  
23   position approximately conforming to the requirements of this  
24   chapter, such devices shall be presumed to have been so placed by the  
25   official act or direction of lawful authority, unless the contrary  
26   shall be established by competent evidence.

27        (4)    Any official traffic control device placed pursuant to the  
28   provisions of this chapter and purporting to conform to the lawful  
29   requirements pertaining to such devices shall be presumed to comply  
30   with the requirements of this chapter, unless the contrary shall be  
31   established by competent evidence.

32        **Sec. 10.**    RCW 46.61.055 and 1993 c 153 s 2 are each amended to  
33   read as follows:

34        Whenever traffic is controlled by traffic control signals  
35   exhibiting different colored lights, or colored lighted arrows,  
36   successively one at a time or in combination, only the colors green,  
37   red and yellow shall be used, except for special pedestrian signals  
38   carrying a word or legend, and said lights shall indicate and apply

1 to drivers of vehicles (~~and~~), pedestrians, and personal delivery  
2 devices, as follows:

3 (1) Green indication

4 (a) Vehicle operators facing a circular green signal may proceed  
5 straight through or turn right or left unless a sign at such place  
6 prohibits either such turn. Vehicle operators turning right or left  
7 shall stop to allow other vehicles lawfully within the intersection  
8 control area to complete their movements. Vehicle operators turning  
9 right or left shall also stop for pedestrians who or personal  
10 delivery devices that are lawfully within the intersection control  
11 area as required by RCW 46.61.235(1).

12 (b) Vehicle operators facing a green arrow signal, shown alone or  
13 in combination with another indication, may enter the intersection  
14 control area only to make the movement indicated by such arrow, or  
15 such other movement as is permitted by other indications shown at the  
16 same time. Vehicle operators shall stop to allow other vehicles  
17 lawfully within the intersection control area to complete their  
18 movements. Vehicle operators shall also stop for pedestrians who or  
19 personal delivery devices that are lawfully within the intersection  
20 control area as required by RCW 46.61.235(1).

21 (c) Unless otherwise directed by a pedestrian control signal, as  
22 provided in RCW 46.61.060 as now or hereafter amended, pedestrians or  
23 personal delivery devices facing any green signal, except when the  
24 sole green signal is a turn arrow, may proceed across the roadway  
25 within any marked or unmarked crosswalk.

26 (2) Steady yellow indication

27 (a) Vehicle operators facing a steady circular yellow or yellow  
28 arrow signal are thereby warned that the related green movement is  
29 being terminated or that a red indication will be exhibited  
30 immediately thereafter when vehicular traffic shall not enter the  
31 intersection. Vehicle operators shall stop for pedestrians who or  
32 personal delivery devices that are lawfully within the intersection  
33 control area as required by RCW 46.61.235(1).

34 (b) Pedestrians or personal delivery devices facing a steady  
35 circular yellow or yellow arrow signal, unless otherwise directed by  
36 a pedestrian control signal as provided in RCW 46.61.060 shall not  
37 enter the roadway.

38 (3) Steady red indication

39 (a) Vehicle operators facing a steady circular red signal alone  
40 shall stop at a clearly marked stop line, but if none, before

1 entering the crosswalk on the near side of the intersection or, if  
2 none, then before entering the intersection control area and shall  
3 remain standing until an indication to proceed is shown. However, the  
4 vehicle operators facing a steady circular red signal may, after  
5 stopping proceed to make a right turn from a one-way or two-way  
6 street into a two-way street or into a one-way street carrying  
7 traffic in the direction of the right turn; or a left turn from a  
8 one-way or two-way street into a one-way street carrying traffic in  
9 the direction of the left turn; unless a sign posted by competent  
10 authority prohibits such movement. Vehicle operators planning to make  
11 such turns shall remain stopped to allow other vehicles lawfully  
12 within or approaching the intersection control area to complete their  
13 movements. Vehicle operators planning to make such turns shall also  
14 remain stopped for pedestrians who or personal delivery devices that  
15 are lawfully within the intersection control area as required by RCW  
16 46.61.235(1).

17 (b) Unless otherwise directed by a pedestrian control signal as  
18 provided in RCW 46.61.060 as now or hereafter amended, pedestrians or  
19 personal delivery devices facing a steady circular red signal alone  
20 shall not enter the roadway.

21 (c) Vehicle operators facing a steady red arrow indication may  
22 not enter the intersection control area to make the movement  
23 indicated by such arrow, and unless entering the intersection control  
24 area to make such other movement as is permitted by other indications  
25 shown at the same time, shall stop at a clearly marked stop line, but  
26 if none, before entering a crosswalk on the near side of the  
27 intersection control area, or if none, then before entering the  
28 intersection control area and shall remain standing until an  
29 indication to make the movement indicated by such arrow is shown.  
30 However, the vehicle operators facing a steady red arrow indication  
31 may, after stopping proceed to make a right turn from a one-way or  
32 two-way street into a two-way street or into a one-way street  
33 carrying traffic in the direction of the right turn; or a left turn  
34 from a one-way street or two-way street into a one-way street  
35 carrying traffic in the direction of the left turn; unless a sign  
36 posted by competent authority prohibits such movement. Vehicle  
37 operators planning to make such turns shall remain stopped to allow  
38 other vehicles lawfully within or approaching the intersection  
39 control area to complete their movements. Vehicle operators planning  
40 to make such turns shall also remain stopped for pedestrians who or



1 personal delivery devices that are lawfully within the intersection  
2 control area as required by RCW 46.61.235(1).

3 (d) Unless otherwise directed by a pedestrian signal, pedestrians  
4 or personal delivery devices facing a steady red arrow signal  
5 indication shall not enter the roadway.

6 (4) If an official traffic control signal is erected and  
7 maintained at a place other than an intersection, the provisions of  
8 this section shall be applicable except as to those provisions which  
9 by their nature can have no application. Any stop required shall be  
10 made at a sign or marking on the pavement indicating where the stop  
11 shall be made, but in the absence of any such sign or marking the  
12 stop shall be made at the signal.

13 **Sec. 11.** RCW 46.61.060 and 1993 c 153 s 3 are each amended to  
14 read as follows:

15 Whenever pedestrian control signals exhibiting the words "Walk"  
16 or the walking person symbol or "Don't Walk" or the hand symbol are  
17 operating, the signals shall indicate as follows:

18 (1) WALK or walking person symbol—Pedestrians or personal  
19 delivery devices facing such signal may cross the roadway in the  
20 direction of the signal. Vehicle operators shall stop for pedestrians  
21 who or personal delivery devices that are lawfully moving within the  
22 intersection control area on such signal as required by RCW  
23 46.61.235(1).

24 (2) Steady or flashing DON'T WALK or hand symbol—Pedestrians or  
25 personal delivery devices facing such signal shall not enter the  
26 roadway. Vehicle operators shall stop for pedestrians who or personal  
27 delivery devices that have begun to cross the roadway before the  
28 display of either signal as required by RCW 46.61.235(1).

29 (3) Pedestrian control signals having the "Wait" legend in use on  
30 August 6, 1965, shall be deemed authorized signals and shall indicate  
31 the same as the "Don't Walk" legend. Whenever such pedestrian control  
32 signals are replaced the legend "Wait" shall be replaced by the  
33 legend "Don't Walk" or the hand symbol.

34 **Sec. 12.** RCW 46.61.235 and 2010 c 242 s 1 are each amended to  
35 read as follows:

36 (1) The operator of an approaching vehicle shall stop and remain  
37 stopped to allow a pedestrian ((~~or~~), bicycle, or personal delivery  
38 device to cross the roadway within an unmarked or marked crosswalk

1 when the pedestrian (~~(or)~~), bicycle, or personal delivery device is  
2 upon or within one lane of the half of the roadway upon which the  
3 vehicle is traveling or onto which it is turning. For purposes of  
4 this section "half of the roadway" means all traffic lanes carrying  
5 traffic in one direction of travel, and includes the entire width of  
6 a one-way roadway.

7 (2) No pedestrian (~~(or)~~), bicycle, or personal delivery device  
8 shall suddenly leave a curb or other place of safety and walk, run,  
9 or otherwise move into the path of a vehicle which is so close that  
10 it is impossible for the driver to stop.

11 (3) Subsection (1) of this section does not apply under the  
12 conditions stated in RCW 46.61.240(2).

13 (4) Whenever any vehicle is stopped at a marked crosswalk or at  
14 any unmarked crosswalk at an intersection to permit a pedestrian  
15 (~~(or)~~), bicycle, or personal delivery device to cross the roadway,  
16 the driver of any other vehicle approaching from the rear shall not  
17 overtake and pass such stopped vehicle.

18 (5) (a) If a person is found to have committed an infraction under  
19 this section within a school, playground, or crosswalk speed zone  
20 created under RCW 46.61.440, the person must be assessed a monetary  
21 penalty equal to twice the penalty assessed under RCW 46.63.110. The  
22 penalty may not be waived, reduced, or suspended.

23 (b) Fifty percent of the moneys collected under this subsection  
24 must be deposited into the school zone safety account.

25 **Sec. 13.** RCW 46.61.240 and 1990 c 241 s 5 are each amended to  
26 read as follows:

27 (1) Every pedestrian or personal delivery device crossing a  
28 roadway at any point other than within a marked crosswalk or within  
29 an unmarked crosswalk at an intersection shall yield the right-of-way  
30 to all vehicles upon the roadway.

31 (2) Where curb ramps exist at or adjacent to intersections or at  
32 marked crosswalks in other locations, (~~(disabled)~~) persons with  
33 disabilities or personal delivery devices may enter the roadway from  
34 the curb ramps and cross the roadway within or as closely as  
35 practicable to the crosswalk. All other pedestrian rights and duties  
36 as defined elsewhere in this chapter remain applicable.

37 (3) Any pedestrian crossing a roadway at a point where a  
38 pedestrian tunnel or overhead pedestrian crossing has been provided  
39 shall yield the right-of-way to all vehicles upon the roadway.

1 (4) Between adjacent intersections at which traffic-control  
2 signals are in operation pedestrians shall not cross at any place  
3 except in a marked crosswalk.

4 (5) No pedestrian or personal delivery device shall cross a  
5 roadway intersection diagonally unless authorized by official  
6 traffic-control devices; and, when authorized to cross diagonally,  
7 pedestrians and personal delivery devices shall cross only in  
8 accordance with the official traffic-control devices pertaining to  
9 such crossing movements.

10 (6) No pedestrian or personal delivery device shall cross a  
11 roadway at an unmarked crosswalk where an official sign prohibits  
12 such crossing.

13 **Sec. 14.** RCW 46.61.250 and 1990 c 241 s 6 are each amended to  
14 read as follows:

15 (1) Where sidewalks are provided it is unlawful for any  
16 pedestrian to walk or otherwise move along and upon an adjacent  
17 roadway. Where sidewalks are provided but wheelchair access is not  
18 available, (~~disabled~~) persons with disabilities who require such  
19 access may walk or otherwise move along and upon an adjacent roadway  
20 until they reach an access point in the sidewalk.

21 (2) Where sidewalks are not provided, any pedestrian walking or  
22 otherwise moving along and upon a highway, and any personal delivery  
23 device moving along and upon a highway, shall, when practicable, walk  
24 or move only on the left side of the roadway or its shoulder facing  
25 traffic which may approach from the opposite direction and upon  
26 meeting an oncoming vehicle shall move clear of the roadway.

27 **Sec. 15.** RCW 46.61.261 and 2010 c 242 s 3 are each amended to  
28 read as follows:

29 (1) The driver of a vehicle shall yield the right-of-way to any  
30 pedestrian (~~or~~), bicycle, or personal delivery device on a  
31 sidewalk. The rider of a bicycle shall yield the right-of-way to a  
32 pedestrian on a sidewalk or crosswalk. A personal delivery device  
33 must yield the right-of-way to a pedestrian or a bicycle on a  
34 sidewalk or crosswalk.

35 (2) (a) If a person is found to have committed an infraction under  
36 this section within a school, playground, or crosswalk speed zone  
37 created under RCW 46.61.440, the person must be assessed a monetary

1 penalty equal to twice the penalty assessed under RCW 46.63.110. The  
2 penalty may not be waived, reduced, or suspended.

3 (b) Fifty percent of the moneys collected under this subsection  
4 must be deposited into the school zone safety account.

5 **Sec. 16.** RCW 46.61.264 and 1975 c 62 s 42 are each amended to  
6 read as follows:

7 (1) Upon the immediate approach of an authorized emergency  
8 vehicle making use of an audible signal meeting the requirements of  
9 RCW 46.37.380 (~~(subsection)~~) (4) and visual signals meeting the  
10 requirements of RCW 46.37.190, or of a police vehicle meeting the  
11 requirements of RCW 46.61.035 (~~(subsection)~~) (3), every pedestrian  
12 and every personal delivery device shall yield the right-of-way to  
13 the authorized emergency vehicle.

14 (2) This section shall not relieve the driver of an authorized  
15 emergency vehicle from the duty to drive with due regard for the  
16 safety of all persons using the highway nor from the duty to exercise  
17 due care to avoid colliding with any pedestrian or any personal  
18 delivery device.

19 **Sec. 17.** RCW 46.61.269 and 1975 c 62 s 44 are each amended to  
20 read as follows:

21 (1) No pedestrian or personal delivery device shall enter or  
22 remain upon any bridge or approach thereto beyond a bridge signal  
23 gate, or barrier indicating a bridge is closed to through traffic,  
24 after a bridge operation signal indication has been given.

25 (2) No pedestrian or personal delivery device shall pass through,  
26 around, over, or under any crossing gate or barrier at a railroad  
27 grade crossing or bridge while such gate or barrier is closed or is  
28 being opened or closed.

29 **Sec. 18.** RCW 46.61.365 and 1965 ex.s. c 155 s 51 are each  
30 amended to read as follows:

31 The driver of a vehicle within a business or residence district  
32 emerging from an alley, driveway or building shall stop such vehicle  
33 immediately prior to driving onto a sidewalk or onto the sidewalk  
34 area extending across any alleyway or driveway, and shall yield the  
35 right-of-way to any pedestrian or personal delivery device as may be  
36 necessary to avoid collision, and upon entering the roadway shall  
37 yield the right-of-way to all vehicles approaching on said roadway.

1       **Sec. 19.** RCW 46.61.710 and 2018 c 60 s 5 are each amended to  
2 read as follows:

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

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

9       (3) Operation of a moped, electric personal assistive mobility  
10 device, or motorized foot scooter on a fully controlled limited  
11 access highway is unlawful. Operation of a personal delivery device  
12 on any part of a highway other than a sidewalk or crosswalk is  
13 unlawful, except as provided in RCW 46.61.240(2) and 46.61.250(2).  
14 Operation of a moped on a sidewalk is unlawful. Operation of a  
15 motorized foot scooter or class 3 electric-assisted bicycle on a  
16 sidewalk is unlawful, unless there is no alternative for a motorized  
17 foot scooter or a class 3 electric-assisted bicycle to travel over a  
18 sidewalk as part of a bicycle or pedestrian path.

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

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

23       (6) Electric-assisted bicycles and motorized foot scooters may  
24 have access to highways of the state to the same extent as bicycles,  
25 subject to RCW 46.61.160.

26       (7) Subject to subsection (10) of this section, class 1 and class  
27 2 electric-assisted bicycles and motorized foot scooters may be  
28 operated on a shared-use path or any part of a highway designated for  
29 the use of bicycles, but local jurisdictions or state agencies may  
30 restrict or otherwise limit the access of electric-assisted bicycles  
31 and motorized foot scooters, and local jurisdictions or state  
32 agencies may regulate the use of class 1 and class 2 electric-  
33 assisted bicycles and motorized foot scooters on facilities and  
34 properties under their jurisdiction and control. Local regulation of  
35 the operation of class 1 or class 2 electric-assisted bicycles, upon  
36 a shared use path designated for the use of bicycles that crosses  
37 jurisdictional boundaries of two or more local jurisdictions, must be  
38 consistent for the entire shared use path in order for the local  
39 regulation to be enforceable; however, this does not apply to local  
40 regulations of a shared use path in effect as of January 1, 2018.

1 (8) Class 3 electric-assisted bicycles may be operated on  
2 facilities that are within or adjacent to a highway. Class 3  
3 electric-assisted bicycles may not be operated on a shared-use path,  
4 except where local jurisdictions may allow the use of class 3  
5 electric-assisted bicycles. State agencies or local jurisdictions may  
6 regulate the use of class 3 electric-assisted bicycles on facilities  
7 and properties under their jurisdiction and control. Local regulation  
8 of the operation of class 3 electric-assisted bicycles, upon a shared  
9 use path designated for the use of bicycles that crosses  
10 jurisdictional boundaries of two or more local jurisdictions, must be  
11 consistent for the entire shared use path in order for the local  
12 regulation to be enforceable; however, this does not apply to local  
13 regulations of a shared use path in effect as of January 1, 2018.

14 (9) Except as otherwise provided in this section, an individual  
15 shall not operate an electric-assisted bicycle on a trail that is  
16 specifically designated as nonmotorized and that has a natural  
17 surface tread that is made by clearing and grading the native soil  
18 with no added surfacing materials. A local authority or agency of  
19 this state having jurisdiction over a trail described in this  
20 subsection may allow the operation of an electric-assisted bicycle on  
21 that trail.

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

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

38 (12) The use of an EPAMD may be regulated in the following  
39 circumstances:

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

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

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

16 **Sec. 20.** RCW 81.80.010 and 2009 c 94 s 1 are each reenacted and  
17 amended to read as follows:

18 The definitions set forth in this section apply throughout this  
19 chapter.

20 (1) "Common carrier" means any person who undertakes to transport  
21 property for the general public by motor vehicle for compensation,  
22 whether over regular or irregular routes, or regular or irregular  
23 schedules, including motor vehicle operations of other carriers by  
24 rail or water and of express or forwarding companies. "Common  
25 carrier" does not include a personal delivery device or a personal  
26 delivery device operator as those terms are defined in section 1 of  
27 this act.

28 (2) "Contract carrier" includes all motor vehicle operators not  
29 included under the terms "common carrier" and "private carrier" as  
30 defined in this section, and further includes any person who under  
31 special and individual contracts or agreements transports property by  
32 motor vehicle for compensation.

33 (3) "Common carrier" and "contract carrier" includes persons  
34 engaged in the business of providing, contracting for, or undertaking  
35 to provide transportation of property for compensation over the  
36 public highways of the state of Washington as brokers or forwarders.

37 (4) "Exempt carrier" means any person operating a vehicle  
38 exempted under RCW 81.80.040.

1 (5) "Household goods carrier" means a person who transports for  
2 compensation, by motor vehicle within this state, or who advertises,  
3 solicits, offers, or enters into an agreement to transport household  
4 goods as defined by the commission.

5 (6) "Motor carrier" includes "common carrier," "contract  
6 carrier," "private carrier," and "exempt carrier" as defined in this  
7 section.

8 (7) "Motor vehicle" means any truck, trailer, semitrailer,  
9 tractor, dump truck which uses a hydraulic or mechanical device to  
10 dump or discharge its load, or any self-propelled or motor-driven  
11 vehicle used upon any public highway of this state for the purpose of  
12 transporting property, but not including baggage, mail, and express  
13 transported on the vehicles of auto transportation companies carrying  
14 passengers.

15 (8) "Person" includes an individual, firm, copartnership,  
16 corporation, company, or association or their lessees, trustees, or  
17 receivers.

18 (9) A "private carrier" is a person who transports by his or her  
19 own motor vehicle, with or without compensation, property which is  
20 owned or is being bought or sold by the person, or property where the  
21 person is the seller, purchaser, lessee, or bailee and the  
22 transportation is incidental to and in furtherance of some other  
23 primary business conducted by the person in good faith.

24 (10) "Public highway" means every street, road, or highway in  
25 this state.

26 (11) "Vehicle" means every device capable of being moved upon a  
27 public highway and in, upon, or by which any person or property is or  
28 may be transported or drawn upon a public highway, except devices  
29 moved by human or animal power or used exclusively upon stationary  
30 rail or tracks.

31 NEW SECTION. **Sec. 21.** Sections 1 through 5 of this act  
32 constitute a new chapter in Title 46 RCW.

33 NEW SECTION. **Sec. 22.** This act takes effect September 1, 2019."



**ADOPTED 04/10/2019**

1        On page 1, line 1 of the title, after "devices;" strike the  
2 remainder of the title and insert "amending RCW 46.04.320, 46.04.670,  
3 46.61.050, 46.61.055, 46.61.060, 46.61.235, 46.61.240, 46.61.250,  
4 46.61.261, 46.61.264, 46.61.269, 46.61.365, and 46.61.710; reenacting  
5 and amending RCW 81.80.010; adding a new section to chapter 46.61  
6 RCW; adding a new chapter to Title 46 RCW; prescribing penalties; and  
7 providing an effective date."

EFFECT: (1) Requires that the infractions issued to a personal delivery device be treated like a parking infraction.

(2) Requires that the registered agent and mailing address, along with a unique identification number, is on every personal delivery device.

(3) Provides that the registered agent is responsible for any traffic infraction.

(4) Updates the self-certification form to require that each device the eligible entity intends to operate in Washington be listed.

(5) Sets a fee of \$50 per device and directs DOL collect the fee and deposit it into the motor vehicle account.

(6) Provides that a personal delivery device may not be operated in Washington until it has been added to the list of devices in the self-certification and the fee has been paid.

(7) Removes the requirement that the device have a flag pole and that it make an audible noise when passing a pedestrian.

(8) Delays the effective date to September 1, 2019.

--- END ---