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HOUSE BILL 2863

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Wilson, Fuhrman, Hochstatter, Jones and Dorn

Read first time 01/29/92. Referred to Committee on Transportation.

1            AN ACT Relating to motorcycles; amending RCW 46.04.304, 46.04.330,  
2 46.04.332, 46.37.522, 46.37.523, 46.37.525, 46.37.527, 46.37.528,  
3 46.37.537, 46.61.611, 46.20.500, 46.61.710, 46.61.608, 46.61.610,  
4 46.61.612, 46.61.613, 46.61.614, 46.20.505, 46.20.510, 46.20.515,  
5 46.20.100, 46.20.220, 43.59.010, 43.59.040, and 46.81A.020; adding new  
6 sections to chapter 46.92 RCW; adding a new section to chapter 46.04  
7 RCW; adding a new section to chapter 43.70 RCW; adding a new section to  
8 chapter 19.60 RCW; recodifying RCW 46.37.522, 46.37.523, 46.37.525,  
9 46.37.527, 46.37.528, 46.37.537, 46.61.611, 46.20.500, 46.61.710,  
10 46.61.608, 46.61.610, 46.61.612, 46.61.613, 46.61.614, 46.20.505,  
11 46.20.510, and 46.20.515; repealing RCW 46.16.630, 46.20.520,  
12 46.37.524, 46.37.529, 46.37.530, 46.61.460, 46.61.720, and 46.68.065;  
13 and prescribing penalties.

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

1        NEW SECTION.    **Sec. 1.**        Sections 2, 12 through 19, 21 through  
2 24, 28, 29, 32, 38, and 40 through 43 of this act constitute new  
3 sections under a new chapter, 46.92 RCW, entitled "motorcycles." RCW  
4 46.37.522, 46.37.523, 46.37.525, 46.37.527, 46.37.528, 46.37.537,  
5 46.61.611, 46.20.500, 46.61.710, 46.61.608, 46.61.610, 46.61.612,  
6 46.61.613, 46.61.614, 46.20.505, 46.20.510, and 46.20.515, as amended  
7 by this act or any other act of this legislature, are each recodified  
8 as sections in chapter 46.92 RCW.    The code reviser may correct  
9 references to these sections.

10        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 46.92 RCW  
11 to read as follows:

12        It is the policy of the state of Washington to:

13        (1) Maintain a traffic environment sufficiently safe for persons  
14 who choose to travel by motorcycle in traffic on public streets, county  
15 roads, and state highways; and

16        (2) Deny the privilege of operating motorcycles on those roadways  
17 to persons who by their conduct and traffic record have demonstrated  
18 indifference for common traffic rules and disrespect for the traffic  
19 laws of the state, the orders of courts, and the statutorily required  
20 acts of administrative agencies; and

21        (3) Discourage repetition of unlawful acts by individual  
22 motorcyclists by imposing fines or the deprivation of the privilege to  
23 operate motorcycles upon offenders who have been convicted of  
24 violations.

25        **Sec. 3.**    RCW 46.04.304 and 1990 c 250 s 18 are each amended to read  
26 as follows:

27        "Moped" means a motorized device designed to travel at less than  
28 highway speeds with not more than three (~~sixteen-inch or larger~~

1 diameter)) wheels in contact with the ground, having fully operative  
2 pedals for propulsion by human power, and an electric or a liquid fuel  
3 motor with a cylinder displacement not exceeding fifty cubic  
4 centimeters ((which produces no more than two gross brake horsepower  
5 (developed by a prime mover, as measured by a brake applied to the  
6 driving shaft) that is capable of propelling the device at not more  
7 than thirty miles per hour on level ground.

8 The Washington state patrol may approve of and define as a "moped"  
9 a vehicle which fails to meet these specific criteria, but which is  
10 essentially similar in performance and application to motorized devices  
11 which do meet these specific criteria)).

12 **Sec. 4.** RCW 46.04.330 and 1990 c 250 s 20 are each amended to read  
13 as follows:

14 "Motorcycle" means a two or three-wheeled motor-driven vehicle  
15 ((designed to travel on not more than three wheels in contact with the  
16 ground, on which the driver rides astride the motor unit or power train  
17 and is designed to be steered with a handle bar, but excluding a farm  
18 tractor and a moped.

19 The Washington state patrol may approve of and define as a  
20 "motorcycle" a motor vehicle that fails to meet these specific  
21 criteria, but that is essentially similar in performance and  
22 application to motor vehicles that do meet these specific criteria))  
23 licensed by the department for use in traffic on city streets, county  
24 roads, and state highways. "Motorcycle" includes mopeds, motor  
25 scooters, motor-assisted bicycles, motor-driven cycles, antique motor-  
26 driven cycles, antique motorcycles, street motorcycles, touring  
27 motorcycles, motorcycles equipped with sidecars, motorized tricycles,  
28 automobiles modified to have three wheels, motorcycles modified to have  
29 three wheels, antique motorcycles, customized motorcycles, and home-

1 built motorcycles. "Motorcycle" does not include off-road motorcycles,  
2 motorized wheelchairs, motorized roller skates, show motorcycles,  
3 racing motorcycles, minibikes, all-terrain vehicles, or other motorized  
4 conveyances not licensed by the department for use in traffic.

5 **Sec. 5.** RCW 46.04.332 and 1979 ex.s. c 213 s 3 are each amended to  
6 read as follows:

7 "Motor-driven cycle" means ~~((every motorcycle, including every~~  
8 ~~motor scooter, with a motor which produces not to exceed five brake~~  
9 ~~horsepower (developed by a prime mover, as measured by a brake applied~~  
10 ~~to the driving shaft). A motor driven cycle does not include)) a~~  
11 motor-driven vehicle with two or more wheels, designed to operate at  
12 less than highway speeds that is not a moped.

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.04 RCW  
14 to read as follows:

15 "Off-road motorcycle" means a motorcycle not licensed for use in  
16 traffic.

17 **Sec. 7.** RCW 46.37.522 and 1977 ex.s. c 355 s 45 are each amended  
18 to read as follows:

19 Every motorcycle ~~((and motor driven cycle shall))~~ must have its  
20 head lamps and tail lamps lighted whenever such vehicle is in motion  
21 upon a highway.

22 **Sec. 8.** RCW 46.37.523 and 1977 ex.s. c 355 s 46 are each amended  
23 to read as follows:

24 (1) Every motorcycle ~~((and every motor driven cycle shall))~~ must be  
25 equipped with at least one head lamp which shall comply with the  
26 requirements and limitations of this section.

1 (2) Every head lamp upon every motorcycle (~~and motor-driven cycle~~  
2 ~~shall~~) must be located at a height of not more than fifty-four inches  
3 nor less than twenty-four inches (~~to be measured as set forth in RCW~~  
4 ~~46.37.030(2)~~)).

5 (3) The head lamp or head lamps upon every motorcycle (~~other than~~  
6 ~~a motor-driven cycle shall be equipped with~~) may be of the single-beam  
7 or multiple-beam (~~road lighting equipment~~) type.

8 (4) Such equipment shall:

9 (a) Have a sufficient intensity to reveal persons and vehicles at  
10 a distance of at least three hundred feet ahead when the uppermost  
11 distribution of light is selected;

12 (b) Reveal persons and vehicles at a distance of at least one  
13 hundred fifty feet ahead when the lowermost distribution of light is  
14 selected, or at least one hundred feet for single-beam lamps;

15 (c) Be aimed so that when the vehicle is loaded none of the high-  
16 intensity portion of light, at a distance of twenty-five feet ahead,  
17 projects higher than the level of the center of the lamp, and on a  
18 straight, level road under any condition of loading none of the high  
19 intensity portion of the beam shall be directed to strike the eyes of  
20 an approaching driver.

21 **Sec. 9.** RCW 46.37.525 and 1977 ex.s. c 355 s 48 are each amended  
22 to read as follows:

23 (1) Every motorcycle (~~and motor-driven cycle shall~~) must have at  
24 least one tail lamp (~~which shall~~) predominantly red or amber in  
25 color. The tail lamp must be located so that it does not block or  
26 interfere in any way with the operator's rear vision of traffic and at  
27 a height of not (~~more than seventy-two nor~~) less than fifteen inches  
28 above the road surface.

1 (2) Either a tail lamp or a separate lamp shall be so constructed  
2 and placed as to illuminate with a white light the rear  
3 (~~registration~~) license plate and render it clearly legible from a  
4 distance of fifty feet to the rear. Any tail lamp or tail lamps,  
5 together with any separate lamp or lamps for illuminating the rear  
6 (~~registration~~) license plate, shall be so wired as to be lighted  
7 whenever the head lamps or auxiliary driving lamps are lighted.

8 (3) Every motorcycle (~~and motor-driven cycle shall~~) must carry on  
9 the rear, either as part of the tail lamp or separately, at least one  
10 red reflector meeting the requirements of RCW 46.37.060.

11 (4) Every motorcycle (~~and motor-driven cycle shall~~) must be  
12 equipped with at least one stop lamp (~~meeting the requirements of RCW~~  
13 ~~46.37.070~~)).

14 **Sec. 10.** RCW 46.37.527 and 1982 c 77 s 6 are each amended to read  
15 as follows:

16 (~~Every motorcycle and motor-driven cycle must comply with the~~  
17 ~~provisions of RCW 46.37.351, except that:~~)

18 (1) Motorcycles (~~and motor-driven cycles~~) need not be equipped  
19 with parking brakes(~~;~~).

20 (2) The wheel of a sidecar attached to a motorcycle (~~or to a~~  
21 ~~motor-driven cycle,~~) and the front wheel (~~of a motor-driven cycle~~)  
22 need not be equipped with brakes, if such motorcycle (~~or motor-driven~~  
23 ~~cycle~~) is otherwise capable of complying with the braking performance  
24 requirements of RCW 46.37.528 (~~and 46.37.529;~~

25 ~~(3) Motorcycles shall be equipped with brakes operating on both the~~  
26 ~~front and rear wheels unless the vehicle was originally manufactured~~  
27 ~~without both front and rear brakes: PROVIDED, That a front brake shall~~  
28 ~~not be required on any motorcycle over twenty-five years old which was~~  
29 ~~originally manufactured without a front brake and which has been~~

1 ~~restored to its original condition and is being ridden to or from or~~  
2 ~~otherwise in conjunction with an antique or classic motorcycle contest,~~  
3 ~~show or other such assemblage: PROVIDED FURTHER, That no front brake~~  
4 ~~shall be required on any motorcycle manufactured prior to January 1,~~  
5 ~~1931)).~~

6 **Sec. 11.** RCW 46.37.528 and 1977 ex.s. c 355 s 50 are each amended  
7 to read as follows:

8 Every motorcycle (~~(and motor driven cycle,)~~) at all times and under  
9 all conditions of loading, upon application of the service brake, shall  
10 be capable of(~~(÷~~

11 ~~(1) Developing a braking force that is not less than forty three~~  
12 ~~and one half percent of its gross weight;~~

13 ~~(2) Decelerating to a stop from not more than twenty miles per hour~~  
14 ~~at not less than fourteen feet per second per second; and~~

15 ~~(3))~~ stopping from a speed of twenty miles per hour in not more  
16 than thirty feet, such distance to be measured from the point at which  
17 movement of the service brake pedal or control begins. Tests for  
18 deceleration and stopping distance shall be made on a substantially  
19 level (not to exceed plus or minus one percent grade), dry, smooth,  
20 hard surface that is free from loose material.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.92 RCW  
22 to read as follows:

23 (1) The state patrol may inspect the braking system on a motorcycle  
24 and disapprove a braking system found to not comply with the  
25 performance ability standard in RCW 46.37.528.

26 (2) The director may refuse to register or may suspend or revoke  
27 the registration of a motorcycle if the state patrol determines by a

1 reliable test that the braking system does not comply with RCW  
2 46.37.528.

3 (3) No person may operate a motorcycle that the state patrol has  
4 tested and has found its braking system not to comply with RCW  
5 46.37.528.

6 NEW SECTION. **Sec. 13.** A new section is added to chapter 46.92 RCW  
7 to read as follows:

8 A motorcyclist or a motorcycle passenger shall use either an  
9 electric or a hand signal to indicate a turn, and may use both. All  
10 hand traffic signals given by a motorcyclist shall be given from the  
11 left side of the motorcycle in the following manner, and the signals  
12 shall indicate as follows:

13 (1) Left turn--hand and arm extended horizontally;

14 (2) Right turn--hand and arm extended upward;

15 (3) Stop or decrease speed--hand and arm extended downward.

16 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.92 RCW  
17 to read as follows:

18 It is unlawful to operate a motorcycle that is not equipped with  
19 one or more mirrors on the motorcycle that are so located as to give  
20 the driver a rear view of the highway for a distance of at least two  
21 hundred feet. However, mirrors are not required on motorcycles  
22 originally manufactured without mirrors.

23 NEW SECTION. **Sec. 15.** A new section is added to chapter 46.92 RCW  
24 to read as follows:

25 It is unlawful to operate a motorcycle that does not have a  
26 windshield unless the operator is wearing glasses, goggles, or a face

1 shield of a type that gives eye protection from wind. Ordinary  
2 eyeglasses and ordinary sunglasses give adequate eye protection.

3 NEW SECTION. **Sec. 16.** A new section is added to chapter 46.92 RCW  
4 to read as follows:

5 It is unlawful for a person without a current motorcycle operator's  
6 endorsement to operate a motorcycle on a highway unless wearing upon  
7 his or her head a helmet of a type that meets the minimum impact  
8 reduction tests administered at least once per helmet type by the state  
9 patrol at a state patrol office. A passenger need not have a  
10 motorcycle operator's endorsement.

11 NEW SECTION. **Sec. 17.** A new section is added to chapter 46.92 RCW  
12 to read as follows:

13 It is unlawful to sell or offer for sale a motorcycle helmet that  
14 does not meet the minimum impact reduction tests administered at least  
15 once per helmet type by the state patrol at a state patrol office. No  
16 helmet of the "full-face," "full-coverage," or "rigid face bar" types  
17 may be sold without having a warning sticker attached that warns  
18 consumers of increased brain stem injuries associated with this helmet  
19 type.

20 NEW SECTION. **Sec. 18.** A new section is added to chapter 46.92 RCW  
21 to read as follows:

22 It is unlawful to transport a child under the age of five on a  
23 motorcycle except when accompanied by a parent or grandparent and the  
24 child is in a child passenger seat in a sidecar or on a three-wheeled  
25 motorcycle.

1        NEW SECTION.    **Sec. 19.**    A new section is added to chapter 46.92 RCW  
2 to read as follows:

3        The state patrol shall adopt rules establishing testing procedures  
4 to determine the minimum safety standards for motorcycle windshields,  
5 eye protection, sunglasses, goggles, face shields, and helmets. The  
6 state patrol shall conduct tests at least once for each equipment type  
7 at a state patrol office.

8        **Sec. 20.**    RCW 46.37.537 and 1977 ex.s. c 355 s 52 are each amended  
9 to read as follows:

10        No person shall modify the exhaust system of a motorcycle in a  
11 manner which will amplify or increase the noise emitted by the engine  
12 of such vehicle above that emitted by the muffler originally installed  
13 on the vehicle(~~(, and it shall be unlawful for any person to operate a~~  
14 ~~motorcycle not equipped as required by this section, or which has been~~  
15 ~~amplified as prohibited by this section))~~).

16        ~~NEW SECTION.    **Sec. 21.**    A new section is added to chapter 46.92 RCW~~  
17 ~~to read as follows:~~

18        ~~(1) A motorcycle, when operated on a highway, must be equipped with~~  
19 ~~a muffler in operation to prevent excessively loud engine noise. A~~  
20 ~~motorcycle engine, at idle, shall not produce noise levels exceeding~~  
21 ~~the engine noise levels allowed for commercial trucks, at idle.~~

22        ~~(2) It is unlawful to operate a motorcycle on a highway with a~~  
23 ~~muffler cut out, bypass, or similar device that creates a constant and~~  
24 ~~excessively loud noise.~~

25        ~~NEW SECTION.    **Sec. 22.**    A new section is added to chapter 46.92 RCW~~  
26 ~~to read as follows:~~

1       ~~It is unlawful for a motorcycle engine to discharge into the~~  
2 ~~atmosphere a visible air contaminant after the engine has reached its~~  
3 ~~normal operating temperature. It is unlawful for a motorcycle to emit~~  
4 ~~a visible air contaminant while operating at traffic speeds.~~

5       ~~NEW SECTION. Sec. 23.~~ A new section is added to chapter 46.92 RCW  
6 to read as follows:

7       ~~(1) It is unlawful to operate a motorcycle on a highway unless it~~  
8 ~~is fully equipped with pneumatic rubber tires that meet federal~~  
9 ~~standards, and are installed and used in accordance with the~~  
10 ~~manufacturer's instructions.~~

11       ~~(2) No tire on a motorcycle moved on a highway may have on its~~  
12 ~~periphery a block, flange, cleat, or spike or any other protuberance of~~  
13 ~~a material other than rubber that will injure the highway, except that~~  
14 ~~it is permissible to use tire chains or metal studs imbedded within the~~  
15 ~~tire of reasonable proportions and of a type required for safety~~  
16 ~~because of snow, ice, or other conditions tending to cause a motorcycle~~  
17 ~~to skid. It is unlawful to use metal studs imbedded within the tire~~  
18 ~~between April 1st and November 1st. The state department of~~  
19 ~~transportation may, from time to time, determine additional periods in~~  
20 ~~which the use of tires with metal studs is lawful.~~

21       ~~(3) It is unlawful to use motorcycle tires that bear a legend such~~  
22 ~~as "not for highway use" or "for racing purposes only" on a highway.~~

23       ~~NEW SECTION. Sec. 24.~~ A new section is added to chapter 46.92 RCW  
24 to read as follows:

25       ~~It is unlawful to ride a motorcycle unless all tires are lawful~~  
26 ~~under this section. A motorcycle tire is unlawful if it has:—~~

27       ~~(1) A ply or cord exposed either to the naked eye or when cuts or~~  
28 ~~abrasions on the tire are probed; or—~~

1       ~~(2) A bump, bulge, or knot affecting the tire structure; or~~  
2       ~~(3) A break repaired with a boot; or~~  
3       ~~(4) A tread depth of less than 1/32 of an inch measured in the~~  
4 ~~center tread groove, or a tread groove nearest to center, at three~~  
5 ~~locations equally spaced around the circumference of the tire.~~

6       **Sec. 25.** ~~RCW 46.61.611 and 1967 c 232 s 6 are each amended to read~~  
7 ~~as follows:~~

8       ~~No person shall operate on a public highway a motorcycle in which~~  
9 ~~the handlebars ((or grips are more than fifteen inches higher than the~~  
10 ~~seat or saddle for the operator)) cannot be easily reached and easily~~  
11 ~~controlled with both hands attached to both grips throughout the full~~  
12 ~~range of front wheel movement when the rider is comfortably seated in~~  
13 ~~the rider's permanent seat.~~

14       NEW SECTION. **Sec. 26.** A new section is added to chapter 46.92 RCW  
15 to read as follows:

16       Under any load, the frame of a motorcycle must not hang below a  
17 horizontal line connecting the lowest point of the front and rear wheel  
18 rims.

19       NEW SECTION. **Sec. 27.** A new section is added to chapter 46.92 RCW  
20 to read as follows:

21       (1) It is unlawful to ride a motorcycle equipped with a television  
22 viewer, screen, or other means of visually receiving a television  
23 broadcast that is so located to be visible to the rider while operating  
24 a motorcycle.

25       (2) It is lawful to ride a motorcycle while listening to a radio or  
26 intercom with or without a headset or earphones.

1       **Sec. 28.** RCW 46.20.500 and 1982 c 77 s 1 are each amended to read  
2 as follows:

3       No person may ~~((drive))~~ operate a motorcycle ~~((or a motor-driven~~  
4 ~~cycle unless such))~~ unless the person has a valid driver's license  
5 specially endorsed by the director to enable the holder to ~~((drive such~~  
6 ~~vehicles, nor may a person drive a motorcycle of a larger engine~~  
7 ~~displacement than that authorized by such special endorsement or by an~~  
8 ~~instruction permit for such category:—~~ PROVIDED, That any person  
9 sixteen years of age or older, holding a valid driver's license of any  
10 class issued by the state of the person's residence, may operate a  
11 moped without taking any special examination for the operation of a  
12 moped)) operate a motorcycle.

13       **Sec. 29.** RCW 46.61.710 and 1979 ex.s. c 213 s 8 are each amended  
14 to read as follows:

15       (1) ~~((No person shall))~~ It is lawful to operate a moped or motor-  
16 driven cycle on a city street or county road, but it is unlawful to  
17 operate a moped ((upon the highways of this)) or motor-driven cycle on  
18 a state ((unless the moped has been assigned a moped registration  
19 number and displays a moped permit in accordance with the provisions of  
20 RCW 46.16.630)) highway.

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

24       (3) Operation of a moped ~~((on a fully controlled limited access~~  
25 ~~highway))~~ or a motor-driven cycle on a sidewalk is unlawful.

26       (4) Removal of any muffling device or pollution control device from  
27 a moped or motor-driven cycle is unlawful.

28       (5) The owner of a moped or motor-driven cycle shall apply for  
29 registration to the department in a manner and upon forms as the

1 department prescribes for motorcycles, and shall state the name and  
2 address of each owner to be registered, the vehicle identification  
3 number, and other information that the department may require for  
4 motorcycles. The applications, license requirements, and fees for  
5 mopeds and motor-driven cycles must be the same as for motorcycles.

6       **Sec. 30.** RCW 46.61.608 and 1975 c 62 s 46 are each amended to read  
7 as follows:

8       (1) All motorcycles are entitled to full use of a lane and no motor  
9 vehicle shall be driven in such a manner as to deprive any motorcycle  
10 of the full use of a lane. This subsection shall not apply to  
11 motorcycles operated two abreast in a single lane.

12       (2) The operator of a motorcycle shall not overtake and pass in the  
13 same lane occupied by the vehicle being overtaken.

14       (3) No person shall operate a motorcycle between lanes of traffic  
15 or between adjacent lines or rows of vehicles.

16       (4) Motorcycles shall not be operated more than two abreast in a  
17 single lane.

18       (~~(5) Subsections (2) and (3) of this section shall not apply to~~  
19 ~~police officers in the performance of their official duties.))~~

20       **Sec. 31.** RCW 46.61.610 and 1975 c 62 s 37 are each amended to read  
21 as follows:

22       A person operating a motorcycle shall ride only upon the permanent  
23 and regular seat attached thereto, and such operator shall not carry  
24 any other person nor shall any other person ride on a motorcycle unless  
25 such motorcycle is designed to carry more than one person, in which  
26 event a passenger may ride upon the permanent and regular seat if  
27 designed for two persons, or upon another seat firmly attached to the  
28 motorcycle at the rear or side of the operator(~~(:—PROVIDED, HOWEVER,~~

1 ~~That the motorcycle must contain foot pegs, of a type approved by the~~  
2 ~~equipment commission, for each person such motorcycle is designed to~~  
3 ~~carry)).~~

4 NEW SECTION. **Sec. 32.** A new section is added to chapter 46.92 RCW  
5 to read as follows:

6 (1) Motorcycles must be equipped with sturdy foot rests attached to  
7 the motorcycle frame serving both operator and passenger.

8 (2) It is unlawful to ride upon a motorcycle as an operator or as  
9 a passenger unless both feet remain in contact with foot rests while  
10 the motorcycle is in motion.

11 (3) Persons without feet are exempt from the requirement of this  
12 section.

13 **Sec. 33.** RCW 46.61.612 and 1967 c 232 s 7 are each amended to read  
14 as follows:

15 No person ~~((shall))~~ may operate or ride as a passenger on a  
16 motorcycle in a position where both feet are placed on the same side of  
17 the motorcycle.

18 **Sec. 34.** RCW 46.61.613 and 1967 c 232 s 8 are each amended to read  
19 as follows:

20 ~~((The provisions of RCW 46.37.530 and 46.61.610 through 46.61.612~~  
21 ~~may be))~~ This chapter is temporarily suspended ~~((by the chief of the~~  
22 ~~Washington state patrol, or his designee,))~~ with respect to the  
23 operation of motorcycles ~~((within their respective jurisdictions))~~ in  
24 connection with a parade or public demonstration exhibiting motorcycle  
25 drills.

1       **Sec. 35.** RCW 46.61.614 and 1975 c 62 s 47 are each amended to read  
2 as follows:

3       ~~((No person riding upon a motorcycle shall attach himself or the))~~  
4 It is unlawful to attach a motorcycle to any other vehicle on a  
5 ((roadway)) highway, and no motorcycle operator or passenger may cling  
6 to any other vehicle on a highway.

7       **Sec. 36.** RCW 46.20.505 and 1989 c 203 s 2 are each amended to read  
8 as follows:

9       Every person applying for a special endorsement ~~((or a new category~~  
10 ~~of endorsement))~~ of a driver's license authorizing such person to drive  
11 a motorcycle ~~((or a motor-driven cycle))~~ shall pay an examination fee  
12 of two dollars, which is not refundable. In addition, the endorsement  
13 fee ~~((for the initial or new category motorcycle endorsement shall be~~  
14 ~~six dollars and the subsequent renewal endorsement fee shall be))~~ is  
15 seven dollars and fifty cents. The fee for a life-time motorcycle  
16 endorsement is fifty dollars. The ((initial or new category and  
17 renewal endorsement)) fees shall be deposited in the ((motorcycle  
18 safety education account of the highway safety fund)) appropriate state  
19 transportation accounts to be used for capital improvements at highway  
20 rest stops and off-road vehicle parks according to the following  
21 disbursement formula:

22       (1) For the department of licensing for administrative costs  
23 associated with testing and collecting endorsement fees; ten percent;

24       (2) For the department of transportation for capital improvements  
25 at highway rest stops; fifty percent;

26       (3) For the interagency committee for outdoor recreation for  
27 capital improvements at the following ORV facilities; ten percent for  
28 each facility:

29       Grant county ORV area (Moses Lake);

1 Horn Rapids ORV sports park (Richland);  
2 Liberty Lake ORV area (Spokane county);  
3 Thurston-Grays Harbor ORV sports park (McCleary).

4 **Sec. 37.** RCW 46.20.510 and 1989 c 337 s 9 are each amended to read  
5 as follows:

6 (1) There shall be ~~((three categories for the))~~ a special  
7 motorcycle endorsement of a driver's license. ~~((Category one shall be  
8 for motorcycles or motor-driven cycles having an engine displacement of  
9 one hundred fifty cubic centimeters or less. Category two shall be for  
10 motorcycles having an engine displacement of five hundred cubic  
11 centimeters or less. Category three shall include categories one and  
12 two, and shall be for motorcycles having an engine displacement of five  
13 hundred one cubic centimeters or more.))~~

14 (2) The department may issue a motorcyclist's instruction permit to  
15 an individual who wishes to learn to ride a motorcycle ~~((or obtain an  
16 endorsement of a larger endorsement category for a period not to exceed  
17 ninety days. This motorcyclist's instruction permit may be renewed for  
18 an additional ninety days. The director shall collect a two dollar and  
19 fifty cent fee for the motorcyclist's instruction permit or renewal,  
20 and the fee shall be deposited in the motorcycle safety education  
21 account of the highway safety fund. This permit and a valid driver's  
22 license with current endorsement, if any, shall be carried when  
23 operating a motorcycle. An individual with a motorcyclist's  
24 instruction permit may not carry passengers, may not operate a  
25 motorcycle during the hours of darkness or on a fully controlled,  
26 limited access facility, and shall be under the direct visual  
27 supervision of a person with a motorcycle endorsement of the  
28 appropriate category and at least five years' riding experience)).~~

1        NEW SECTION.    **Sec. 38.**    A new section is added to chapter 46.92 RCW  
2 to read as follows:

3            The department shall not consider an application of a minor under  
4 the age of eighteen years for a motorcycle endorsement unless:

5            (1) The application is also signed by a parent or guardian having  
6 the custody of the minor, or if a minor under the age of eighteen has  
7 no father, mother, or guardian, then the motorcycle endorsement  
8 application may be signed by the minor; and

9            (2) The applicant has satisfactorily completed a motorcycle skills  
10 education course certified by a private motorcycle safety organization  
11 approved by the department.

12        **Sec. 39.**    RCW 46.20.515 and 1982 c 77 s 4 are each amended to read  
13 as follows:

14        The content and manner of conducting the motorcycle endorsement  
15 examination (~~((for each displacement category shall emphasize))~~) must  
16 simulate traffic-speed motorcycle maneuvers necessary for on-street  
17 operation, including traffic-speed emergency braking and turning (~~((as~~  
18 ~~may be required to avoid an impending collision))~~)).

19        NEW SECTION.    **Sec. 40.**    A new section is added to chapter 46.92 RCW  
20 to read as follows:

21            (1) A person who is sixteen years of age and holds a motor vehicle  
22 driver's license may apply to the department for a written motorcycle  
23 operator's examination. The department shall, after the applicant has  
24 successfully passed all parts of a written motorcycle test, issue to  
25 the applicant a motorcyclist's instruction permit and schedule the  
26 applicant for a motorcycle endorsement riding test.

27            (2) The instruction permit is valid for the period between the  
28 written examination and the scheduled test. The instruction permit

1 entitles the permittee, while having the permit in his or her immediate  
2 possession, to operate a motorcycle upon any kind of highway.

3 (3) The department may waive the written examination, instruction  
4 permit, and motorcycle riding test for an applicant who has passed a  
5 motorcycle skills education course certified by a private motorcycle  
6 safety organization approved by the department.

7 (4) The department may waive the written examination, instruction  
8 permit, and motorcycle riding test for an applicant holding a current  
9 motorcycle endorsement from another state.

10 NEW SECTION. **Sec. 41.** A new section is added to chapter 46.92 RCW  
11 to read as follows:

12 (1) It is unlawful for a person to rent, loan, or allow any other  
13 person to operate a motorcycle on a public roadway unless the latter  
14 person is licensed and endorsed to operate a motorcycle in this state  
15 or, in case of a nonresident, is licensed to operate a motorcycle under  
16 the laws of the state or country of residence.

17 (2) It is unlawful for a person to rent, loan, or allow access to  
18 a motorcycle to another person unless the person granting permission  
19 has inspected the license and motorcycle endorsement of the other  
20 person to verify the identity of the person present.

21 NEW SECTION. **Sec. 42.** A new section is added to chapter 46.92 RCW  
22 to read as follows:

23 Motorcycles, being an efficient mode of personal transport not  
24 subject to traffic congestion, may use high-occupancy vehicle lanes at  
25 any time regardless of the number of riders or passengers.

26 NEW SECTION. **Sec. 43.** A new section is added to chapter 46.92 RCW  
27 to read as follows:

1       The director of licensing shall hold a public hearing under chapter  
2 34.05 RCW, the Administrative Procedure Act, before adopting rules for  
3 implementing this chapter. The hearing must be in Olympia.

4       **Sec. 44.** RCW 46.20.100 and 1990 c 250 s 36 are each amended to  
5 read as follows:

6       The department of licensing shall not consider an application of  
7 any minor under the age of eighteen years for a driver's license (~~or~~  
8 ~~the issuance of a motorcycle endorsement for a particular category~~)  
9 unless:

10       (1) The application is also signed by a parent or guardian having  
11 the custody of such minor, or in the event a minor under the age of  
12 eighteen has no father, mother, or guardian, then a driver's license  
13 shall not be issued to the minor unless his or her application is also  
14 signed by the minor's employer; and

15       (2) The applicant has satisfactorily completed a traffic safety  
16 education course as defined in RCW 28A.220.020, conducted by a  
17 recognized secondary school, that meets the standards established by  
18 the office of the state superintendent of public instruction or the  
19 applicant has satisfactorily completed a traffic safety education  
20 course, conducted by a commercial driving instruction enterprise, that  
21 meets the standards established by the office of the superintendent of  
22 public instruction and is officially approved by that office on an  
23 annual basis: PROVIDED, HOWEVER, That the director may upon a showing  
24 that an applicant was unable to take or complete a driver education  
25 course waive that requirement if the applicant shows to the  
26 satisfaction of the department that a need exists for the applicant to  
27 operate a motor vehicle and he or she has the ability to operate a  
28 motor vehicle in such a manner as not to jeopardize the safety of  
29 persons or property, under rules to be promulgated by the department in

1 concert with the supervisor of the traffic safety education section,  
2 office of the superintendent of public instruction. ((For a person  
3 under the age of eighteen years to obtain a motorcycle endorsement, he  
4 or she must successfully complete a motorcycle safety education course  
5 that meets the standards established by the department of licensing.))

6 The department may waive any education requirement under this  
7 subsection for an applicant previously licensed to drive a motor  
8 vehicle ((or motorcycle)) outside this state if the applicant provides  
9 proof satisfactory to the department that he or she has had education  
10 equivalent to that required under this subsection.

11 **Sec. 45.** RCW 46.20.220 and 1969 c 27 s 1 are each amended to read  
12 as follows:

13 (1) It shall be unlawful for any person to rent a motor vehicle  
14 ((of any kind including a motorcycle)) to any other person unless the  
15 latter person is then duly licensed as a vehicle driver for the kind of  
16 motor vehicle being rented in this state or, in case of a nonresident,  
17 ((then)) that ((he)) the person is then duly licensed as a driver under  
18 the laws of the state or country of ((his)) residence except a  
19 nonresident whose home state or country does not require that a motor  
20 vehicle driver be licensed;

21 (2) It shall be unlawful for any person to rent a motor vehicle to  
22 another person until ((he)) the renter has inspected the vehicle  
23 driver's license of such other person and compared and verified the  
24 signature thereon with the signature of such other person written in  
25 his or her presence;

26 (3) Every person renting a motor vehicle to another person shall  
27 keep a record of the vehicle license number of the motor vehicle so  
28 rented, the name and address of the person to whom the motor vehicle is  
29 rented, the number of the vehicle driver's license of the person

1 renting the vehicle and the date and place when and where such vehicle  
2 driver's license was issued. Such record shall be open to inspection  
3 by any police officer or anyone acting for the director.

4 **Sec. 46.** RCW 43.59.010 and 1967 ex.s. c 147 s 1 are each amended  
5 to read as follows:

6 The purpose of this chapter is to establish a new agency of state  
7 government to be known as the Washington traffic safety commission.  
8 The functions and purpose of this commission shall be to find solutions  
9 to the problems that have been created as a result of the tremendous  
10 increase of motor vehicles on our highways and the attendant traffic  
11 death and accident tolls; to plan and supervise programs for the  
12 prevention of accidents on streets and highways including but not  
13 limited to educational campaigns designed to reduce traffic accidents  
14 in cooperation with all official and unofficial organizations  
15 interested in traffic safety; to coordinate the activities at the state  
16 and local level in the development of state-wide and local traffic  
17 safety programs; to promote a uniform enforcement of traffic safety  
18 laws and establish standards for investigation and reporting of traffic  
19 accidents; to promote and improve driver education; and to authorize  
20 the governor to perform all functions required to be performed by him  
21 under the federal Highway Safety Act of 1966 (Public Law 89-564; 80  
22 Stat. 731). However, the commission shall not promote the mandatory  
23 use of traffic safety equipment or devices known to have caused or  
24 contributed to a number of motorist injuries. "First do no harm,"  
25 shall be the watchwords of commission policy.

26 **Sec. 47.** RCW 43.59.040 and 1983 1st ex.s. c 14 s 1 are each  
27 amended to read as follows:

1 In addition to other responsibilities set forth in this chapter the  
2 commission shall:

3 (1) Advise and confer with the governing authority of any political  
4 subdivision of the state deemed eligible under the federal Highway  
5 Safety Act of 1966 (Public Law 89-564; 80 Stat. 731) for participation  
6 in the aims and programs and purposes of that act;

7 (2) Advise and confer with all agencies of state government whose  
8 programs and activities are within the scope of the Highway Safety Act  
9 including those agencies that are not subject to direct supervision,  
10 administration, and control by the governor under existing laws;

11 (3) Succeed to and be vested with all powers, duties, and  
12 jurisdictions previously vested in the Washington state safety council;

13 (4) Collect and make public a one-paragraph narrative description  
14 of each traffic fatality occurring after the effective date of this act  
15 to include each automobile driver, motorcycle rider, bicycle rider,  
16 pedestrian, and passenger killed in traffic each year. The description  
17 shall include information on victim demographics, speed, right of way  
18 violations, road surface, road hazards, weather conditions, alcohol or  
19 drug use, license endorsement of victim, insurance coverage, prior  
20 traffic infractions of the victim, type of vehicle, vehicle  
21 identification number, and a nonbinding, unofficial finding of fault;

22 (5) Carry out such other responsibilities as may be consistent with  
23 this chapter.

24 **Sec. 48.** RCW 46.81A.020 and 1988 c 227 s 3 are each amended to  
25 read as follows:

26 (1) The director shall administer (~~and enforce the law pertaining~~  
27 ~~to~~) privatization of the motorcycle skills education program (~~as set~~  
28 ~~forth in this chapter.~~

1       ~~(2) The director may adopt and enforce reasonable rules that are~~  
2 ~~consistent with this chapter.~~

3       ~~(3) The director shall revise the Washington motorcycle safety~~  
4 ~~program to:~~

5       ~~(a) Institute a motorcycle skills education course for both novice~~  
6 ~~and advanced motorcycle riders that is a minimum of eight hours and no~~  
7 ~~more than sixteen hours at a cost of no more than thirty dollars;~~

8       ~~(b) Encourage the use of loaned or used motorcycles for use in the~~  
9 ~~motorcycle skills education course if the instructor approves them;~~

10       ~~(c) Require all instructors to conduct at least three classes in a~~  
11 ~~one year period to maintain their teaching eligibility;~~

12       ~~(d) Encourage the use of radio or intercom equipped helmets when,~~  
13 ~~in the opinion of the instructor, radio or intercom equipped helmets~~  
14 ~~improve the quality of instruction;~~

15       ~~(e) Require a biennial report to be submitted to the legislative~~  
16 ~~transportation committee that includes the following:~~

17       ~~(i) A narrative history of the program;~~

18       ~~(ii) Current biennium program appropriations versus actual program~~  
19 ~~expenditures;~~

20       ~~(iii) Historical enrollment statistics and enrollment forecasts;~~

21       ~~(iv) Comparative data evaluating motorcycle traffic statistics of~~  
22 ~~program graduates versus nongraduates;~~

23       ~~(v) Data on the age of the enrollees;~~

24       ~~(vi) Statistical information regarding general trends in motorcycle~~  
25 ~~ridership in Washington state;~~

26       ~~(vii) The number of courses offered throughout the biennium;~~

27       ~~(viii) Information on course dropout rates.~~

28       ~~(4) The department shall obtain and compile information from~~  
29 ~~applicants for a motorcycle endorsement regarding whether they have~~  
30 ~~completed a state approved motorcycle skills education course. This~~

1 ~~information shall be used for the report required by subsection (3)(e)~~  
2 ~~of this section))~~ by June 30, 1993.

3 NEW SECTION. Sec. 49. A new section is added to chapter 43.70 RCW  
4 to read as follows:

5 The department of health shall establish a state-wide motorcycle  
6 trauma registry to collect information on the incidence, severity, and  
7 causes of traumatic head, neck, and brain injuries suffered by  
8 bicyclists, motorcyclists, and motor vehicle operators to include  
9 utility vehicles, trucks, and sports cars involved in traffic accidents  
10 in Washington. The registry shall identify and track major brain  
11 injury cases and actual costs from injury through rehabilitation or  
12 recovery. The department shall compile the information into an annual  
13 report to be made public July 1, 1993, and annually thereafter. The  
14 registry shall keep specific statistics on helmet use of victims.

15 NEW SECTION. Sec. 50. A new section is added to chapter 19.60 RCW  
16 to read as follows:

17 Licensed pawn brokers may make personal loans on motorcycles. Pawn  
18 brokers may conduct business in motorcycles as they do with other  
19 personal property without obtaining a motorcycle dealer's license.

20 NEW SECTION. Sec. 51. The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 46.16.630 and 1979 ex.s. c 213 s 5;

23 (2) RCW 46.20.520 and 1987 c 454 s 3 & 1982 c 77 s 5;

24 (3) RCW 46.37.524 and 1977 ex.s. c 355 s 47;

25 (4) RCW 46.37.529 and 1987 c 330 s 731, 1979 c 158 s 158, & 1977  
26 ex.s. c 355 s 51;

27 (5) RCW 46.37.530 and 1990 c 270 s 7;

- 1 (6) RCW 46.61.460 and 1965 ex.s. c 155 s 57;
- 2 (7) RCW 46.61.720 and 1979 ex.s. c 213 s 9; and
- 3 (8) RCW 46.68.065 and 1982 c 77 s 8.