
SUBSTITUTE SENATE BILL 5770

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 and motorized foot scooters. Electric-
27 assisted bicycles and motorized foot scooters may have access to
28 highways of the state to the same extent as bicycles. Electric-
29 assisted bicycles and motorized foot scooters may be operated on a
30 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) A person operating an electric personal assistive mobility
35 device (EPAMD) shall obey all speed limits and shall yield the right-
36 of-way to pedestrians and human-powered devices at all times. An

1 operator must also give an audible signal before overtaking and passing
2 a pedestrian. Except for the limitations of this subsection, persons
3 operating an EPAMD have all the rights and duties of a pedestrian.

4 (7) 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 twenty-
9 five miles per hour;

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

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

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

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

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

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

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

28 (4) "Motorcycle" means a motorcycle licensed under chapter 46.16
29 RCW, and does not include motorized bicycles, mopeds, scooters,
30 motorized foot scooters, off-road motorcycles, motorized tricycles,
31 side-car equipped motorcycles, or four-wheel all-terrain vehicles.

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