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**SENATE BILL 5452**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Cleveland, Lias, and Wilson, J.

Read first time 02/12/21. Referred to Committee on Transportation.

1 AN ACT Relating to electric-assisted bicycles; and reenacting and  
2 amending RCW 46.61.710.

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

4 **Sec. 1.** RCW 46.61.710 and 2019 c 214 s 19 and 2019 c 170 s 3 are  
5 each reenacted and amended to read as follows:

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

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

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

1 sidewalk as part of a bicycle or pedestrian path, or if authorized by  
2 local ordinance, as provided in RCW 46.61.715.

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

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

7 (6) Electric-assisted bicycles and motorized foot scooters may  
8 have access to highways of the state and may be parked to the same  
9 extent as bicycles, subject to RCW 46.61.160.

10 (7) Subject to subsection (10) of this section, class 1 and class  
11 2 electric-assisted bicycles and motorized foot scooters may be  
12 operated on a shared-use path or any part of a highway designated for  
13 the use of bicycles, but local jurisdictions or state agencies may  
14 restrict or otherwise limit the access of electric-assisted bicycles  
15 and motorized foot scooters, and local jurisdictions or state  
16 agencies may regulate the use of class 1 and class 2 electric-  
17 assisted bicycles and motorized foot scooters on facilities,  
18 properties, and rights-of-way under their jurisdiction and control.  
19 Local regulation of the operation of class 1 or class 2 electric-  
20 assisted bicycles, upon a shared use path designated for the use of  
21 bicycles that crosses jurisdictional boundaries of two or more local  
22 jurisdictions, must be consistent for the entire shared use path in  
23 order for the local regulation to be enforceable; however, this does  
24 not apply to local regulations of a shared use path in effect as of  
25 January 1, 2018.

26 (8) Class 3 electric-assisted bicycles may be operated on  
27 facilities that are within or adjacent to a highway. Class 3  
28 electric-assisted bicycles may not be operated on a shared-use path,  
29 except where local jurisdictions may allow the use of class 3  
30 electric-assisted bicycles. State agencies or local jurisdictions may  
31 regulate the use of class 3 electric-assisted bicycles on facilities  
32 and properties under their jurisdiction and control. Local regulation  
33 of the operation of class 3 electric-assisted bicycles, upon a shared  
34 use path designated for the use of bicycles that crosses  
35 jurisdictional boundaries of two or more local jurisdictions, must be  
36 consistent for the entire shared use path in order for the local  
37 regulation to be enforceable; however, this does not apply to local  
38 regulations of a shared use path in effect as of January 1, 2018.

39 (9) (a) (i) A local authority or agency of this state having  
40 jurisdiction over a trail that is specifically designated as

1 nonmotorized and that has a natural surface tread that is made by  
2 clearing and grading the native soil with no added surfacing  
3 materials that is open to bicycles, must allow the operation of a  
4 class 1 electric-assisted bicycle as defined in RCW 46.04.169 and  
5 consider the class 1 electric-assisted bicycle as a nonmotorized  
6 vehicle on the trail to the same extent a bicycle is allowed to be  
7 operated upon the trail.

8 (ii) The local authority or agency of the state having  
9 jurisdiction over the trail may close the trail to bicycles,  
10 including electric-assisted bicycles, to protect wildlife or natural  
11 resources, or if necessary to preserve public safety. Such a closure  
12 shall be made through an open public process by the local authority  
13 or state agency having jurisdiction.

14 (iii) A local authority or agency of the state having  
15 jurisdiction over a road closed to motorized vehicles but allows  
16 nonmotorized access that permits bicycles must allow the operation of  
17 class 1 and 3 electric-assisted bicycles as defined in RCW 46.04.169  
18 and treat them as a nonmotorized vehicle.

19 (b) Except as otherwise provided in this section, an individual  
20 shall not operate ((an electric-assisted bicycle or)) a motorized  
21 foot scooter on a trail that is specifically designated as  
22 nonmotorized and that has a natural surface tread that is made by  
23 clearing and grading the native soil with no added surfacing  
24 materials. A local authority or agency of this state having  
25 jurisdiction over a trail described in this subsection may allow the  
26 operation of ((an electric-assisted bicycle or)) a motorized foot  
27 scooter on that trail.

28 (10) Subsections (1) and (4) of this section do not apply to  
29 motorized foot scooters. Subsection (2) of this section applies to  
30 motorized foot scooters when the bicycle path, trail, bikeway,  
31 equestrian trail, or hiking or recreational trail was built or is  
32 maintained with federal highway transportation funds. Additionally,  
33 any new trail or bicycle path or readily identifiable existing trail  
34 or bicycle path not built or maintained with federal highway  
35 transportation funds may be used by persons operating motorized foot  
36 scooters only when signed to allow motorized foot scooter use.

37 (11) A person operating an electric personal assistive mobility  
38 device (EPAMD) shall obey all speed limits and shall yield the right-  
39 of-way to pedestrians and human-powered devices at all times. An  
40 operator must also give an audible signal before overtaking and

1 passing a pedestrian. Except for the limitations of this subsection,  
2 persons operating an EPAMD have all the rights and duties of a  
3 pedestrian.

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

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

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

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

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