

ESHB 1772 - S COMM AMD

By Committee on Transportation

ADOPTED 04/12/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 46.04.336 and 2009 c 275 s 3 are each amended to
4 read as follows:

5 "Motorized foot scooter" means a device with ~~((no more than))~~ two
6 ~~((ten-inch or smaller diameter))~~ or three wheels that has handlebars,
7 ~~((is designed to))~~ a floorboard that can be stood upon ~~((by the~~
8 ~~operator))~~ while riding, and is powered by an internal combustion
9 engine or electric motor that ~~((is capable of propelling the device~~
10 ~~with or without human propulsion at a speed no more))~~ has a maximum
11 speed of no greater than twenty miles per hour on level ground.

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 46.04.670 and 2011 c 171 s 19 are each amended to
16 read as follows:

17 "Vehicle" includes every device capable of being moved upon a
18 public highway and in, upon, or by which any persons or property is
19 or may be transported or drawn upon a public highway, including
20 bicycles. "Vehicle" does not include power wheelchairs or devices
21 other than bicycles moved by human or animal power or used
22 exclusively upon stationary rails or tracks. mopeds are not
23 considered vehicles or motor vehicles for the purposes of chapter
24 46.70 RCW. Bicycles and motorized foot scooters are not considered
25 vehicles for the purposes of chapter 46.12, 46.16A, or 46.70 RCW or
26 RCW 82.12.045. Electric personal assistive mobility devices and
27 motorized foot scooters are not considered vehicles or motor vehicles
28 for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70
29 RCW. A golf cart is not considered a vehicle, except for the purposes
30 of chapter 46.61 RCW.

1 **Sec. 3.** RCW 46.61.710 and 2018 c 60 s 5 are each amended to read
2 as follows:

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

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

9 (3) Operation of a moped, electric personal assistive mobility
10 device, or motorized foot scooter on a fully controlled limited
11 access highway is unlawful. Operation of a moped on a sidewalk is
12 unlawful. Operation of a motorized foot scooter or class 3 electric-
13 assisted bicycle on a sidewalk is unlawful, unless there is no
14 alternative for a motorized foot scooter or a class 3 electric-
15 assisted bicycle to travel over a sidewalk as part of a bicycle or
16 pedestrian path, or if authorized by local ordinance, as provided in
17 section 5 of this act.

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

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

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

25 (7) Subject to subsection (10) of this section, class 1 and class
26 2 electric-assisted bicycles and motorized foot scooters may be
27 operated on a shared-use path or any part of a highway designated for
28 the use of bicycles, but local jurisdictions or state agencies may
29 restrict or otherwise limit the access of electric-assisted bicycles
30 and motorized foot scooters, and local jurisdictions or state
31 agencies may regulate the use of class 1 and class 2 electric-
32 assisted bicycles and motorized foot scooters on facilities ~~((and))~~,
33 properties, and rights-of-way under their jurisdiction and control.
34 Local regulation of the operation of class 1 or class 2 electric-
35 assisted bicycles, upon a shared use path designated for the use of
36 bicycles that crosses jurisdictional boundaries of two or more local
37 jurisdictions, must be consistent for the entire shared use path in
38 order for the local regulation to be enforceable; however, this does
39 not apply to local regulations of a shared use path in effect as of
40 January 1, 2018.

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

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

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

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

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

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

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

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

16 **Sec. 4.** RCW 46.20.500 and 2018 c 60 s 4 are each amended to read
17 as follows:

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

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

26 (3) No driver's license is required for operation of an electric-
27 assisted bicycle. Persons under sixteen years of age may not operate
28 a class 3 electric-assisted bicycle.

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

31 (5) No driver's license is required to operate a motorized foot
32 scooter. Motorized foot scooters may not be operated at any time from
33 a half hour after sunset to a half hour before sunrise without
34 reflectors of a type approved by the state patrol. Persons under
35 sixteen years of age may not operate a motorized foot scooter unless
36 provided otherwise by a local jurisdiction. A motorized foot scooter
37 may be operated at a speed of up to fifteen miles per hour on a
38 roadway or bicycle lane, and may be operated on a sidewalk or on

1 pedestrian or bicycle trails if authorized by a local jurisdiction,
2 which shall specify the maximum speed of such sidewalk operation.

3 (6) A person holding a valid driver's license may operate a
4 motorcycle as defined under RCW 46.04.330(2) without a motorcycle
5 endorsement.

6 (7) A person operating a motorcycle with a stabilizing conversion
7 kit must have a valid driver's license specially endorsed by the
8 director for a three-wheeled motorcycle to enable the holder to
9 operate such a motorcycle.

10 NEW SECTION. Sec. 5. A new section is added to chapter 46.61
11 RCW to read as follows:

12 (1) A local authority may regulate the operation of motorized
13 foot scooters and shared scooters within its jurisdiction which may
14 include, but is not limited to, the following:

15 (a) Determining if shared scooters may be operated within the
16 local authority's jurisdiction, and if allowed, where they may be
17 operated;

18 (b) Requiring scooter share programs to pay reasonable fees and
19 taxes;

20 (c) Requiring that shared scooters be staged in a manner
21 compliant with the Americans with disabilities act, to ensure clear
22 passage of pedestrian traffic on sidewalks; and

23 (d) Adopting and assessing penalties for moving or parking
24 violations involving shared scooters to the person responsible for
25 such violation.

26 (2) A contract offered by a scooter share program to a
27 prospective scooter share contractor must make the following written
28 disclosures to a prospective scooter share contractor:

29 WHILE YOU ARE LOCATING AND RETURNING SCOOTERS, PROVIDING
30 TRANSPORT, BATTERY CHARGE, OR REPAIR SERVICES, YOU MAY BE ENGAGED IN
31 COMMERCIAL ACTIVITY. YOUR PRIVATE PASSENGER AUTOMOBILE, HOMEOWNERS,
32 CONDOMINIUM, OR RENTERS INSURANCE POLICIES MIGHT NOT PROVIDE COVERAGE
33 FOR YOU, DEPENDING ON THE TERMS OF YOUR POLICY.

34 (3) For the purposes of this section:

35 (a) "Scooter share program" means a person offering shared
36 scooters for hire. All scooter share programs must carry the
37 following insurance coverage:

1 (i) Commercial general liability insurance coverage with a limit
2 of at least one million dollars for each occurrence and five million
3 dollars aggregate;

4 (ii) Automobile liability insurance coverage with a combined
5 single limit of at least one million dollars; and

6 (iii) If a local authority authorizes operation of a motorized
7 foot scooter by persons under sixteen years of age, the local
8 authority may require all scooter share programs offering shared
9 scooters for hire to such persons under sixteen years of age to carry
10 insurance coverage at greater amounts negotiated between the programs
11 and the local authority.

12 (b) "Scooter share contractor" means a person other than an
13 employee of a scooter share program retained under an independent
14 contract to provide scooter location or transport and/or scooter
15 battery charging or repair services to a scooter share program.

16 (c) "Shared scooter" means any motorized foot scooter offered for
17 hire. All shared scooters must bear a single unique alphanumeric
18 identification visible from a distance of five feet, which shall not
19 be obfuscated by branding or other markings, which shall be used
20 throughout the state, including by local authorities, to identify the
21 shared scooter."

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22 On page 1, line 1 of the title, after "scooters;" strike the
23 remainder of the title and insert "amending RCW 46.04.336, 46.04.670,
24 46.61.710, and 46.20.500; and adding a new section to chapter 46.61
25 RCW."

EFFECT: Renames "scooter share operator" with "scooter share
program."

Provides a definition of scooter share contractor.

Requires a scooter share program to provide to a prospective
scooter share contractor written disclosures concerning whether the
commercial activities the contractor may undertake are covered by
their personal automobile, homeowners, or rental insurance policies.

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