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ENGROSSED SUBSTITUTE SENATE BILL 5770

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State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn, Haugen, Swecker and Kline)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to the regulation of motorized foot scooters;  
2 amending RCW 46.04.332, 46.16.010, 46.20.500, 46.61.710, and  
3 46.81A.010; and adding a new section to chapter 46.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW  
6 to read as follows:

7 "Motorized foot scooter" means a device with no more than two ten-  
8 inch or smaller diameter wheels that has handlebars, is designed to be  
9 stood or sat upon by the operator, and is powered by an internal  
10 combustion engine or electric motor that is capable of propelling the  
11 device with or without human propulsion.

12 For purposes of this section, a motor-driven cycle, a moped, an  
13 electric-assisted bicycle, or a motorcycle is not a motorized foot  
14 scooter.

15 **Sec. 2.** RCW 46.04.332 and 2002 c 247 s 4 are each amended to read  
16 as follows:

17 "Motor-driven cycle" means every motorcycle, including every motor  
18 scooter, with a motor that produces not to exceed five brake horsepower

1 (developed by a prime mover, as measured by a brake applied to the  
2 driving shaft). A motor-driven cycle does not include a moped, a  
3 motorized foot scooter, or an electric personal assistive mobility  
4 device.

5 **Sec. 3.** RCW 46.16.010 and 2000 c 229 s 1 are each amended to read  
6 as follows:

7 (1) It is unlawful for a person to operate any vehicle over and  
8 along a public highway of this state without first having obtained and  
9 having in full force and effect a current and proper vehicle license  
10 and display vehicle license number plates therefor as by this chapter  
11 provided. Failure to make initial registration before operation on the  
12 highways of this state is a misdemeanor, and any person convicted  
13 thereof must be punished by a fine of no less than three hundred thirty  
14 dollars, no part of which may be suspended or deferred.

15 Failure to renew an expired registration before operation on the  
16 highways of this state is a traffic infraction.

17 (2) The licensing of a vehicle in another state by a resident of  
18 this state, as defined in RCW 46.16.028, evading the payment of any tax  
19 or license fee imposed in connection with registration, is a gross  
20 misdemeanor punishable as follows:

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

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

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

30 (d) The avoided taxes and fees shall be deposited and distributed  
31 in the same manner as if the taxes and fees were properly paid in a  
32 timely fashion.

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

34 (a) Motorized foot scooters;

35 (b) Electric-assisted bicycles;

36 ~~((b))~~ (c) Farm vehicles if operated within a radius of fifteen  
37 miles of the farm where principally used or garaged, farm tractors and

1 farm implements including trailers designed as cook or bunk houses used  
2 exclusively for animal herding temporarily operating or drawn upon the  
3 public highways, and trailers used exclusively to transport farm  
4 implements from one farm to another during the daylight hours or at  
5 night when such equipment has lights that comply with the law;

6 ~~((e))~~ (d) Spray or fertilizer applicator rigs designed and used  
7 exclusively for spraying or fertilization in the conduct of  
8 agricultural operations and not primarily for the purpose of  
9 transportation, and nurse rigs or equipment auxiliary to the use of and  
10 designed or modified for the fueling, repairing, or loading of spray  
11 and fertilizer applicator rigs and not used, designed, or modified  
12 primarily for the purpose of transportation;

13 ~~((d))~~ (e) Fork lifts operated during daylight hours on public  
14 highways adjacent to and within five hundred feet of the warehouses  
15 which they serve: PROVIDED FURTHER, That these provisions shall not  
16 apply to vehicles used by the state parks and recreation commission  
17 exclusively for park maintenance and operations upon public highways  
18 within state parks;

19 ~~((e))~~ (f) "Special highway construction equipment" defined as  
20 follows: Any vehicle which is designed and used primarily for grading  
21 of highways, paving of highways, earth moving, and other construction  
22 work on highways and which is not designed or used primarily for the  
23 transportation of persons or property on a public highway and which is  
24 only incidentally operated or moved over the highway. It includes, but  
25 is not limited to, road construction and maintenance machinery so  
26 designed and used such as portable air compressors, air drills, asphalt  
27 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
28 ditchers, leveling graders, finishing machines, motor graders, paving  
29 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
30 lighting plants, welders, pumps, power shovels and draglines, self-  
31 propelled and tractor-drawn earth moving equipment and machinery,  
32 including dump trucks and tractor-dump trailer combinations which  
33 either (i) are in excess of the legal width, or (ii) which, because of  
34 their length, height, or unladen weight, may not be moved on a public  
35 highway without the permit specified in RCW 46.44.090 and which are not  
36 operated laden except within the boundaries of the project limits as  
37 defined by the contract, and other similar types of construction  
38 equipment, or (iii) which are driven or moved upon a public highway

1 only for the purpose of crossing such highway from one property to  
2 another, provided such movement does not exceed five hundred feet and  
3 the vehicle is equipped with wheels or pads which will not damage the  
4 roadway surface.

5 Exclusions:

6 "Special highway construction equipment" does not include any of  
7 the following:

8 Dump trucks originally designed to comply with the legal size and  
9 weight provisions of this code notwithstanding any subsequent  
10 modification which would require a permit, as specified in RCW  
11 46.44.090, to operate such vehicles on a public highway, including  
12 trailers, truck-mounted transit mixers, cranes and shovels, or other  
13 vehicles designed for the transportation of persons or property to  
14 which machinery has been attached.

15 (4) The following vehicles, whether operated solo or in  
16 combination, are exempt from license registration and displaying  
17 license plates as required by this chapter:

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

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

27 **Sec. 4.** RCW 46.20.500 and 2002 c 247 s 6 are each amended to read  
28 as follows:

29 (1) No person may drive a motorcycle or a motor-driven cycle unless  
30 such person has a valid driver's license specially endorsed by the  
31 director to enable the holder to drive such vehicles.

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

36 (3) No driver's license is required for operation of an electric-

1 assisted bicycle if the operator is at least sixteen years of age.  
2 Persons under sixteen years of age may not operate an electric-assisted  
3 bicycle.

4 (4) No driver's license is required to operate an electric personal  
5 assistive mobility device.

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

10 **Sec. 5.** RCW 46.61.710 and 2002 c 247 s 7 are each amended to read  
11 as follows:

12 (1) No person shall operate a moped upon the highways of this state  
13 unless the moped has been assigned a moped registration number and  
14 displays a moped permit in accordance with the provisions of RCW  
15 46.16.630.

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

19 (3) Operation of a moped, electric personal assistive mobility  
20 device, or an electric-assisted bicycle on a fully controlled limited  
21 access highway is unlawful. Operation of a moped or an electric-  
22 assisted bicycle on a sidewalk is unlawful.

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

25 (5) Subsections (1), (2), and (4) of this section do not apply to  
26 electric-assisted bicycles. Electric-assisted bicycles and motorized  
27 foot scooters may have access to highways of the state to the same  
28 extent as bicycles. Subject to subsection (6) of this section,  
29 electric-assisted bicycles and motorized foot scooters may be operated  
30 on a multipurpose trail or bicycle lane, but local jurisdictions may  
31 restrict or otherwise limit the access of electric-assisted bicycles  
32 and motorized foot scooters, and state parks may regulate the use of  
33 motorized foot scooters within boundaries of the parks.

34 (6) Subsections (1) and (4) of this section do not apply to  
35 motorized foot scooters. Subsection (2) of this section applies to  
36 motorized foot scooters when the bicycle path, trail, bikeway,  
37 equestrian trail, or hiking or recreational trail was built or is

1 maintained with federal highway transportation funds. Additionally,  
2 any new trail or bicycle path or readily identifiable existing trail or  
3 bicycle path not built or maintained with federal highway  
4 transportation funds may be used by persons operating motorized foot  
5 scooters only when appropriately signed.

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

12 ((+7)) (8) The use of an EPAMD may be regulated in the following  
13 circumstances:

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

18 (b) A municipality may restrict the speed of an EPAMD in locations  
19 with congested pedestrian or nonmotorized traffic and where there is  
20 significant speed differential between pedestrians or nonmotorized  
21 traffic and EPAMD operators. The areas in this subsection must be  
22 designated by the city engineer or designee of the municipality.  
23 Municipalities shall not restrict the speed of an EPAMD in the entire  
24 community or in areas in which there is infrequent pedestrian traffic;

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

28 **Sec. 6.** RCW 46.81A.010 and 1988 c 227 s 2 are each amended to read  
29 as follows:

30 Unless the context clearly requires otherwise, the definitions in  
31 this section apply throughout this chapter.

32 (1) "Motorcycle skills education program" means a motorcycle rider  
33 skills training program to be administered by the department.

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

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

36 (4) "Motorcycle" means a motorcycle licensed under chapter 46.16

1 RCW, and does not include motorized bicycles, mopeds, scooters,  
2 motorized foot scooters, off-road motorcycles, motorized tricycles,  
3 side-car equipped motorcycles, or four-wheel all-terrain vehicles.

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