

# SENATE BILL REPORT

## SB 5401

---

---

As of February 16, 2023

**Title:** An act relating to modifying the operation of motorcycles on roadways laned for traffic.

**Brief Description:** Modifying the operation of motorcycles on roadways laned for traffic.

**Sponsors:** Senators Randall, MacEwen, Wilson, J., Boehnke, Frame, Keiser, Nguyen, Rolfes and Wilson, C..

**Brief History:**

**Committee Activity:** Transportation: 2/16/23.

**Brief Summary of Bill**

- Allows the operator of a motorcycle to overtake and pass in the same lane as the vehicle being overtaken, or operate between lanes of traffic or between vehicles under certain conditions.

---

### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Brandon Popovac (786-7465)

**Background:** Motorcycles are entitled to the full use of a lane on a highway, subject to certain allowances and limitations. Motorcyclists may operate two abreast in a single lane. A motorcyclist may not pass a vehicle in the same lane as the vehicle being overtaken, unless the motorcyclist is overtaking and passing a pedestrian or bicyclist at a distance of at least three feet. A motorcycle may not be operated between lanes of traffic or between adjacent lines or rows of vehicles, a practice commonly referred to as lane splitting, lane filtering, or lane sharing.

**Summary of Bill:** The operator of a motorcycle may overtake and pass in the same lane as the vehicle being overtaken. The operator of a motorcycle may only travel between lanes of traffic or between adjacent lines or rows of vehicles when the motorcycle is traveling at a

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

speed of 35 miles per hour or less and not more than 10 miles per hour over the speed of traffic flow. It is a traffic infraction for an operator of a motor vehicle to intentionally impede or attempt to prevent a motorcyclist from operating as permitted under the act.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The bill will not increase concerns related to traffic and roadway safety. The bill would allow for greater travel efficiencies and provide congestion relief. Good results have been shown in California and Utah through authorized use of lane splitting and lane filtering. Rear impacts are real dangers to motorcyclists. New automotive technology is no substitute for natural human reactions. The bill would require zero infrastructure updates. Other vehicle operators on road are encouraged to be road vigilantes around motorcycle use. Motorcyclist danger has increased due to failure of vehicle technology to detect motorcyclists and driver overreliance on such technology. The bill would allow motorcycles to clear out of areas where there is congestion and establish a safer stopping margin. Braking on motorcycles is more complex than braking in a car. It is far safer to maneuver between vehicles. Legalizing lane splitting at safe speeds will force other drivers to slow down. The public should be educated if new permissions enacted. Driver's license testing and driver's education should include the bill's new permissions.

CON: Bill opposition is based on safety concerns. In 2022, 129 out of 745 traffic fatalities involved a motorcyclist, representing a 37.5 percent increase. Rear end impacts are rare and would not decrease if lane splitting allowed. UC Berkeley study does not indicate that lane splitting is a way to prevent collisions, but that there were less serious injuries when other conditions that aided motorcyclist safety were present, such as protective gear or riding during the day. Helmet use, speed reduction, and riding less intoxicated are better strategies. There is not enough room on the road, generally, and drivers are not used to motorcyclist splitting lanes.

**Persons Testifying:** PRO: Senator Emily Randall, Prime Sponsor; Patrick Taggart; Larry Walker, ABATE of WA; David Bennatts; Adalinda Lundt, ABATE of Washington; David-Henry Sedelmeier, Driving School owner; Alex Randall.

CON: Mark McKechnie, Washington Traffic Safety Commission; James McMahan, WA Assoc Sheriffs & Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** No one.