

FINAL BILL REPORT

ESHB 1772

C 170 L 19
Synopsis as Enacted

Brief Description: Concerning motorized foot scooters.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Macri, Chambers, Fitzgibbon, Irwin and Shewmake).

House Committee on Transportation
Senate Committee on Transportation

Background:

Definitions.

A "motorized foot scooter" is defined as a device with no more than two 10-inch or smaller diameter wheels that has handlebars, is designed to be stood upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than 20 miles per hour (mph) on level ground.

Motorized Foot Scooter Usage.

No driver's license is required to operate a motorized foot scooter. Individuals operating motorized foot scooters must comply with all laws and regulations related to the use of bicycle helmets, which are not currently required under state law but are required by some local jurisdictions in the state. Unless they are equipped with reflectors approved by the Washington State Patrol, motorized foot scooters may not be operated at any time from one half-hour after sunset to one half-hour before sunrise.

A motorized foot scooter may not be operated on a fully controlled limited access highway. A motorized foot scooter may use roadways to the same extent as bicycles. Bicycles must be ridden as near to the right side of the right through lane of a roadway as is safe if they are traveling at a rate of speed lower than the normal flow of traffic, subject to certain exceptions. Bicycles may use the shoulder of the roadway or any specially designated bicycle lane.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

While motorized foot scooters may be operated on a shared-use path or any part of a highway designated for the use of bicycles, local jurisdictions or state agencies may restrict or otherwise limit the access of motorized foot scooters and may regulate their use on facilities and properties under their jurisdiction and control.

A motorized foot scooter may not be operated on a sidewalk, unless there is no alternative than for it to travel over a sidewalk as part of a bicycle or pedestrian path. Any new trail or bicycle path or readily identifiable existing trail or bicycle path not built or maintained with federal highway transportation funds may be used by individuals operating motorized foot scooters if it is appropriately signed. However, if a bicycle path, trail, bikeway, equestrian trail, or hiking or recreational trail was built or is maintained with federal highway transportation funds, a motorized foot scooter may not be operated on it.

Summary:

Definitions.

The definition of "motorized shared scooter" is modified; it is defined as a device with two or three wheels that has handlebars, a floorboard that can be stood upon while riding, and is powered by an internal combustion engine or electric motor that has a maximum speed of no greater than 20 mph on level ground. A "scooter share program" is defined as a person offering shared scooters for hire. A "scooter share contractor" is defined as a person other than an employee of a scooter share program retained under an independent contract to provide scooter location or transport or scooter battery charging or repair services, or both, to a scooter share program.

Motorized foot scooters are not considered vehicles or motor vehicles for the following purposes: vehicle titling, vehicle registration, vehicle automobile liability insurance and financial responsibility requirements, vehicle lighting and other equipment requirements, vehicle dealer and manufacturer requirements, and the vehicle use tax.

Motorized Foot Scooter Usage.

Individuals under the age of 16 years may not operate a motorized foot scooter, unless permitted by a local jurisdiction.

Motorized foot scooters operated on a roadway or bicycle lane may not exceed a speed of 15 mph. If authorized by a local jurisdiction to operate on sidewalks and pedestrian and bicycle paths, the local jurisdictions may set the maximum speed limit of motorized foot scooters in these locations.

A motorized foot scooter may be operated on a sidewalk if authorized by local ordinance. Local jurisdictions and state agencies may regulate the use of Class 1 and Class 2 electric-assisted bicycles and motorized foot scooters on rights of way under their jurisdiction and control.

A motorized foot scooter may not be operated on a trail that is specifically designated as non-motorized and that has a natural surface tread that is made by clearing and grading the native

soil with no added surfacing materials, unless a local authority or agency with jurisdiction over the trail permits it.

Electric-assisted bicycles and motorized foot scooters may be parked as is permitted of bicycles.

Scooter Share Programs.

To be offered for hire, shared scooters must bear a single, unique alphanumeric identification visible from a distance of 5 feet, which may not be obfuscated by branding or other markings, and which must be used throughout the state, including by local authorities, to identify the shared scooter.

Scooter share programs are required to carry the following insurance coverage for the operation of shared scooters:

1. commercial general liability coverage with a limit of at least \$1 million for each occurrence and \$5 million in the aggregate;
2. automobile insurance coverage with a combined single limit of at least \$1 million; and
3. if a local authority authorizes the operation of a motorized foot scooter by individuals under 16 years of age, the local authority may require all scooter share programs offering shared scooters for hire to these individuals to carry insurance coverage at a greater amount negotiated between the programs and the local authority.

A local authority may regulate the operation of motorized foot scooters and shared scooters within its jurisdiction. Regulation may include, but is not limited to, the following:

- determining if shared scooters may be operated within the local authority's jurisdiction, and if permitted, the locations where they may be operated;
- requiring scooter share programs to pay reasonable fees and taxes;
- requiring that shared scooters be staged in a manner compliant with the Americans with Disabilities Act, to ensure clear passage of pedestrian traffic on sidewalks;
- adopting and assessing penalties for moving or parking violations involving shared scooters to the person responsible for such violation; and
- requiring a contract offered by a scooter share program to a prospective scooter share independent contractor for scooter location, transport, and/or battery charging or repair services to include a specified written disclosure regarding the possible inapplicability of that independent contractor's automobile, homeowner's, condominium, and/or renter's insurance coverage to activities related to the scooter services to be provided under the contract.

Votes on Final Passage:

House	85	13	
Senate	35	7	(Senate amended)
House	80	14	(House concurred)

Effective: July 28, 2019