

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5450

Chapter 353, Laws of 2003

58th Legislature
2003 Regular Session

NEIGHBORHOOD ELECTRIC VEHICLES

EFFECTIVE DATE: 8/1/03

Passed by the Senate April 27, 2003
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 26, 2003
YEAS 95 NAYS 3

FRANK CHOPP

Speaker of the House of Representatives

Approved May 16, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
ENGROSSED SENATE BILL 5450 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

May 16, 2003 - 4:41 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5450

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senators Horn, Jacobsen, Finkbeiner, Eide, Swecker, Reardon, Regala, Fairley, Kline, Fraser, Haugen, Keiser and Kohl-Welles

Read first time 01/27/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to providing incentives to reduce air pollution
2 through the licensing and use of neighborhood electric vehicles;
3 amending RCW 46.04.320, 46.61.688, 46.61.687, 46.04.332, 46.16.010,
4 46.20.500, 46.61.710, and 46.81A.010; adding new sections to chapter
5 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing
6 penalties; and providing an effective date.

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

8 **Sec. 1.** RCW 46.04.320 and 2002 c 247 s 2 are each amended to read
9 as follows:

10 "Motor vehicle" (~~shall~~) means every vehicle which is self-
11 propelled and every vehicle which is propelled by electric power
12 obtained from overhead trolley wires, but not operated upon rails.
13 "Motor vehicle" includes a neighborhood electric vehicle as defined in
14 section 2 of this act. An electric personal assistive mobility device
15 is not considered a motor vehicle.

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

18 "Neighborhood electric vehicle" means a self-propelled,

1 electrically powered four-wheeled motor vehicle whose speed attainable
2 in one mile is more than twenty miles per hour and not more than
3 twenty-five miles per hour and conforms to federal regulations under
4 Title 49 C.F.R. Part 571.500.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61 RCW
6 to read as follows:

7 (1) Absent prohibition by local authorities authorized under this
8 section and except as prohibited elsewhere in this section, a person
9 may operate a neighborhood electric vehicle upon a highway of this
10 state having a speed limit of thirty-five miles per hour or less if:

11 (a) The person does not operate a neighborhood electric vehicle
12 upon state highways that are listed in chapter 47.17 RCW;

13 (b) The person does not operate a neighborhood electric vehicle
14 upon a highway of this state without first having obtained and having
15 in full force and effect a current and proper vehicle license and
16 display vehicle license number plates in compliance with chapter 46.16
17 RCW;

18 (c) The person does not operate a neighborhood electric vehicle
19 upon a highway of this state without first obtaining a valid driver's
20 license issued to Washington residents in compliance with chapter 46.20
21 RCW;

22 (d) The person does not operate a neighborhood electric vehicle
23 subject to registration under chapter 46.16 RCW on a highway of this
24 state unless the person is insured under a motor vehicle liability
25 policy in compliance with chapter 46.30 RCW; and

26 (e) The person operating a neighborhood electric vehicle does not
27 cross a roadway with a speed limit in excess of thirty-five miles per
28 hour, unless the crossing begins and ends on a roadway with a speed
29 limit of thirty-five miles per hour or less and occurs at an
30 intersection of approximately ninety degrees, except that the operator
31 of a neighborhood electric vehicle must not cross an uncontrolled
32 intersection of streets and highways that are part of the state highway
33 system subject to Title 47 RCW unless that intersection has been
34 authorized by local authorities provided elsewhere in this section.

35 (2) Any person who violates this section commits a traffic
36 infraction.

1 (3) This section does not prevent local authorities, with respect
2 to streets and highways under their jurisdiction and within the
3 reasonable exercise of their police power, from regulating the
4 operation of neighborhood electric vehicles on streets and highways
5 under their jurisdiction by resolution or ordinance of the governing
6 body, if the regulation is consistent with the provisions of this
7 title, except that:

8 (a) Local authorities may not authorize the operation of
9 neighborhood electric vehicles on streets and highways that are part of
10 the state highway system subject to the provisions of Title 47 RCW;

11 (b) Local authorities may not prohibit the operation of
12 neighborhood electric vehicles upon highways of this state having a
13 speed limit of twenty-five miles per hour or less; and

14 (c) Local authorities are prohibited from establishing any
15 requirements for the registration and licensing of neighborhood
16 electric vehicles.

17 **Sec. 4.** RCW 46.61.688 and 2002 c 328 s 2 are each amended to read
18 as follows:

19 (1) For the purposes of this section, the term "motor vehicle"
20 includes:

21 (a) "Buses," meaning motor vehicles with motive power, except
22 trailers, designed to carry more than ten passengers;

23 (b) "Multipurpose passenger vehicles," meaning motor vehicles with
24 motive power, except trailers, designed to carry ten persons or less
25 that are constructed either on a truck chassis or with special features
26 for occasional off-road operation;

27 (c) "Neighborhood electric vehicle," meaning a self-propelled,
28 electrically powered four-wheeled motor vehicle whose speed attainable
29 in one mile is more than twenty miles per hour and not more than
30 twenty-five miles per hour and conforms to federal regulations under
31 Title 49 C.F.R. Part 571.500;

32 (d) "Passenger cars," meaning motor vehicles with motive power,
33 except multipurpose passenger vehicles, motorcycles, or trailers,
34 designed for carrying ten passengers or less; and

35 (~~(d)~~) (e) "Trucks," meaning motor vehicles with motive power,
36 except trailers, designed primarily for the transportation of property.

1 (2) This section only applies to motor vehicles that meet the
2 manual seat belt safety standards as set forth in federal motor vehicle
3 safety standard 208 and to neighborhood electric vehicles. This
4 section does not apply to a vehicle occupant for whom no safety belt is
5 available when all designated seating positions as required by federal
6 motor vehicle safety standard 208 are occupied.

7 (3) Every person sixteen years of age or older operating or riding
8 in a motor vehicle shall wear the safety belt assembly in a properly
9 adjusted and securely fastened manner.

10 (4) No person may operate a motor vehicle unless all child
11 passengers under the age of sixteen years are either: (a) Wearing a
12 safety belt assembly or (b) are securely fastened into an approved
13 child restraint device.

14 (5) A person violating this section shall be issued a notice of
15 traffic infraction under chapter 46.63 RCW. A finding that a person
16 has committed a traffic infraction under this section shall be
17 contained in the driver's abstract but shall not be available to
18 insurance companies or employers.

19 (6) Failure to comply with the requirements of this section does
20 not constitute negligence, nor may failure to wear a safety belt
21 assembly be admissible as evidence of negligence in any civil action.

22 (7) This section does not apply to an operator or passenger who
23 possesses written verification from a licensed physician that the
24 operator or passenger is unable to wear a safety belt for physical or
25 medical reasons.

26 (8) The state patrol may adopt rules exempting operators or
27 occupants of farm vehicles, construction equipment, and vehicles that
28 are required to make frequent stops from the requirement of wearing
29 safety belts.

30 **Sec. 5.** RCW 46.61.687 and 2000 c 190 s 2 are each amended to read
31 as follows:

32 (1) Whenever a child who is less than sixteen years of age is being
33 transported in a motor vehicle that is in operation and that is
34 required by RCW 46.37.510 to be equipped with a safety belt system in
35 a passenger seating position, or is being transported in a neighborhood
36 electric vehicle that is in operation, the driver of the vehicle shall
37 keep the child properly restrained as follows:

1 (a) If the child is less than six years old and/or sixty pounds and
2 the passenger seating position equipped with a safety belt system
3 allows sufficient space for installation, then the child will be
4 restrained in a child restraint system that complies with standards of
5 the United States department of transportation and that is secured in
6 the vehicle in accordance with instructions of the manufacturer of the
7 child restraint system;

8 (b) If the child is less than one year of age or weighs less than
9 twenty pounds, the child shall be properly restrained in a rear-facing
10 infant seat;

11 (c) If the child is more than one but less than four years of age
12 or weighs less than forty pounds but at least twenty pounds, the child
13 shall be properly restrained in a forward facing child safety seat
14 restraint system;

15 (d) If the child is less than six but at least four years of age or
16 weighs less than sixty pounds but at least forty pounds, the child
17 shall be properly restrained in a child booster seat;

18 (e) If the child is six years of age or older or weighs more than
19 sixty pounds, the child shall be properly restrained with the motor
20 vehicle's safety belt properly adjusted and fastened around the child's
21 body or an appropriately fitting booster seat; and

22 (f) Enforcement of (a) through (e) of this subsection is subject to
23 a visual inspection by law enforcement to determine if the child
24 restraint system in use is appropriate for the child's individual
25 height, weight, and age. The visual inspection for usage of a forward
26 facing child safety seat must ensure that the seat in use is equipped
27 with a four-point shoulder harness system. The visual inspection for
28 usage of a booster seat must ensure that the seat belt properly fits
29 across the child's lap and the shoulder strap crosses the center of the
30 child's chest. The visual inspection for the usage of a seat belt by
31 a child must ensure that the lap belt properly fits across the child's
32 lap and the shoulder strap crosses the center of the child's chest. In
33 determining violations, consideration to the above criteria must be
34 given in conjunction with the provisions of (a) through (e) of this
35 subsection. The driver of a vehicle transporting a child who is under
36 the age of six years old or weighs less than sixty pounds, when the
37 vehicle is equipped with a passenger side air bag supplemental

1 restraint system, and the air bag system is activated, shall transport
2 the child in the back seat positions in the vehicle where it is
3 practical to do so.

4 (2) A person violating subsection (1)(a) through (e) of this
5 section may be issued a notice of traffic infraction under chapter
6 46.63 RCW. If the person to whom the notice was issued presents proof
7 of acquisition of an approved child passenger restraint system or a
8 child booster seat, as appropriate, within seven days to the
9 jurisdiction issuing the notice and the person has not previously had
10 a violation of this section dismissed, the jurisdiction shall dismiss
11 the notice of traffic infraction.

12 (3) Failure to comply with the requirements of this section shall
13 not constitute negligence by a parent or legal guardian; nor shall
14 failure to use a child restraint system be admissible as evidence of
15 negligence in any civil action.

16 (4) This section does not apply to: (a) For hire vehicles, (b)
17 vehicles designed to transport sixteen or less passengers, including
18 the driver, operated by auto transportation companies, as defined in
19 RCW 81.68.010, (c) vehicles providing customer shuttle service between
20 parking, convention, and hotel facilities, and airport terminals, and
21 (d) school buses.

22 (5) As used in this section "child booster seat" means a child
23 passenger restraint system that meets the Federal Motor Vehicle Safety
24 Standards set forth in 49 C.F.R. 571.213 that is designed to elevate a
25 child to properly sit in a federally approved lap/shoulder belt system.

26 (6) The requirements of subsection (1)(a) through (e) of this
27 section do not apply in any seating position where there is only a lap
28 belt available and the child weighs more than forty pounds.

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

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

36 For purposes of this section, a motor-driven cycle, a moped, an

1 electric-assisted bicycle, or a motorcycle is not a motorized foot
2 scooter.

3 **Sec. 7.** RCW 46.04.332 and 2002 c 247 s 4 are each amended to read
4 as follows:

5 "Motor-driven cycle" means every motorcycle, including every motor
6 scooter, with a motor that produces not to exceed five brake horsepower
7 (developed by a prime mover, as measured by a brake applied to the
8 driving shaft). A motor-driven cycle does not include a moped, a
9 motorized foot scooter, or an electric personal assistive mobility
10 device.

11 **Sec. 8.** RCW 46.16.010 and 2000 c 229 s 1 are each amended to read
12 as follows:

13 (1) It is unlawful for a person to operate any vehicle over and
14 along a public highway of this state without first having obtained and
15 having in full force and effect a current and proper vehicle license
16 and display vehicle license number plates therefor as by this chapter
17 provided. 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 Failure to renew an expired registration before operation on the
22 highways of this state is a traffic infraction.

23 (2) 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;

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

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

5 (a) Motorized foot scooters;

6 (b) Electric-assisted bicycles;

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

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

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

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

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

13 Exclusions:

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

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

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

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

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

35 **Sec. 9.** RCW 46.20.500 and 2002 c 247 s 6 are each amended to read
36 as follows:

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

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

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

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

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

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

20 (1) No person shall operate a moped upon the highways of this state
21 unless the moped has been assigned a moped registration number and
22 displays a moped permit in accordance with the provisions of RCW
23 46.16.630.

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

27 (3) Operation of a moped, electric personal assistive mobility
28 device, or an electric-assisted bicycle on a fully controlled limited
29 access highway is unlawful. Operation of a moped or an electric-
30 assisted bicycle on a sidewalk is unlawful.

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

33 (5) Subsections (1), (2), and (4) of this section do not apply to
34 electric-assisted bicycles. Electric-assisted bicycles and motorized
35 foot scooters may have access to highways of the state to the same
36 extent as bicycles. Subject to subsection (6) of this section,
37 electric-assisted bicycles and motorized foot scooters may be operated

1 on a multipurpose trail or bicycle lane, but local jurisdictions may
2 restrict or otherwise limit the access of electric-assisted bicycles
3 and motorized foot scooters, and state agencies may regulate the use of
4 motorized foot scooters on facilities and properties under their
5 jurisdiction and control.

6 (6) Subsections (1) and (4) of this section do not apply to
7 motorized foot scooters. Subsection (2) of this section applies to
8 motorized foot scooters when the bicycle path, trail, bikeway,
9 equestrian trail, or hiking or recreational trail was built or is
10 maintained with federal highway transportation funds. Additionally,
11 any new trail or bicycle path or readily identifiable existing trail or
12 bicycle path not built or maintained with federal highway
13 transportation funds may be used by persons operating motorized foot
14 scooters only when appropriately signed.

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

21 ~~((+7))~~ (8) The use of an EPAMD may be regulated in the following
22 circumstances:

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

27 (b) A municipality may restrict the speed of an EPAMD in locations
28 with congested pedestrian or nonmotorized traffic and where there is
29 significant speed differential between pedestrians or nonmotorized
30 traffic and EPAMD operators. The areas in this subsection must be
31 designated by the city engineer or designee of the municipality.
32 Municipalities shall not restrict the speed of an EPAMD in the entire
33 community or in areas in which there is infrequent pedestrian traffic;

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

1 **Sec. 11.** RCW 46.81A.010 and 1988 c 227 s 2 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

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

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

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

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

13 NEW SECTION. **Sec. 12.** This act takes effect August 1, 2003.
 Passed by the Senate April 27, 2003.
 Passed by the House April 26, 2003.
 Approved by the Governor May 16, 2003.
 Filed in Office of Secretary of State May 16, 2003.