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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)

READ FIRST TIME 03/01/19.

1            AN ACT Relating to the regulation of personal delivery devices;  
2 amending RCW 46.04.320, 46.04.670, 46.61.050, 46.61.055, 46.61.060,  
3 46.61.235, 46.61.240, 46.61.250, 46.61.261, 46.61.264, 46.61.269,  
4 46.61.365, and 46.61.710; reenacting and amending RCW 81.80.010;  
5 adding a new section to chapter 46.61 RCW; adding new sections to  
6 chapter 81.80 RCW; adding a new chapter to Title 46 RCW; prescribing  
7 penalties; providing effective dates; and declaring an emergency.

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

9            NEW SECTION.    **Sec. 1.**    The definitions in this section apply  
10 throughout this chapter, except as provided in section 5 of this act,  
11 and unless the context clearly requires otherwise.

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

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

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

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

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

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

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

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

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

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

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

19 (5) "Regulating agency" means:

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

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

26 NEW SECTION. **Sec. 2.** Except as provided in section 5 of this  
27 act, an eligible entity may operate a personal delivery device so  
28 long as all of the following requirements are met:

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

31 (a) Crosswalks; and

32 (b) (i) Sidewalks; or

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

37 (2) (a) Until July 1, 2021, to be authorized to operate a personal  
38 delivery device, the eligible entity must obtain prior approval from  
39 the jurisdiction governing the right-of-way containing the sidewalks

1 and crosswalks upon which the personal delivery device is intended to  
2 travel. This requirement does not apply with respect to a  
3 jurisdiction in which a personal delivery device was operated on or  
4 before February 8, 2019;

5 (b) Beginning July 1, 2021, to be authorized to operate a  
6 personal delivery device, the eligible entity must apply for and  
7 receive a permit to operate as an automated carrier under chapter  
8 81.80 RCW from the utilities and transportation commission;

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

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

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

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

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

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

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

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

38 (d) If the personal delivery device is being operated between  
39 sunset and sunrise, a light on both the front and rear of the  
40 personal delivery device that is visible on all sides of the personal

1 delivery device in clear weather from a distance of at least five  
2 hundred feet to the front and rear of the personal delivery device  
3 when directly in front of low beams of headlights on a motor vehicle.

4 NEW SECTION. **Sec. 3.** (1) A personal delivery device may not be  
5 operated to transport hazardous material, in a quantity and form that  
6 may pose an unreasonable risk to health, safety, or property when  
7 transported in commerce.

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

10 NEW SECTION. **Sec. 4.** A violation of this chapter is a traffic  
11 infraction. The infraction must be issued to a Washington-based  
12 registered agent of the eligible entity that operated the personal  
13 delivery device at the time the infraction was committed. The law  
14 enforcement agency issuing the notice of infraction must provide a  
15 copy of the notice to the regulating agency.

16 NEW SECTION. **Sec. 5.** A jurisdiction that governs the right-of-  
17 way containing the sidewalk or crosswalk upon which a personal  
18 delivery device may travel may authorize or condition the operation  
19 of a device by an eligible entity, according to the provisions in  
20 this section.

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

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

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

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

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

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

4 **Sec. 6.** RCW 46.04.320 and 2010 c 217 s 1 are each amended to  
5 read as follows:

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

10 (2) "Motor vehicle" includes:

11 (a) A neighborhood electric vehicle as defined in RCW  
12 46.04.357((. "Motor vehicle" includes));

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

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

16 (3) "Motor vehicle" excludes:

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

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

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

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

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

26 **Sec. 7.** RCW 46.04.670 and 2011 c 171 s 19 are each amended to  
27 read as follows:

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

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

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

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

1        (c) A bicycle, for the purposes of chapter 46.12, 46.16A, or  
2 46.70 RCW, or for RCW 82.12.045(~~(-)~~);

3        (d) An electric personal assistive mobility device(~~(s are not~~  
4 ~~considered vehicles or motor vehicles)~~), for the purposes of chapter  
5 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW(~~(-)~~);

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

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

10        NEW SECTION. Sec. 8. A new section is added to chapter 46.61  
11 RCW to read as follows:

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

16        **Sec. 9.** RCW 46.61.050 and 1975 c 62 s 18 are each amended to  
17 read as follows:

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

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

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

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

6 **Sec. 10.** RCW 46.61.055 and 1993 c 153 s 2 are each amended to  
7 read as follows:

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

15 (1) Green indication

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

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

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

38 (2) Steady yellow indication

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

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

12 (3) Steady red indication

13 (a) Vehicle operators facing a steady circular red signal alone  
14 shall stop at a clearly marked stop line, but if none, before  
15 entering the crosswalk on the near side of the intersection or, if  
16 none, then before entering the intersection control area and shall  
17 remain standing until an indication to proceed is shown. However, the  
18 vehicle operators facing a steady circular red signal may, after  
19 stopping proceed to make a right turn from a one-way or two-way  
20 street into a two-way street or into a one-way street carrying  
21 traffic in the direction of the right turn; or a left turn from a  
22 one-way or two-way street into a one-way street carrying traffic in  
23 the direction of the left turn; unless a sign posted by competent  
24 authority prohibits such movement. Vehicle operators planning to make  
25 such turns shall remain stopped to allow other vehicles lawfully  
26 within or approaching the intersection control area to complete their  
27 movements. Vehicle operators planning to make such turns shall also  
28 remain stopped for pedestrians who or personal delivery devices that  
29 are lawfully within the intersection control area as required by RCW  
30 46.61.235(1).

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

35 (c) Vehicle operators facing a steady red arrow indication may  
36 not enter the intersection control area to make the movement  
37 indicated by such arrow, and unless entering the intersection control  
38 area to make such other movement as is permitted by other indications  
39 shown at the same time, shall stop at a clearly marked stop line, but  
40 if none, before entering a crosswalk on the near side of the



1 intersection control area, or if none, then before entering the  
2 intersection control area and shall remain standing until an  
3 indication to make the movement indicated by such arrow is shown.  
4 However, the vehicle operators facing a steady red arrow indication  
5 may, after stopping proceed to make a right turn from a one-way or  
6 two-way street into a two-way street or into a one-way street  
7 carrying traffic in the direction of the right turn; or a left turn  
8 from a one-way street or two-way street into a one-way street  
9 carrying traffic in the direction of the left turn; unless a sign  
10 posted by competent authority prohibits such movement. Vehicle  
11 operators planning to make such turns shall remain stopped to allow  
12 other vehicles lawfully within or approaching the intersection  
13 control area to complete their movements. Vehicle operators planning  
14 to make such turns shall also remain stopped for pedestrians who or  
15 personal delivery devices that are lawfully within the intersection  
16 control area as required by RCW 46.61.235(1).

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

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

27 **Sec. 11.** RCW 46.61.060 and 1993 c 153 s 3 are each amended to  
28 read as follows:

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

32 (1) WALK or walking person symbol—Pedestrians or personal  
33 delivery devices facing such signal may cross the roadway in the  
34 direction of the signal. Vehicle operators shall stop for pedestrians  
35 who or personal delivery devices that are lawfully moving within the  
36 intersection control area on such signal as required by RCW  
37 46.61.235(1).

38 (2) Steady or flashing DON'T WALK or hand symbol—Pedestrians or  
39 personal delivery devices facing such signal shall not enter the

1 roadway. Vehicle operators shall stop for pedestrians who or personal  
2 delivery devices that have begun to cross the roadway before the  
3 display of either signal as required by RCW 46.61.235(1).

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

9 **Sec. 12.** RCW 46.61.235 and 2010 c 242 s 1 are each amended to  
10 read as follows:

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

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

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

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

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

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

1       **Sec. 13.** RCW 46.61.240 and 1990 c 241 s 5 are each amended to  
2 read as follows:

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

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

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

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

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

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

31       **Sec. 14.** RCW 46.61.250 and 1990 c 241 s 6 are each amended to  
32 read as follows:

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

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

7 **Sec. 15.** RCW 46.61.261 and 2010 c 242 s 3 are each amended to  
8 read as follows:

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

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

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

22 **Sec. 16.** RCW 46.61.264 and 1975 c 62 s 42 are each amended to  
23 read as follows:

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

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

36 **Sec. 17.** RCW 46.61.269 and 1975 c 62 s 44 are each amended to  
37 read as follows:

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

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

9 **Sec. 18.** RCW 46.61.365 and 1965 ex.s. c 155 s 51 are each  
10 amended to read as follows:

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

18 **Sec. 19.** RCW 46.61.710 and 2018 c 60 s 5 are each amended to  
19 read as follows:

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

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

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

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

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

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

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

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

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

1 subsection may allow the operation of an electric-assisted bicycle on  
2 that trail.

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

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

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

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

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

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

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

38 NEW SECTION. **Sec. 20.** A new section is added to chapter 81.80  
39 RCW to read as follows:

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

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

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

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

15 (5) The commission may enforce this chapter with respect to  
16 automated carriers under the authority in RCW 81.04.380 through  
17 81.04.405, including assessing penalties as warranted.

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

25 NEW SECTION. **Sec. 21.** A new section is added to chapter 81.80  
26 RCW to read as follows:

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

32 NEW SECTION. **Sec. 22.** A new section is added to chapter 81.80  
33 RCW to read as follows:

34 The commission shall compile data regarding any reported  
35 incidents, traffic infractions, regulatory violations and fines, and  
36 corrective actions taken by the commission involving automated  
37 carriers. An automated carrier must, at the request of the  
38 commission, provide data relevant to any complaints and incidents,



1 including location, time of day, visibility, a description of the  
2 event, whether any property damage or personal injuries resulted, and  
3 any corrective action taken by the person or the commission. The  
4 commission must make this data available upon request.

5 **Sec. 23.** RCW 81.80.010 and 2009 c 94 s 1 are each reenacted and  
6 amended to read as follows:

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

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

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

16 ~~((2))~~ (3) "Contract carrier" includes all motor vehicle  
17 operators not included under the terms "common carrier" and "private  
18 carrier" as defined in this section, and further includes any person  
19 who under special and individual contracts or agreements transports  
20 property by motor vehicle for compensation.

21 ~~((3))~~ (4) "Common carrier" and "contract carrier" includes  
22 persons engaged in the business of providing, contracting for, or  
23 undertaking to provide transportation of property for compensation  
24 over the public highways of the state of Washington as brokers or  
25 forwarders.

26 ~~((4))~~ (5) "Exempt carrier" means any person operating a vehicle  
27 exempted under RCW 81.80.040.

28 ~~((5))~~ (6) "Household goods carrier" means a person who  
29 transports for compensation, by motor vehicle within this state, or  
30 who advertises, solicits, offers, or enters into an agreement to  
31 transport household goods as defined by the commission.

32 ~~((6))~~ (7) "Motor carrier" includes "common carrier," "contract  
33 carrier," "private carrier," "automated carrier," and "exempt  
34 carrier" as defined in this section.

35 ~~((7))~~ (8) "Motor vehicle" means any truck, trailer,  
36 semitrailer, tractor, dump truck which uses a hydraulic or mechanical  
37 device to dump or discharge its load, or any self-propelled or motor-  
38 driven vehicle used upon any public highway of this state for the  
39 purpose of transporting property, but not including baggage, mail,

1 and express transported on the vehicles of auto transportation  
2 companies carrying passengers, and not including personal delivery  
3 devices.

4 ~~((8))~~ (9) "Person" includes an individual, firm, copartnership,  
5 corporation, company, or association or their lessees, trustees, or  
6 receivers. For the purposes of sections 20 through 22 of this act,  
7 "person" includes "eligible entity" as defined in section 1 of this  
8 act.

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

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

17 ~~((10))~~ (12) "Public highway" means every street, road, or  
18 highway in this state, and includes all parts of the right-of-way,  
19 including sidewalks.

20 ~~((11))~~ (13) "Vehicle" means every device capable of being moved  
21 upon a public highway and in, upon, or by which any person or  
22 property is or may be transported or drawn upon a public highway,  
23 except devices moved by human or animal power or used exclusively  
24 upon stationary rail or tracks.

25 NEW SECTION. Sec. 24. Sections 1 through 5 of this act  
26 constitute a new chapter in Title 46 RCW.

27 NEW SECTION. Sec. 25. Sections 1 through 19 of this act are  
28 necessary for the immediate preservation of the public peace, health,  
29 or safety, or support of the state government and its existing public  
30 institutions, and take effect July 1, 2019.

31 NEW SECTION. Sec. 26. Sections 20 through 23 of this act take  
32 effect July 1, 2021.

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