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HOUSE BILL 2408

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State of Washington

58th Legislature

2004 Regular Session

By Representative Crouse

Read first time 01/14/2004. Referred to Committee on Transportation.

1 AN ACT Relating to legal use of quadricycles on public highways;  
2 amending RCW 46.16.0621, 46.37.070, 46.37.522, 46.37.523, 46.37.525,  
3 46.37.528, 46.37.530, 46.37.537, 46.37.539, 46.61.608, 46.61.610,  
4 46.61.612, 46.61.613, and 46.81A.001; reenacting and amending RCW  
5 46.04.332, 46.16.010, 46.20.500, and 46.81A.010; adding a new section  
6 to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW;  
7 prescribing penalties; providing an effective date.

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

9 **Sec. 1.** RCW 46.04.332 and 2003 c 353 s 7 and 2003 c 141 s 4 are  
10 each reenacted and amended to read as follows:

11 "Motor-driven cycle" means every quadricycle or motorcycle,  
12 including every motor scooter, with a motor that produces not to exceed  
13 five brake horsepower (developed by a prime mover, as measured by a  
14 brake applied to the driving shaft). A motor-driven cycle does not  
15 include a moped, a power wheelchair, a motorized foot scooter, or an  
16 electric personal assistive mobility device.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW  
18 to read as follows:

1 "Quadricycle" means a four-wheeled motor vehicle, designed for on-  
2 road or off-road use, having a seat or saddle upon which the operator  
3 sits and a motor capable of producing not more than fifty brake  
4 horsepower.

5 The Washington state patrol may approve of and define as a  
6 "quadricycle" a motor vehicle that fails to meet these specific  
7 criteria, but that is essentially similar in performance and  
8 application to motor vehicles that do meet these specific criteria.

9 The term does not include golf carts.

10 **Sec. 3.** RCW 46.16.010 and 2003 c 353 s 8 and 2003 c 53 s 238 are  
11 each reenacted and amended to read as follows:

12 (1) It is unlawful for a person to operate any vehicle over and  
13 along a public highway of this state without first having obtained and  
14 having in full force and effect a current and proper vehicle license  
15 and display vehicle license number plates therefor as by this chapter  
16 provided.

17 (2) Failure to make initial registration before operation on the  
18 highways of this state is a misdemeanor, and any person convicted  
19 thereof must be punished by a fine of no less than three hundred thirty  
20 dollars, no part of which may be suspended or deferred.

21 (3) Failure to renew an expired registration before operation on  
22 the highways of this state is a traffic infraction.

23 (4) The licensing of a vehicle in another state by a resident of  
24 this state, as defined in RCW 46.16.028, evading the payment of any tax  
25 or license fee imposed in connection with registration, is a gross  
26 misdemeanor punishable as follows:

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

30 (b) For a second or subsequent offense, up to one year in the  
31 county jail and a fine equal to four times the amount of delinquent  
32 taxes and fees, no part of which may be suspended or deferred;

33 (c) For fines levied under (b) of this subsection, an amount equal  
34 to the avoided taxes and fees owed will be deposited in the vehicle  
35 licensing fraud account created in the state treasury;

36 (d) The avoided taxes and fees shall be deposited and distributed

1 in the same manner as if the taxes and fees were properly paid in a  
2 timely fashion.

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

4 (a) Motorized foot scooters;

5 (b) Electric-assisted bicycles;

6 (c) Quadricycles used as farm vehicles if operated within a radius  
7 of fifteen miles of the farm where principally used or garaged;

8 (d) Farm vehicles if operated within a radius of fifteen miles of  
9 the farm where principally used or garaged, farm tractors and farm  
10 implements including trailers designed as cook or bunk houses used  
11 exclusively for animal herding temporarily operating or drawn upon the  
12 public highways, and trailers used exclusively to transport farm  
13 implements from one farm to another during the daylight hours or at  
14 night when such equipment has lights that comply with the law;

15 (~~(d)~~) (e) Spray or fertilizer applicator rigs designed and used  
16 exclusively for spraying or fertilization in the conduct of  
17 agricultural operations and not primarily for the purpose of  
18 transportation, and nurse rigs or equipment auxiliary to the use of and  
19 designed or modified for the fueling, repairing, or loading of spray  
20 and fertilizer applicator rigs and not used, designed, or modified  
21 primarily for the purpose of transportation;

22 (~~(e)~~) (f) Fork lifts operated during daylight hours on public  
23 highways adjacent to and within five hundred feet of the warehouses  
24 which they serve: PROVIDED FURTHER, That these provisions shall not  
25 apply to vehicles used by the state parks and recreation commission  
26 exclusively for park maintenance and operations upon public highways  
27 within state parks;

28 (~~(f)~~) (g) "Special highway construction equipment" defined as  
29 follows: Any vehicle which is designed and used primarily for grading  
30 of highways, paving of highways, earth moving, and other construction  
31 work on highways and which is not designed or used primarily for the  
32 transportation of persons or property on a public highway and which is  
33 only incidentally operated or moved over the highway. It includes, but  
34 is not limited to, road construction and maintenance machinery so  
35 designed and used such as portable air compressors, air drills, asphalt  
36 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
37 ditchers, leveling graders, finishing machines, motor graders, paving  
38 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,

1 lighting plants, welders, pumps, power shovels and draglines, self-  
2 propelled and tractor-drawn earth moving equipment and machinery,  
3 including dump trucks and tractor-dump trailer combinations which  
4 either (i) are in excess of the legal width, or (ii) which, because of  
5 their length, height, or unladen weight, may not be moved on a public  
6 highway without the permit specified in RCW 46.44.090 and which are not  
7 operated laden except within the boundaries of the project limits as  
8 defined by the contract, and other similar types of construction  
9 equipment, or (iii) which are driven or moved upon a public highway  
10 only for the purpose of crossing such highway from one property to  
11 another, provided such movement does not exceed five hundred feet and  
12 the vehicle is equipped with wheels or pads which will not damage the  
13 roadway surface.

14 Exclusions:

15 "Special highway construction equipment" does not include any of  
16 the following:

17 Dump trucks originally designed to comply with the legal size and  
18 weight provisions of this code notwithstanding any subsequent  
19 modification which would require a permit, as specified in RCW  
20 46.44.090, to operate such vehicles on a public highway, including  
21 trailers, truck-mounted transit mixers, cranes and shovels, or other  
22 vehicles designed for the transportation of persons or property to  
23 which machinery has been attached.

24 (6) The following vehicles, whether operated solo or in  
25 combination, are exempt from license registration and displaying  
26 license plates as required by this chapter:

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

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

36 **Sec. 4.** RCW 46.16.0621 and 2003 c 1 s 2 are each amended to read  
37 as follows:

1 (1) License tab fees are required to be \$30 per year for motor  
2 vehicles, regardless of year, value, make, or model.

3 (2) For the purposes of this section, "license tab fees" are  
4 defined as the general fees paid annually for licensing motor vehicles,  
5 including cars, sport utility vehicles, motorcycles, quadricycles, and  
6 motor homes.

7 **Sec. 5.** RCW 46.20.500 and 2003 c 353 s 9, 2003 c 141 s 7, and 2003  
8 c 41 s 1 are each reenacted and amended to read as follows:

9 (1) No person may drive either a two-wheeled or a three-wheeled  
10 motorcycle, a quadricycle, or a motor-driven cycle unless such person  
11 has a valid driver's license specially endorsed by the director to  
12 enable the holder to drive such vehicles.

13 (2) However, a person sixteen years of age or older, holding a  
14 valid driver's license of any class issued by the state of the person's  
15 residence, may operate a moped without taking any special examination  
16 for the operation of a moped.

17 (3) No driver's license is required for operation of an electric-  
18 assisted bicycle if the operator is at least sixteen years of age.  
19 Persons under sixteen years of age may not operate an electric-assisted  
20 bicycle.

21 (4) No driver's license is required to operate an electric personal  
22 assistive mobility device or a power wheelchair.

23 (5) No driver's license is required to operate a motorized foot  
24 scooter. Motorized foot scooters may not be operated at any time from  
25 a half hour after sunset to a half hour before sunrise without  
26 reflectors of a type approved by the state patrol.

27 **Sec. 6.** RCW 46.37.070 and 1977 ex.s. c 355 s 7 are each amended to  
28 read as follows:

29 (1) (~~After January 1, 1964,~~) Every motor vehicle, trailer,  
30 semitrailer, and pole trailer shall be equipped with two or more stop  
31 lamps meeting the requirements of RCW 46.37.200, except that passenger  
32 cars manufactured or assembled prior to January 1, 1964, shall be  
33 equipped with at least one such stop lamp. On a combination of  
34 vehicles, only the stop lamps on the rearmost vehicle need actually be  
35 seen from the distance specified in RCW 46.37.200(1).

1 (2) (~~After January 1, 1960,~~) Every motor vehicle, trailer,  
2 semitrailer and pole trailer shall be equipped with electric turn  
3 signal lamps meeting the requirements of RCW 46.37.200(2), except that  
4 passenger cars, trailers, semitrailers, pole trailers, and trucks less  
5 than eighty inches in width, manufactured or assembled prior to January  
6 1, 1953, need not be equipped with electric turn signal lamps.

7 (3) Every quadricycle used during the hours of darkness must be  
8 equipped with electric turn signal lamps meeting the requirements of  
9 RCW 46.37.200 or when the distance from the center of the top of the  
10 steering post to the left outside limit of the body exceeds twenty-four  
11 inches. When a quadricycle is operated during daylight hours hand  
12 signals as described in RCW 46.61.315 may be used.

13 **Sec. 7.** RCW 46.37.522 and 1977 ex.s. c 355 s 45 are each amended  
14 to read as follows:

15 Every motorcycle, quadricycle, and motor-driven cycle shall have  
16 its head lamps and tail lamps lighted whenever such vehicle is in  
17 motion upon a highway.

18 **Sec. 8.** RCW 46.37.523 and 1977 ex.s. c 355 s 46 are each amended  
19 to read as follows:

20 (1) Every motorcycle, quadricycle, and (~~every~~) motor-driven cycle  
21 shall be equipped with at least one lamp which shall comply with the  
22 requirements and limitations of this section.

23 (2) Every head lamp upon every motorcycle, quadricycle, and motor-  
24 driven cycle shall be located at a height of not more than fifty-four  
25 inches nor less than twenty-four inches to be measured as set forth in  
26 RCW 46.37.030(2).

27 (3) Every quadricycle and motorcycle other than a motor-driven  
28 cycle shall be equipped with multiple-beam road-lighting equipment.

29 (4) Such equipment shall:

30 (a) Reveal persons and vehicles at a distance of at least three  
31 hundred feet ahead when the uppermost distribution of light is  
32 selected;

33 (b) Reveal persons and vehicles at a distance of at least one  
34 hundred fifty feet ahead when the lowermost distribution of light is  
35 selected, and on a straight, level road under any condition of loading

1 none of the high intensity portion of the beam shall be directed to  
2 strike the eyes of an approaching driver.

3 **Sec. 9.** RCW 46.37.525 and 1977 ex.s. c 355 s 48 are each amended  
4 to read as follows:

5 (1) Every motorcycle, quadricycle, and motor-driven cycle shall  
6 have at least one tail lamp which shall be located at a height of not  
7 more than seventy-two nor less than fifteen inches.

8 (2) Either a tail lamp or a separate lamp shall be so constructed  
9 and placed as to illuminate with a white light the rear registration  
10 plate and render it clearly legible from a distance of fifty feet to  
11 the rear. Any tail lamp or tail lamps, together with any separate lamp  
12 or lamps for illuminating the rear registration plate, shall be so  
13 wired as to be lighted whenever the head lamps or auxiliary driving  
14 lamps are lighted.

15 (3) Every motorcycle, quadricycle, and motor-driven cycle shall  
16 carry on the rear, either as part of the tail lamp or separately, at  
17 least one red reflector meeting the requirements of RCW 46.37.060.

18 (4) Every motorcycle, quadricycle, and motor-driven cycle shall be  
19 equipped with at least one stop lamp meeting the requirements of RCW  
20 46.37.070.

21 **Sec. 10.** RCW 46.37.528 and 1977 ex.s. c 355 s 50 are each amended  
22 to read as follows:

23 Every motorcycle, quadricycle, and motor-driven cycle, at all times  
24 and under all conditions of loading, upon application of the service  
25 brake, shall be capable of:

26 (1) Developing a braking force that is not less than forty-three  
27 and one-half percent of its gross weight;

28 (2) Decelerating to a stop from not more than twenty miles per hour  
29 at not less than fourteen feet per second per second; and

30 (3) Stopping from a speed of twenty miles per hour in not more than  
31 thirty feet, such distance to be measured from the point at which  
32 movement of the service brake pedal or control begins.

33 Tests for deceleration and stopping distance shall be made on a  
34 substantially level (not to exceed plus or minus one percent grade),  
35 dry, smooth, hard surface that is free from loose material.

1       **Sec. 11.** RCW 46.37.530 and 2003 c 197 s 1 are each amended to read  
2 as follows:

3       (1) It is unlawful:

4       (a) For any person to operate a motorcycle, quadricycle, or motor-  
5 driven cycle not equipped with mirrors on the left and right sides of  
6 the (~~motorcycle~~) vehicle, which shall be so located as to give the  
7 driver a complete view of the highway for a distance of at least two  
8 hundred feet to the rear of the (~~motorcycle or motor-driven cycle~~)  
9 vehicle: PROVIDED, That mirrors shall not be required on any  
10 motorcycle or motor-driven cycle over twenty-five years old originally  
11 manufactured without mirrors and which has been restored to its  
12 original condition and which is being ridden to or from or otherwise in  
13 conjunction with an antique or classic motorcycle contest, show, or  
14 other such assemblage: PROVIDED FURTHER, That no mirror is required on  
15 any motorcycle manufactured prior to January 1, 1931;

16       (b) For any person to operate a motorcycle, quadricycle, or motor-  
17 driven cycle (~~which~~) that does not have a windshield unless wearing  
18 glasses, goggles, or a face shield of a type conforming to rules  
19 adopted by the state patrol;

20       (c) For any person to operate or ride upon a motorcycle,  
21 quadricycle, motor-driven cycle, or moped on a state highway, county  
22 road, or city street unless wearing upon his or her head a motorcycle  
23 helmet except when the vehicle is an antique motor-driven cycle or  
24 automobile that is licensed as a motorcycle or when the vehicle is  
25 equipped with seat belts and roll bars approved by the state patrol.  
26 The motorcycle helmet neck or chin strap must be fastened securely  
27 while the (~~motorcycle or motor-driven cycle~~) vehicle is in motion.  
28 Persons operating electric-assisted bicycles shall comply with all laws  
29 and regulations related to the use of bicycle helmets;

30       (d) For any person to transport a child under the age of five on a  
31 motorcycle, quadricycle, or motor-driven cycle;

32       (e) For any person to sell or offer for sale a motorcycle helmet  
33 that does not meet the requirements established by this section.

34       (2) The state patrol may adopt and amend rules, pursuant to the  
35 Administrative Procedure Act, concerning standards for glasses,  
36 goggles, and face shields.

37       (3) For purposes of this section, "motorcycle helmet" means a  
38 protective covering for the head consisting of a hard outer shell,



1 padding adjacent to and inside the outer shell, and a neck or chin  
2 strap type retention system, with a sticker indicating that the  
3 motorcycle helmet meets standards established by the United States  
4 Department of Transportation.

5 **Sec. 12.** RCW 46.37.537 and 1977 ex.s. c 355 s 52 are each amended  
6 to read as follows:

7 No person shall modify the exhaust system of a motorcycle or  
8 quadricycle in a manner which will amplify or increase the noise  
9 emitted by the engine of such vehicle above that emitted by the muffler  
10 originally installed on the vehicle, and it shall be unlawful for any  
11 person to operate a motorcycle or quadricycle not equipped as required  
12 by this section, or which has been amplified as prohibited by this  
13 section.

14 **Sec. 13.** RCW 46.37.539 and 1977 ex.s. c 355 s 53 are each amended  
15 to read as follows:

16 Every motorcycle, quadricycle, and (~~every~~) motor-driven cycle  
17 shall also comply with the requirements and limitations of:

- 18 RCW 46.37.380 on horns and warning devices;
- 19 RCW 46.37.390 on mufflers and prevention of noise;
- 20 RCW 46.37.400 on mirrors; and
- 21 RCW 46.37.420 on tires.

22 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.61 RCW  
23 to read as follows:

24 (1) Absent prohibition by local authorities authorized under this  
25 section and except as prohibited elsewhere in this section, a person  
26 may operate a quadricycle upon a highway having a speed limit of  
27 thirty-five miles per hour or less if:

28 (a) The person does not operate a quadricycle upon state highways  
29 that are listed in chapter 47.17 RCW except where posted speed limits  
30 are not in excess of thirty-five miles per hour;

31 (b) The person does not operate a quadricycle upon a highway  
32 without first having obtained and having in full force and effect a  
33 current and proper vehicle license and display vehicle license number  
34 plates in compliance with chapter 46.16 RCW;

1 (c) The person does not operate a quadricycle upon a highway  
2 without first obtaining a valid driver's license issued to Washington  
3 residents in compliance with chapter 46.20 RCW;

4 (d) The person does not operate a quadricycle subject to  
5 registration under chapter 46.16 RCW on a highway unless the person is  
6 insured under a motor vehicle liability policy in compliance with  
7 chapter 46.30 RCW; and

8 (e) The person operating a quadricycle does not cross a roadway  
9 with a speed limit in excess of thirty-five miles per hour, unless the  
10 crossing begins and ends on a roadway with a speed limit of thirty-five  
11 miles per hour or less and occurs at an intersection of approximately  
12 ninety degrees, except that the operator of a quadricycle must not  
13 cross an uncontrolled intersection of streets and highways that are  
14 part of the state highway system subject to Title 47 RCW unless that  
15 intersection has been authorized by local authorities provided  
16 elsewhere in this section.

17 (2) A person who violates this section commits a traffic  
18 infraction.

19 (3) This section does not prevent local authorities, with respect  
20 to streets and highways under their jurisdiction and within the  
21 reasonable exercise of their police power, from regulating the  
22 operation of quadricycles on streets and highways under their  
23 jurisdiction by resolution or ordinance of the governing body, if the  
24 regulation is consistent with this title, except that:

25 (a) Local authorities may not authorize the operation of  
26 quadricycles on streets and highways that are part of the state highway  
27 system subject to Title 47 RCW unless that section of state highway has  
28 a posted speed limit of thirty-five miles per hour or less;

29 (b) Local authorities may not prohibit the operation of  
30 quadricycles upon highways having a speed limit of twenty-five miles  
31 per hour or less; and

32 (c) Local authorities are prohibited from establishing any  
33 requirements for the registration and licensing of quadricycles.

34 **Sec. 15.** RCW 46.61.608 and 1975 c 62 s 46 are each amended to read  
35 as follows:

36 (1) All motorcycles and quadricycles are entitled to full use of a  
37 lane and no motor vehicle shall be driven in such a manner as to

1 deprive any motorcycle or quadricycle of the full use of a lane. This  
2 subsection shall not apply to motorcycles operated two abreast in a  
3 single lane.

4 (2) The operator of a motorcycle or quadricycle shall not overtake  
5 and pass in the same lane occupied by the vehicle being overtaken.

6 (3) No person shall operate a motorcycle or quadricycle between  
7 lanes of traffic or between adjacent lines or rows of vehicles.

8 (4) Motorcycles shall not be operated more than two abreast in a  
9 single lane.

10 (5) Subsections (2) and (3) of this section shall not apply to  
11 police officers in the performance of their official duties.

12 **Sec. 16.** RCW 46.61.610 and 1975 c 62 s 37 are each amended to read  
13 as follows:

14 A person operating a motorcycle or quadricycle shall ride only upon  
15 the permanent and regular seat attached thereto, and such operator  
16 shall not carry any other person nor shall any other person ride on a  
17 motorcycle or quadricycle unless (~~such motorcycle~~) the vehicle is  
18 designed to carry more than one person, in which event a passenger may  
19 ride upon the permanent and regular seat if designed for two persons,  
20 or upon another seat firmly attached to the (~~motorcycle~~) vehicle at  
21 the rear or side of the operator(~~(: PROVIDED, HOWEVER, That)~~). The  
22 motorcycle or quadricycle must contain foot pegs, foot rests, or floor  
23 boards of a type approved by the (~~equipment commission~~) state patrol,  
24 for each person (~~such motorcycle~~) the vehicle is designed to carry.

25 **Sec. 17.** RCW 46.61.612 and 1967 c 232 s 7 are each amended to read  
26 as follows:

27 No person shall ride a motorcycle or quadricycle in a position  
28 where both feet are placed on the same side of the (~~motorcycle~~)  
29 vehicle.

30 **Sec. 18.** RCW 46.61.613 and 1967 c 232 s 8 are each amended to read  
31 as follows:

32 The provisions of RCW 46.37.530 and 46.61.610 through 46.61.612 may  
33 be temporarily suspended by the chief of the Washington state patrol,  
34 or (~~his~~) a designee, with respect to the operation of motorcycles or

1 quadricycles within their respective jurisdictions in connection with  
2 a parade or public demonstration.

3 **Sec. 19.** RCW 46.81A.001 and 1988 c 227 s 1 are each amended to  
4 read as follows:

5 It is the purpose of this chapter to provide the motorcycle and  
6 quadricycle riders of the state with an affordable motorcycle and  
7 quadricycle skills education program in order to promote motorcycle and  
8 quadricycle safety awareness.

9 All sales of factory-new quadricycles must include an all-terrain  
10 vehicle safety course that meets the requirements of or is provided by  
11 the ATV Safety Institute or any other industry-recognized safety  
12 course.

13 **Sec. 20.** RCW 46.81A.010 and 2003 c 353 s 11 and 2003 c 41 s 4 are  
14 each reenacted and amended to read as follows:

15 Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout this chapter.

17 (1) "Motorcycle and quadricycle skills education program" means a  
18 motorcycle or quadricycle rider skills training program to be  
19 administered by the department.

20 (2) "Department" means the department of licensing.

21 (3) "Director" means the director of licensing.

22 (4) "Motorcycle or quadricycle" means a motor vehicle designed to  
23 travel on not more than ((~~three~~)) four wheels in contact with the  
24 ground, on which the driver rides astride the motor unit or power train  
25 and is designed to be steered with a handle bar, but excluding farm  
26 tractors, electric personal assistive mobility devices, mopeds,  
27 motorized foot scooters, motorized bicycles, unlicensed four-wheel all-  
28 terrain vehicles, and off-road motorcycles.

29 (5) "ATV Safety Institute" means the not-for-profit division of the  
30 Specialty Vehicle Institute of America (SVIA), that implements an  
31 expanded national program of all-terrain vehicle (ATV) safety education  
32 and awareness, to promote the safe and responsible use of ATVs, and to  
33 reduce crashes and injuries that may result from improper operation by  
34 the rider.

35 (6) "ATV safety course" means a hands-on, ATV rider course  
36 conducted by licensed ATV Safety Institute instructors that provides

1 students an opportunity to increase their safety knowledge and to  
2 practice basic riding skills in a controlled environment under the  
3 direct supervision of a licensed instructor.

4 NEW SECTION. **Sec. 21.** This act takes effect July 1, 2004, except  
5 that if 2003 c 1 (Initiative Measure No. 776) is ruled unconstitutional  
6 by a court of final jurisdiction, section 4 of this act is null and  
7 void.

--- END ---