
HOUSE BILL 1772

State of Washington

66th Legislature

2019 Regular Session

By Representatives Macri, Chambers, Fitzgibbon, Irwin, and Shewmake

Read first time 01/30/19. Referred to Committee on Transportation.

1 AN ACT Relating to motorized foot scooters; amending RCW
2 46.04.336, 46.04.670, 46.61.710, and 46.20.500; and adding a new
3 section to chapter 46.61 RCW.

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

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

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

13 For purposes of this section, a motor-driven cycle, a moped, an
14 electric-assisted bicycle, or a motorcycle is not a motorized foot
15 scooter.

16 **Sec. 2.** RCW 46.04.670 and 2011 c 171 s 19 are each amended to
17 read as follows:

18 "Vehicle" includes every device capable of being moved upon a
19 public highway and in, upon, or by which any persons or property is
20 or may be transported or drawn upon a public highway, including

1 bicycles. "Vehicle" does not include power wheelchairs or devices
2 other than bicycles moved by human or animal power or used
3 exclusively upon stationary rails or tracks. Mopeds are not
4 considered vehicles or motor vehicles for the purposes of chapter
5 46.70 RCW. Bicycles and motorized foot scooters are not considered
6 vehicles for the purposes of chapter 46.12, 46.16A, or 46.70 RCW or
7 RCW 82.12.045. Electric personal assistive mobility devices and
8 motorized foot scooters are not considered vehicles or motor vehicles
9 for the purposes of chapter 46.12, 46.16A, 46.29, 46.37, or 46.70
10 RCW. A golf cart is not considered a vehicle, except for the purposes
11 of chapter 46.61 RCW.

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

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

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

20 (3) Operation of a moped, electric personal assistive mobility
21 device, or motorized foot scooter on a fully controlled limited
22 access highway is unlawful. Operation of a moped on a sidewalk is
23 unlawful. Operation of a motorized foot scooter or class 3 electric-
24 assisted bicycle on a sidewalk is unlawful, unless there is no
25 alternative for a motorized foot scooter or a class 3 electric-
26 assisted bicycle to travel over a sidewalk as part of a bicycle or
27 pedestrian path.

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

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

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

36 (7) Subject to subsection (10) of this section, class 1 and class
37 2 electric-assisted bicycles and motorized foot scooters may be
38 operated on a shared-use path or any part of a highway designated for
39 the use of bicycles, but local jurisdictions or state agencies may

1 restrict or otherwise limit the access of electric-assisted bicycles
2 and motorized foot scooters, and local jurisdictions or state
3 agencies may regulate the use of class 1 and class 2 electric-
4 assisted bicycles and motorized foot scooters on facilities and
5 properties under their jurisdiction and control, subject to section 5
6 of this act. Local regulation of the operation of class 1 or class 2
7 electric-assisted bicycles, upon a shared use path designated for the
8 use of bicycles that crosses jurisdictional boundaries of two or more
9 local jurisdictions, must be consistent for the entire shared use
10 path in order for the local regulation to be enforceable; however,
11 this does not apply to local regulations of a shared use path in
12 effect as of January 1, 2018.

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

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

34 (10) Subsections (1) and (4) of this section do not apply to
35 motorized foot scooters. Subsection (2) of this section applies to
36 motorized foot scooters when the bicycle path, trail, bikeway,
37 equestrian trail, or hiking or recreational trail was built or is
38 maintained with federal highway transportation funds. Additionally,
39 any new trail or bicycle path or readily identifiable existing trail
40 or bicycle path not built or maintained with federal highway

1 transportation funds may be used by persons operating motorized foot
2 scooters only when appropriately signed.

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

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

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

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

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

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

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

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

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

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

3 (5) No driver's license is required to operate a motorized foot
4 scooter. Motorized foot scooters may not be operated at any time from
5 a half hour after sunset to a half hour before sunrise without
6 reflectors of a type approved by the state patrol. Persons under
7 sixteen years of age may not operate a motorized foot scooter.
8 Motorized foot scooters may not be operated at a speed greater than
9 fifteen miles per hour.

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

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

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

19 (1) A local authority may regulate the operation of motorized
20 foot scooters within its jurisdiction by:

21 (a) Restricting the maximum speed a person may operate a
22 motorized foot scooter in pedestrian zones, such as plazas and
23 promenades;

24 (b) Adopting and assessing penalties for moving or parking
25 violations involving motorized foot scooters to the person
26 responsible for the violation, which shall not exceed penalties
27 assessed to riders of bicycles.

28 (2) A local authority may regulate the operation of shared
29 scooters within its jurisdiction by:

30 (a) Requiring scooter share operators to pay fees, provided that
31 the total amount of the fees collected do not exceed the reasonable
32 cost to the local authority of administering scooter share programs;

33 (b) Requiring scooter share operators to indemnify the local
34 authority for claims, demands, costs, including reasonable attorneys'
35 fees, losses, or damages brought against the local authority, and
36 arising out of any negligent act, error, omission, or willful
37 misconduct by the scooter share operator or his or her officers
38 and/or employees, except to the extent the claims, demands, costs,
39 losses, or damages arise out of the local authority's negligence;

1 (c) In the interests of safety and right-of-way management,
2 designating locations where scooter share operators may not stage
3 shared scooters, provided that at least one location is permitted on
4 each side of each city block in commercial zones and business
5 districts;

6 (d) Adopting and assessing penalties for moving or parking
7 violations involving shared scooters to the person responsible for
8 the violation, which shall not exceed penalties assessed to riders of
9 bicycles.

10 (3) A local authority may require scooter share operators, as a
11 condition for operating a scooter share program, to provide to the
12 local authority anonymized fleet and ride activity data for all trips
13 starting or ending within the jurisdiction of the local authority on
14 any vehicle of the scooter share operator or of any person or company
15 controlled by, controlling, or under common control with the scooter
16 share operator, provided that, to ensure individual privacy:

17 (a) The data is provided via an application programming
18 interface, subject to the scooter share operator's license agreement
19 for the interface, in compliance with a national data format
20 specification, such as the mobility data specification;

21 (b) Any data provided is treated as trade secret and proprietary
22 business information, shall not be shared to third parties without
23 the scooter share operator's consent, and is not treated as owned by
24 the local authority; and

25 (c) Such data shall be considered personally identifiable
26 information, and shall under no circumstances be disclosed pursuant
27 to public records requests received by the local authority without
28 prior aggregation or obfuscation to protect individual privacy.

29 (4) In regulating shared scooters or scooter share programs, a
30 local authority may not impose any unduly restrictive requirement on
31 a scooter share operator, including requiring operation below cost,
32 nor subject riders of shared scooters to requirements more
33 restrictive than those applicable to riders of privately owned
34 motorized foot scooters or bicycles.

35 (5) For the purposes of this section:

36 (a) "Scooter share operator" means a person offering shared
37 scooters for hire. All scooter share operators must carry the
38 following insurance coverage dedicated exclusively for operation of
39 shared scooters:

1 (i) Commercial general liability insurance coverage with a limit
2 of no less than one million dollars for each occurrence and five
3 million dollars aggregate;

4 (ii) Automobile insurance coverage with a limit of no less than
5 one million dollars for each occurrence and one million dollars
6 aggregate;

7 (iii) Umbrella or excess liability coverage with a limit of no
8 less than five million dollars for each occurrence and five million
9 dollars aggregate; and

10 (iv) Where the scooter share operator employs persons, workers'
11 compensation coverage no less than required by law;

12 (b) "Scooter share program" means the offering of shared scooters
13 for hire.

14 (c) "Shared scooter" means any motorized foot scooter offered for
15 hire. All shared scooters must meet the following requirements to be
16 offered for hire:

17 (i) Bear a single unique alphanumeric identification visible from
18 a distance of five feet, which shall not be obfuscated by branding or
19 other markings, and which shall be used throughout the state,
20 including by local authorities, to identify the shared scooter; and

21 (ii) Have a locking mechanism to enable the user to lock the
22 shared scooter to a stationary physical object such as a bike rack.

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