

SENATE BILL REPORT

SB 5854

As Reported By Senate Committee On:
Highways & Transportation, March 5, 2003

Title: An act relating to power wheelchairs.

Brief Description: Excluding power wheelchairs from motor vehicle regulation.

Sponsors: Senators Mulliken, Haugen, Horn and Kline.

Brief History:

Committee Activity: Highways & Transportation: 3/4/03, 3/5/03 [DPS].

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5854 be substituted therefor, and the substitute bill do pass.

Signed by Senators Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Staff: Kelly Simpson (786-7403)

Background: Current law is silent regarding a definition of power wheelchairs and whether the devices are subject to regulation.

Summary of Substitute Bill: A "power wheelchair" is defined as a self-propelled vehicle capable of traveling no faster than 15 miles per hour, usable indoors, and used by individuals with mobility impairments. A power wheelchair does not meet the legal definition of a motor vehicle, a motorcycle, a motor-driven cycle, nor a vehicle. A person using a power wheelchair qualifies as a pedestrian.

A driver's license is not required to operate a power wheelchair.

Substitute Bill Compared to Original Bill: The Public Highways and Transportation code definitions of "pedestrian" and "vehicle" were amended to be more consistent with the definitions in the Motor Vehicles code.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The laws need to be changed to clarify that individuals using electric wheelchairs are acting as pedestrians and not drivers of vehicles. Operators of electric wheelchairs sometimes need to access a roadway, for example, when obstructions are

blocking the sidewalk or if no sidewalk is available. Instances have occurred when electric wheelchair operators have been cited for moving unlawfully upon roadways, including citations for drunk driving. The law specifically treats persons in wheelchairs as pedestrians and should also do so for those in electric wheelchairs, as required under the bill.

Testimony Against: None.

Testified: PRO: Senator Mulliken, prime sponsor; Skip Dreps, NW Chapter Paralyzed Veterans of America; Toby Olson, Governor's Committee on Disability Issues.