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**SUBSTITUTE HOUSE BILL 1325**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Transportation (originally sponsored by Representatives Kloba, Steele, Walen, Fey, and Slatter)

AN ACT Relating to the regulation of personal delivery devices; amending RCW 46.04.320, 46.04.670, 46.61.050, 46.61.055, 46.61.060, 46.61.235, 46.61.240, 46.61.250, 46.61.261, 46.61.264, 46.61.269, 46.61.365, and 46.61.710; reenacting and amending RCW 81.80.010; adding a new section to chapter 46.61 RCW; adding new sections to chapter 81.80 RCW; adding a new chapter to Title 46 RCW; prescribing penalties; providing effective dates; and declaring an emergency.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter, except as provided in section 5 of this act, and unless the context clearly requires otherwise.

(1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

(2) "Hazardous material" means any material that has been designated as hazardous under 49 U.S.C. Sec. 5103, and is required to be placarded under subpart F of 49 C.F.R. Part 172.

(3) "Personal delivery device" means an electrically powered device to which all of the following apply:

(a) The device is intended primarily to transport property on sidewalks and crosswalks;

(b) The device weighs less than one hundred twenty pounds, excluding any property being carried in the device;

(c) The device will operate at a maximum speed of six miles per hour; and

(d) The device is equipped with automated driving technology, including software and hardware, enabling the operation of the device, with the support and supervision of a remote personal delivery device operator.

(4)(a) "Personal delivery device operator" means an employee or agent of an eligible entity who exercises active physical control over, or monitoring of, the navigation and operation of a personal delivery device.

(b) "Personal delivery device operator" does not include:

(i) With respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service; or

(ii) A person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(5) "Regulating agency" means:

(a) Before July 1, 2021, the public works department of a jurisdiction that has approved the operation of a personal delivery device upon the sidewalks and crosswalks within the jurisdiction's boundaries; and

(b) Beginning July 1, 2021, the utilities and transportation commission.

NEW SECTION. **Sec.**  Except as provided in section 5 of this act, an eligible entity may operate a personal delivery device so long as all of the following requirements are met:

(1) An eligible entity may operate a personal delivery device only upon:

(a) Crosswalks; and

(b)(i) Sidewalks; or

(ii) If a sidewalk is not provided or is not accessible, an area where a pedestrian is permitted to travel, subject to RCW 46.61.250, provided that the adjacent roadway has a speed limit of less than forty-five miles per hour;

(2)(a) Until July 1, 2021, to be authorized to operate a personal delivery device, the eligible entity must obtain prior approval from the jurisdiction governing the right-of-way containing the sidewalks and crosswalks upon which the personal delivery device is intended to travel. This requirement does not apply with respect to a jurisdiction in which a personal delivery device was operated on or before February 8, 2019;

(b) Beginning July 1, 2021, to be authorized to operate a personal delivery device, the eligible entity must apply for and receive a permit to operate as an automated carrier under chapter 81.80 RCW from the utilities and transportation commission;

(3) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device;

(4) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity. The eligible entity must provide proof of the insurance to the regulating agency before beginning operations;

(5) The eligible entity must report any incidents, resulting in personal injury or property damage that meets the accident reporting threshold for property damage under RCW 46.52.030(5), to both the regulating agency and to the law enforcement agency of the local jurisdiction governing the right-of-way containing the sidewalk or crosswalk where the incident occurred, within forty-eight hours of the incident;

(6) The eligible entity registers an agent located in Washington state with the regulating agency for the purposes of addressing traffic infractions and incidents involving personal delivery devices operated by the eligible entity; and

(7) The personal delivery device is equipped with all of the following:

(a) A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;

(b) A braking system that enables the personal delivery device to come to a controlled stop;

(c) A flag pole, attached to the personal delivery device, of at least forty-eight inches in height; and

(d) If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible on all sides of the personal delivery device in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

NEW SECTION. **Sec.**  (1) A personal delivery device may not be operated to transport hazardous material, in a quantity and form that may pose an unreasonable risk to health, safety, or property when transported in commerce.

(2) A personal delivery device may not be operated to transport beer, wine, spirits, or other consumable alcohol.

NEW SECTION. **Sec.**  A violation of this chapter is a traffic infraction. The infraction must be issued to a Washington-based registered agent of the eligible entity that operated the personal delivery device at the time the infraction was committed. The law enforcement agency issuing the notice of infraction must provide a copy of the notice to the regulating agency.

NEW SECTION. **Sec.**  A jurisdiction that governs the right-of-way containing the sidewalk or crosswalk upon which a personal delivery device may travel may authorize or condition the operation of a device by an eligible entity, according to the provisions in this section.

(1)(a) Until July 1, 2021, the jurisdiction must authorize the operation of a personal delivery device by an eligible entity before an eligible entity may operate such devices within the jurisdiction. The jurisdiction may condition the operation of a personal delivery device by an eligible entity within the jurisdiction under the terms of this section.

(b) Beginning July 1, 2021, the jurisdiction may condition the operation of a personal delivery device by an eligible entity within the jurisdiction under the terms of this section.

(2) For the purposes of this section, "personal delivery device" has the same meaning as in section 1 of this act, except that:

(a) The device may have a maximum speed that exceeds six miles per hour, if the jurisdiction approves a higher maximum speed; and

(b) The weight of the device, excluding any property being carried in the device, may exceed one hundred twenty pounds, if the jurisdiction approves a higher maximum weight limit.

(3) Beginning July 1, 2021, the jurisdiction may prohibit the operation of a personal delivery device within a portion or the entirety of the area within its boundaries.

**Sec.**  RCW 46.04.320 and 2010 c 217 s 1 are each amended to read as follows:

(1) "Motor vehicle" means ((~~every~~)) a vehicle that is self-propelled ((~~and every~~)) or a vehicle that is propelled by electric power obtained from overhead trolley wires((~~,~~)) but not operated upon rails.

(2) "Motor vehicle" includes:

(a) A neighborhood electric vehicle as defined in RCW 46.04.357((~~. "Motor vehicle" includes~~));

(b) A medium-speed electric vehicle as defined in RCW 46.04.295; and

(c) A golf cart for the purposes of chapter 46.61 RCW.

(3) "Motor vehicle" excludes:

(a) An electric personal assistive mobility device ((~~is not considered a motor vehicle.~~));

(b) A power wheelchair ((~~is not considered a motor vehicle.~~));

(c) A golf cart ((~~is not considered a motor vehicle~~)), except ((~~for the purposes of chapter 46.61 RCW~~)) as provided in subsection (2) of this section;

(d) A moped, for the purposes of chapter 46.70 RCW; and

(e) A personal delivery device as defined in section 1 of this act.

**Sec.**  RCW 46.04.670 and 2011 c 171 s 19 are each amended to read as follows:

(1) "Vehicle" ((~~includes every~~)) means a device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway((~~, including bicycles~~)).

(2) "Vehicle" ((~~does not include~~)) excludes:

(a) A power wheelchair((~~s~~)) or device((~~s~~)) other than a bicycle((~~s~~)) moved by human or animal power or used exclusively upon stationary rails or tracks((~~. Mopeds are not considered vehicles or motor vehicles~~));

(b) A moped, for the purposes of chapter 46.70 RCW((~~. Bicycles are not considered vehicles~~));

(c) A bicycle, for the purposes of chapter 46.12, 46.16A, or 46.70 RCW, or for RCW 82.12.045((~~.~~));

(d) An electric personal assistive mobility device((~~s are not considered vehicles or motor vehicles~~)), for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW((~~.~~));

(e) A golf cart ((~~is not considered a vehicle~~)), except for the purposes of chapter 46.61 RCW; and

(f) A personal delivery device as defined in section 1 of this act, except for the purposes of chapter 46.61 RCW.

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

For the purposes of this chapter, "personal delivery device" has the same meaning as in section 1 of this act, except in a jurisdiction that has approved the use of a personal delivery device, in which case the meaning in section 5 of this act applies.

**Sec.**  RCW 46.61.050 and 1975 c 62 s 18 are each amended to read as follows:

(1) The driver of any vehicle, every bicyclist, and every pedestrian shall obey, and the operation of every personal delivery device shall follow, the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place.

(3) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

**Sec.**  RCW 46.61.055 and 1993 c 153 s 2 are each amended to read as follows:

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word or legend, and said lights shall indicate and apply to drivers of vehicles ((~~and~~)), pedestrians, and personal delivery devices, as follows:

(1) Green indication

(a) Vehicle operators facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicle operators turning right or left shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators turning right or left shall also stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Vehicle operators facing a green arrow signal, shown alone or in combination with another indication, may enter the intersection control area only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Vehicle operators shall stop to allow other vehicles lawfully within the intersection control area to complete their movements. Vehicle operators shall also stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(c) Unless otherwise directed by a pedestrian control signal, as provided in RCW 46.61.060 as now or hereafter amended, pedestrians or personal delivery devices facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicle operators facing a steady circular yellow or yellow arrow signal are thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. Vehicle operators shall stop for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Pedestrians or personal delivery devices facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 shall not enter the roadway.

(3) Steady red indication

(a) Vehicle operators facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection control area and shall remain standing until an indication to proceed is shown. However, the vehicle operators facing a steady circular red signal may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(b) Unless otherwise directed by a pedestrian control signal as provided in RCW 46.61.060 as now or hereafter amended, pedestrians or personal delivery devices facing a steady circular red signal alone shall not enter the roadway.

(c) Vehicle operators facing a steady red arrow indication may not enter the intersection control area to make the movement indicated by such arrow, and unless entering the intersection control area to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, before entering a crosswalk on the near side of the intersection control area, or if none, then before entering the intersection control area and shall remain standing until an indication to make the movement indicated by such arrow is shown. However, the vehicle operators facing a steady red arrow indication may, after stopping proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way street or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement. Vehicle operators planning to make such turns shall remain stopped to allow other vehicles lawfully within or approaching the intersection control area to complete their movements. Vehicle operators planning to make such turns shall also remain stopped for pedestrians who or personal delivery devices that are lawfully within the intersection control area as required by RCW 46.61.235(1).

(d) Unless otherwise directed by a pedestrian signal, pedestrians or personal delivery devices facing a steady red arrow signal indication shall not enter the roadway.

(4) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

**Sec.**  RCW 46.61.060 and 1993 c 153 s 3 are each amended to read as follows:

Whenever pedestrian control signals exhibiting the words "Walk" or the walking person symbol or "Don't Walk" or the hand symbol are operating, the signals shall indicate as follows:

(1) WALK or walking person symbol—Pedestrians or personal delivery devices facing such signal may cross the roadway in the direction of the signal. Vehicle operators shall stop for pedestrians who or personal delivery devices that are lawfully moving within the intersection control area on such signal as required by RCW 46.61.235(1).

(2) Steady or flashing DON'T WALK or hand symbol—Pedestrians or personal delivery devices facing such signal shall not enter the roadway. Vehicle operators shall stop for pedestrians who or personal delivery devices that have begun to cross the roadway before the display of either signal as required by RCW 46.61.235(1).

(3) Pedestrian control signals having the "Wait" legend in use on August 6, 1965, shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk" or the hand symbol.

**Sec.**  RCW 46.61.235 and 2010 c 242 s 1 are each amended to read as follows:

(1) The operator of an approaching vehicle shall stop and remain stopped to allow a pedestrian ((~~or~~)), bicycle, or personal delivery device to cross the roadway within an unmarked or marked crosswalk when the pedestrian ((~~or~~)), bicycle, or personal delivery device is upon or within one lane of the half of the roadway upon which the vehicle is traveling or onto which it is turning. For purposes of this section "half of the roadway" means all traffic lanes carrying traffic in one direction of travel, and includes the entire width of a one-way roadway.

(2) No pedestrian ((~~or~~)), bicycle, or personal delivery device shall suddenly leave a curb or other place of safety and walk, run, or otherwise move into the path of a vehicle which is so close that it is impossible for the driver to stop.

(3) Subsection (1) of this section does not apply under the conditions stated in RCW 46.61.240(2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian ((~~or~~)), bicycle, or personal delivery device to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5)(a) If a person is found to have committed an infraction under this section within a school, playground, or crosswalk speed zone created under RCW 46.61.440, the person must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. The penalty may not be waived, reduced, or suspended.

(b) Fifty percent of the moneys collected under this subsection must be deposited into the school zone safety account.

**Sec.**  RCW 46.61.240 and 1990 c 241 s 5 are each amended to read as follows:

(1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. A personal delivery device may not cross a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection, except as provided in subsection (2) of this section.

(2) Where curb ramps exist at or adjacent to intersections or at marked crosswalks in other locations, ((~~disabled~~)) persons with disabilities or personal delivery devices may enter the roadway from the curb ramps and cross the roadway within or as closely as practicable to the crosswalk. All other pedestrian rights and duties as defined elsewhere in this chapter remain applicable.

(3) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(4) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(5) No pedestrian or personal delivery device shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians and personal delivery devices shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(6) No pedestrian or personal delivery device shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing.

**Sec.**  RCW 46.61.250 and 1990 c 241 s 6 are each amended to read as follows:

(1) Where sidewalks are provided it is unlawful for any pedestrian to walk or otherwise move along and upon an adjacent roadway. Where sidewalks are provided but wheelchair access is not available, ((~~disabled~~)) persons with disabilities who require such access may walk or otherwise move along and upon an adjacent roadway until they reach an access point in the sidewalk.

(2) Where sidewalks are not provided, any pedestrian walking or otherwise moving along and upon a highway, and any personal delivery device moving along and upon a highway, shall, when practicable, walk or move only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall move clear of the roadway.

**Sec.**  RCW 46.61.261 and 2010 c 242 s 3 are each amended to read as follows:

(1) The driver of a vehicle shall yield the right-of-way to any pedestrian ((~~or~~)), bicycle, or personal delivery device on a sidewalk. The rider of a bicycle shall yield the right-of-way to a pedestrian on a sidewalk or crosswalk. A personal delivery device must yield the right-of-way to a pedestrian or a bicycle on a sidewalk or crosswalk.

(2)(a) If a person is found to have committed an infraction under this section within a school, playground, or crosswalk speed zone created under RCW 46.61.440, the person must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. The penalty may not be waived, reduced, or suspended.

(b) Fifty percent of the moneys collected under this subsection must be deposited into the school zone safety account.

**Sec.**  RCW 46.61.264 and 1975 c 62 s 42 are each amended to read as follows:

(1) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of RCW 46.37.380 ((~~subsection~~)) (4) and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle meeting the requirements of RCW 46.61.035 ((~~subsection~~)) (3), every pedestrian and every personal delivery device shall yield the right-of-way to the authorized emergency vehicle.

(2) This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian or any personal delivery device.

**Sec.**  RCW 46.61.269 and 1975 c 62 s 44 are each amended to read as follows:

(1) No pedestrian or personal delivery device shall enter or remain upon any bridge or approach thereto beyond a bridge signal gate, or barrier indicating a bridge is closed to through traffic, after a bridge operation signal indication has been given.

(2) No pedestrian or personal delivery device shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

**Sec.**  RCW 46.61.365 and 1965 ex.s. c 155 s 51 are each amended to read as follows:

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian or personal delivery device as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

**Sec.**  RCW 46.61.710 and 2018 c 60 s 5 are each amended to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with RCW 46.16A.405(2).

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

(3) Operation of a moped, electric personal assistive mobility device, or motorized foot scooter on a fully controlled limited access highway is unlawful. Operation of a personal delivery device on any part of a highway other than a sidewalk or crosswalk is unlawful, except as provided in RCW 46.61.240(2). Operation of a moped on a sidewalk is unlawful. Operation of a motorized foot scooter or class 3 electric-assisted bicycle on a sidewalk is unlawful, unless there is no alternative for a motorized foot scooter or a class 3 electric-assisted bicycle to travel over a sidewalk as part of a bicycle or pedestrian path.

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

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles.

(6) Electric-assisted bicycles and motorized foot scooters may have access to highways of the state to the same extent as bicycles, subject to RCW 46.61.160.

(7) Subject to subsection (10) of this section, class 1 and class 2 electric-assisted bicycles and motorized foot scooters may be operated on a shared-use path or any part of a highway designated for the use of bicycles, but local jurisdictions or state agencies may restrict or otherwise limit the access of electric-assisted bicycles and motorized foot scooters, and local jurisdictions or state agencies may regulate the use of class 1 and class 2 electric-assisted bicycles and motorized foot scooters on facilities and properties under their jurisdiction and control. Local regulation of the operation of class 1 or class 2 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(8) Class 3 electric-assisted bicycles may be operated on facilities that are within or adjacent to a highway. Class 3 electric-assisted bicycles may not be operated on a shared-use path, except where local jurisdictions may allow the use of class 3 electric-assisted bicycles. State agencies or local jurisdictions may regulate the use of class 3 electric-assisted bicycles on facilities and properties under their jurisdiction and control. Local regulation of the operation of class 3 electric-assisted bicycles, upon a shared use path designated for the use of bicycles that crosses jurisdictional boundaries of two or more local jurisdictions, must be consistent for the entire shared use path in order for the local regulation to be enforceable; however, this does not apply to local regulations of a shared use path in effect as of January 1, 2018.

(9) Except as otherwise provided in this section, an individual shall not operate an electric-assisted bicycle on a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A local authority or agency of this state having jurisdiction over a trail described in this subsection may allow the operation of an electric-assisted bicycle on that trail.

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

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

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

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

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

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

(13) A personal delivery device must give an audible signal before overtaking and passing a pedestrian or a bicyclist.

NEW SECTION. **Sec.**  A new section is added to chapter 81.80 RCW to read as follows:

(1) No person may engage in business as an automated carrier without first obtaining an automated carrier permit from the commission.

(2) The commission must regulate automated carriers, with respect to equipment safety, safety of operations, and record retention. The commission must adopt rules under chapter 34.05 RCW as necessary to carry out this section and sections 21 and 22 of this act regarding the operation of personal delivery devices by automated carriers.

(3) The commission must require insurance coverage for each automated carrier that satisfies the requirements in section 2 of this act.

(4) The commission must investigate safety complaints related to automated carriers under this chapter and take appropriate enforcement action as authorized.

(5) The commission may enforce this chapter with respect to automated carriers under the authority in RCW 81.04.380 through 81.04.405, including assessing penalties as warranted.

(6) The commission may suspend or revoke a permit upon complaint by any interested party, or upon the commission's own motion after notice and opportunity for hearing, when it finds that any person owning, leasing, operating, or maintaining personal delivery devices has violated this chapter or the rules of the commission, or that the company or its agent has been found by a court or governmental agency to have violated the laws of a state or the United States.

NEW SECTION. **Sec.**  A new section is added to chapter 81.80 RCW to read as follows:

A person is immediately and automatically disqualified from operating a personal delivery device for a period of three years if a personal delivery device or devices operated by the person are found in the aggregate to have caused two or more traffic violations within a three-year period.

NEW SECTION. **Sec.**  A new section is added to chapter 81.80 RCW to read as follows:

The commission shall compile data regarding any reported incidents, traffic infractions, regulatory violations and fines, and corrective actions taken by the commission involving automated carriers. An automated carrier must, at the request of the commission, provide data relevant to any complaints and incidents, including location, time of day, visibility, a description of the event, whether any property damage or personal injuries resulted, and any corrective action taken by the person or the commission. The commission must make this data available upon request.

**Sec.**  RCW 81.80.010 and 2009 c 94 s 1 are each reenacted and amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Automated carrier" means any person providing delivery services for hire by means of a personal delivery device.

(2) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

((~~(2)~~)) (3) "Contract carrier" includes all motor vehicle operators not included under the terms "common carrier" and "private carrier" as defined in this section, and further includes any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

((~~(3)~~)) (4) "Common carrier" and "contract carrier" includes persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

((~~(4)~~)) (5) "Exempt carrier" means any person operating a vehicle exempted under RCW 81.80.040.

((~~(5)~~)) (6) "Household goods carrier" means a person who transports for compensation, by motor vehicle within this state, or who advertises, solicits, offers, or enters into an agreement to transport household goods as defined by the commission.

((~~(6)~~)) (7) "Motor carrier" includes "common carrier," "contract carrier," "private carrier," "automated carrier," and "exempt carrier" as defined in this section.

((~~(7)~~)) (8) "Motor vehicle" means any truck, trailer, semitrailer, tractor, dump truck which uses a hydraulic or mechanical device to dump or discharge its load, or any self-propelled or motor-driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail, and express transported on the vehicles of auto transportation companies carrying passengers, and not including personal delivery devices.

((~~(8)~~)) (9) "Person" includes an individual, firm, copartnership, corporation, company, or association or their lessees, trustees, or receivers. For the purposes of sections 20 through 22 of this act, "person" includes "eligible entity" as defined in section 1 of this act.

((~~(9)~~)) (10) "Personal delivery device" has the same meaning as in section 1 of this act.

(11) A "private carrier" is a person who transports by his or her own motor vehicle, with or without compensation, property which is owned or is being bought or sold by the person, or property where the person is the seller, purchaser, lessee, or bailee and the transportation is incidental to and in furtherance of some other primary business conducted by the person in good faith.

((~~(10)~~)) (12) "Public highway" means every street, road, or highway in this state, and includes all parts of the right-of-way, including sidewalks.

((~~(11)~~)) (13) "Vehicle" means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rail or tracks.

NEW SECTION. **Sec.**  Sections 1 through 5 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. **Sec.**  Sections 1 through 19 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2019.

NEW SECTION. **Sec.**  Sections 20 through 23 of this act take effect July 1, 2021.

**--- END ---**