

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1772

Chapter 170, Laws of 2019

66th Legislature
2019 Regular Session

MOTORIZED FOOT SCOOTERS

EFFECTIVE DATE: July 28, 2019

Passed by the House April 18, 2019
Yeas 80 Nays 14

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2019
Yeas 35 Nays 7

CYRUS HABIB

President of the Senate

Approved April 29, 2019 2:19 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 1772** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 30, 2019

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1772

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 Macri, Chambers, Fitzgibbon, Irwin, and Shewmake)

READ FIRST TIME 03/01/19.

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

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

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

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

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

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

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

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

21 (3) Operation of a moped, electric personal assistive mobility
22 device, or motorized foot scooter on a fully controlled limited
23 access highway is unlawful. Operation of a moped on a sidewalk is
24 unlawful. Operation of a motorized foot scooter or class 3 electric-
25 assisted bicycle on a sidewalk is unlawful, unless there is no
26 alternative for a motorized foot scooter or a class 3 electric-
27 assisted bicycle to travel over a sidewalk as part of a bicycle or
28 pedestrian path, or if authorized by local ordinance, as provided in
29 section 5 of this act.

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

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

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

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

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

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

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

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

1 or bicycle path not built or maintained with federal highway
2 transportation funds may be used by persons operating motorized foot
3 scooters only when (~~appropriately~~) signed to allow motorized foot
4 scooter use.

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

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

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

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

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

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

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

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

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

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

6 (5) No driver's license is required to operate a motorized foot
7 scooter. Motorized foot scooters may not be operated at any time from
8 a half hour after sunset to a half hour before sunrise without
9 reflectors of a type approved by the state patrol. Persons under
10 sixteen years of age may not operate a motorized foot scooter unless
11 provided otherwise by a local jurisdiction. A motorized foot scooter
12 may be operated at a speed of up to fifteen miles per hour on a
13 roadway or bicycle lane, and may be operated on a sidewalk or on
14 pedestrian or bicycle trails if authorized by a local jurisdiction,
15 which shall specify the maximum speed of such sidewalk operation.

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

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

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

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

28 (a) Determining if shared scooters may be operated within the
29 local authority's jurisdiction, and if allowed, where they may be
30 operated;

31 (b) Requiring scooter share programs to pay reasonable fees and
32 taxes;

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

36 (d) Adopting and assessing penalties for moving or parking
37 violations involving shared scooters to the person responsible for
38 such violation.

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

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

9 (3) For the purposes of this section:

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

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

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

18 (iii) If a local authority authorizes operation of a motorized
19 foot scooter by persons under sixteen years of age, the local
20 authority may require all scooter share programs offering shared
21 scooters for hire to such persons under sixteen years of age to carry
22 insurance coverage at greater amounts negotiated between the programs
23 and the local authority.

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

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

Passed by the House April 18, 2019.

Passed by the Senate April 12, 2019.

Approved by the Governor April 29, 2019.

Filed in Office of Secretary of State April 30, 2019.

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