

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1325

Chapter 214, Laws of 2019

66th Legislature
2019 Regular Session

PERSONAL DELIVERY DEVICES

EFFECTIVE DATE: September 1, 2019

Passed by the House April 18, 2019
Yeas 92 Nays 2

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2019
Yeas 46 Nays 0

CYRUS HABIB

President of the Senate

Approved April 30, 2019 2:35 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1325** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 1, 2019

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1325

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

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 a new chapter to
6 Title 46 RCW; prescribing penalties; and providing an effective date.

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

8 NEW SECTION. **Sec. 1.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires
10 otherwise.

11 (1) "Department" means the department of licensing.

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

15 (3) "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 (4) "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 (5) (a) "Personal delivery device operator" means an employee or
10 agent of an eligible entity who has the capability to control or
11 monitor the navigation and operation of a personal delivery device.

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

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

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

18 NEW SECTION. **Sec. 2.** An eligible entity may operate a personal
19 delivery device so long as all of the following requirements are met:

20 (1) The personal delivery device is operated in accordance with
21 all ordinances, resolutions, rules and regulations established by the
22 jurisdiction governing the rights-of-way within which the personal
23 delivery device is operated;

24 (2) An eligible entity may operate a personal delivery device
25 only upon:

26 (a) Crosswalks; and

27 (b) (i) Sidewalks; or

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

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

35 (4) The eligible entity maintains an insurance policy that
36 includes general liability coverage of not less than one hundred
37 thousand dollars for damages arising from the operation of the
38 personal delivery device by the eligible entity and any agent of the
39 eligible entity;

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

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

11 (7) The eligible entity submits a self-certification form to the
12 department with the information required under section 3 of this act,
13 both before operating a personal delivery device and on an annual
14 basis thereafter;

15 (8) The personal delivery device is equipped with all of the
16 following:

17 (a) A marker that clearly identifies the name and contact
18 information of the eligible entity operating the personal delivery
19 device, a unique identification number for the device, and the name
20 and contact information including a mailing address of the agent
21 required to be registered under subsection (6) of this section;

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

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

31 (9) A delivery device may not be operated in Washington until it
32 has been added to the list in the self-certification and the annual
33 registration fee has been paid.

34 NEW SECTION. **Sec. 3.** The department of licensing shall create a
35 self-certification form for an eligible entity to submit prior to
36 operating a personal delivery device and thereafter on an annual
37 basis. Through the form, the department must obtain:

38 (1) The name and address of the eligible entity and its
39 registered agent within Washington, including the registered agent's

1 name, address, and driver's license number, and any other information
2 the department may require;

3 (2) The name of the jurisdiction in which the personal delivery
4 device will be operated;

5 (3) An acknowledgment by the eligible entity that: (a) Each
6 personal delivery device will display a unique identification number
7 and other information specified in section 2(8) of this act; and (b)
8 the registered agent is responsible for any infraction committed by
9 its personal delivery device;

10 (4) An affirmation by the eligible entity that it possesses
11 insurance as required in section 2 of this act;

12 (5) A list of any incidents, as described in section 2(5) of this
13 act, and any traffic infractions, as described in section 5 of this
14 act, involving any personal delivery device operated by the eligible
15 entity in Washington state in the previous year; and

16 (6) A list of each device identified by a unique identification
17 number that the eligible entity intends to operate in the state
18 during the year and payment of a fee of fifty dollars per personal
19 delivery device listed. The fee must be deposited into the motor
20 vehicle fund. The list must be updated and the fee paid prior to the
21 eligible entity operating a device not listed in the annual self-
22 certification.

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

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

29 NEW SECTION. **Sec. 5.** (1) A violation of this chapter, or of
30 chapter 46.61 RCW by a personal delivery device, is a traffic
31 infraction. A notice of infraction must be mailed to the registered
32 agent listed on the personal delivery device within fourteen days of
33 the violation.

34 (2) The registered agent of the eligible entity operating a
35 personal delivery device is responsible for an infraction under RCW
36 46.63.030(1).

37 (3) Infractions committed by a personal delivery device are not
38 part of the registered agent's driving record under RCW 46.52.101 and

1 46.52.120. Additionally, infractions issued under this section shall
2 be processed in the same manner as parking infractions, including for
3 the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and
4 46.20.270(2). The amount of the fine issued for an infraction issued
5 under this section shall not exceed the amount of a fine issued for
6 other parking infractions within the jurisdiction.

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

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

13 (2) "Motor vehicle" includes:

14 (a) A neighborhood electric vehicle as defined in RCW
15 46.04.357((. "Motor vehicle" includes));

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

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

19 (3) "Motor vehicle" excludes:

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

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

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

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

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

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

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

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

36 (a) A power wheelchair((s)) or device((s)) other than a
37 bicycle((s)) moved by human or animal power or used exclusively upon

1 stationary rails or tracks(~~(. Mopeds are not considered vehicles or~~
2 ~~motor vehicles));~~

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

5 (c) A bicycle, for the purposes of chapter 46.12, 46.16A, or
6 46.70 RCW, or for RCW 82.12.045(~~(-));~~

7 (d) An electric personal assistive mobility device(~~(s are not~~
8 ~~considered vehicles or motor vehicles)), for the purposes of chapter
9 46.12, 46.16A, 46.29, 46.37, or 46.70 RCW(~~(-));~~~~

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

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

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

16 For the purposes of this chapter, "personal delivery device" has
17 the same meaning as in section 1 of this act.

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

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

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

35 (3) Whenever official traffic control devices are placed in
36 position approximately conforming to the requirements of this
37 chapter, such devices shall be presumed to have been so placed by the

1 official act or direction of lawful authority, unless the contrary
2 shall be established by competent evidence.

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

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

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

17 (1) Green indication

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

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

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

1 (2) Steady yellow indication

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

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

13 (3) Steady red indication

14 (a) Vehicle operators facing a steady circular red signal alone
15 shall stop at a clearly marked stop line, but if none, before
16 entering the crosswalk on the near side of the intersection or, if
17 none, then before entering the intersection control area and shall
18 remain standing until an indication to proceed is shown. However, the
19 vehicle operators facing a steady circular red signal may, after
20 stopping proceed to make a right turn from a one-way or two-way
21 street into a two-way street or into a one-way street carrying
22 traffic in the direction of the right turn; or a left turn from a
23 one-way or two-way street into a one-way street carrying traffic in
24 the direction of the left turn; unless a sign posted by competent
25 authority prohibits such movement. Vehicle operators planning to make
26 such turns shall remain stopped to allow other vehicles lawfully
27 within or approaching the intersection control area to complete their
28 movements. Vehicle operators planning to make such turns shall also
29 remain stopped for pedestrians who or personal delivery devices that
30 are lawfully within the intersection control area as required by RCW
31 46.61.235(1).

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

36 (c) Vehicle operators facing a steady red arrow indication may
37 not enter the intersection control area to make the movement
38 indicated by such arrow, and unless entering the intersection control
39 area to make such other movement as is permitted by other indications
40 shown at the same time, shall stop at a clearly marked stop line, but

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

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

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

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

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

33 (1) WALK or walking person symbol—Pedestrians or personal
34 delivery devices facing such signal may cross the roadway in the
35 direction of the signal. Vehicle operators shall stop for pedestrians
36 who or personal delivery devices that are lawfully moving within the
37 intersection control area on such signal as required by RCW
38 46.61.235(1).

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

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

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

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

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

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

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

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

38 (b) Fifty percent of the moneys collected under this subsection
39 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 or personal delivery device crossing a
4 roadway at any point other than within a marked crosswalk or within
5 an unmarked crosswalk at an intersection shall yield the right-of-way
6 to all vehicles upon the roadway.

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

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

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

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

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

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

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

36 (2) Where sidewalks are not provided, any pedestrian walking or
37 otherwise moving along and upon a highway, and any personal delivery
38 device moving along and upon a highway, shall, when practicable, walk
39 or move only on the left side of the roadway or its shoulder facing

1 traffic which may approach from the opposite direction and upon
2 meeting an oncoming vehicle shall move clear of the roadway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (3) Operation of a moped, electric personal assistive mobility
23 device, or motorized foot scooter on a fully controlled limited
24 access highway is unlawful. Operation of a personal delivery device
25 on any part of a highway other than a sidewalk or crosswalk is
26 unlawful, except as provided in RCW 46.61.240(2) and 46.61.250(2).
27 Operation of a moped on a sidewalk is unlawful. Operation of a
28 motorized foot scooter or class 3 electric-assisted bicycle on a
29 sidewalk is unlawful, unless there is no alternative for a motorized
30 foot scooter or a class 3 electric-assisted bicycle to travel over a
31 sidewalk as part of a bicycle or pedestrian path.

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

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

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

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

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

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

37 (10) Subsections (1) and (4) of this section do not apply to
38 motorized foot scooters. Subsection (2) of this section applies to
39 motorized foot scooters when the bicycle path, trail, bikeway,
40 equestrian trail, or hiking or recreational trail was built or is

1 maintained with federal highway transportation funds. Additionally,
2 any new trail or bicycle path or readily identifiable existing trail
3 or bicycle path not built or maintained with federal highway
4 transportation funds may be used by persons operating motorized foot
5 scooters only when appropriately signed.

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

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

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

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

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

30 **Sec. 20.** RCW 81.80.010 and 2009 c 94 s 1 are each reenacted and
31 amended to read as follows:

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

34 (1) "Common carrier" means any person who undertakes to transport
35 property for the general public by motor vehicle for compensation,
36 whether over regular or irregular routes, or regular or irregular
37 schedules, including motor vehicle operations of other carriers by
38 rail or water and of express or forwarding companies. "Common
39 carrier" does not include a personal delivery device or a personal

1 delivery device operator as those terms are defined in section 1 of
2 this act.

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

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

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

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

18 (6) "Motor carrier" includes "common carrier," "contract
19 carrier," "private carrier," and "exempt carrier" as defined in this
20 section.

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

28 (8) "Person" includes an individual, firm, copartnership,
29 corporation, company, or association or their lessees, trustees, or
30 receivers.

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

37 (10) "Public highway" means every street, road, or highway in
38 this state.

39 (11) "Vehicle" means every device capable of being moved upon a
40 public highway and in, upon, or by which any person or property is or

1 may be transported or drawn upon a public highway, except devices
2 moved by human or animal power or used exclusively upon stationary
3 rail or tracks.

4 NEW SECTION. **Sec. 21.** Sections 1 through 5 of this act
5 constitute a new chapter in Title 46 RCW.

6 NEW SECTION. **Sec. 22.** This act takes effect September 1, 2019.

Passed by the House April 18, 2019.

Passed by the Senate April 10, 2019.

Approved by the Governor April 30, 2019.

Filed in Office of Secretary of State May 1, 2019.

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