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HOUSE BILL 1704

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State of Washington                      57th Legislature                      2001 Regular Session

By Representatives Cooper, Hankins, Dunshee, Murray and Tokuda

Read first time 02/01/2001. Referred to Committee on Transportation.

1            AN ACT Relating to motorized scooters; amending RCW 46.04.320,  
2 46.04.330, 46.04.332, 46.04.670, 35.75.010, 35.75.020, 35.75.030,  
3 35.75.040, and 46.61.710; adding a new section to chapter 46.04 RCW;  
4 and adding a new chapter to Title 47 RCW.

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

6            **Sec. 1.** RCW 46.04.320 and 1961 c 12 s 46.04.320 are each amended  
7 to read as follows:

8            "Motor vehicle" shall mean every vehicle which is self-propelled  
9 and every vehicle which is propelled by electric power obtained from  
10 overhead trolley wires, but not operated upon rails. A motorized  
11 scooter is not considered a motor vehicle.

12            **Sec. 2.** RCW 46.04.330 and 1990 c 250 s 20 are each amended to read  
13 as follows:

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

1 The Washington state patrol may approve of and define as a  
2 "motorcycle" a motor vehicle that fails to meet these specific  
3 criteria, but that is essentially similar in performance and  
4 application to motor vehicles that do meet these specific criteria.

5 **Sec. 3.** 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)) that produces not to exceed  
9 five brake horsepower (developed by a prime mover, as measured by a  
10 brake applied to the driving shaft). A motor-driven cycle does not  
11 include a moped or a motorized scooter.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.04 RCW  
13 to read as follows:

14 "Motorized scooter" means a two-wheeled device that has handlebars,  
15 is designed to be stood or sat upon by the operator, and is powered by  
16 an electric or gasoline motor that produces not to exceed five brake  
17 horsepower (developed by a prime mover, as measured by a brake applied  
18 to the driving shaft) and is capable of propelling the device with or  
19 without human propulsion.

20 **Sec. 5.** RCW 46.04.670 and 1994 c 262 s 2 are each amended to read  
21 as follows:

22 "Vehicle" includes every device capable of being moved upon a  
23 public highway and in, upon, or by which any persons or property is or  
24 may be transported or drawn upon a public highway, including bicycles.  
25 The term does not include devices other than bicycles moved by human or  
26 animal power or used exclusively upon stationary rails or tracks.  
27 Mopeds and motorized scooters shall not be considered vehicles or motor  
28 vehicles for the purposes of chapter 46.70 RCW. Bicycles shall not be  
29 considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70  
30 RCW. Motorized scooters are not considered vehicles or motor vehicles  
31 for the purposes of chapter 46.29 or 46.37 RCW.

32 **Sec. 6.** RCW 35.75.010 and 1965 c 7 s 35.75.010 are each amended to  
33 read as follows:

34 Every city and town may by ordinance regulate and license the  
35 riding of bicycles, motorized scooters, and other similar vehicles upon

1 or along the streets, alleys, highways, or other public grounds within  
2 its limits and may construct and maintain bicycle paths or roadways  
3 within or outside of and beyond its limits leading to or from the city  
4 or town. The city or town may provide by ordinance for reasonable  
5 fines and penalties for violation of the ordinance.

6 **Sec. 7.** RCW 35.75.020 and 1965 c 7 s 35.75.020 are each amended to  
7 read as follows:

8 It shall be unlawful for any person to lead, drive, ride, or propel  
9 any team, wagon, animal, or vehicle other than a bicycle, motorized  
10 scooter, or similar vehicle upon and along any bicycle path constructed  
11 within or without the corporate limits of any city or town excepting at  
12 suitable crossings to be provided in the construction of such paths.  
13 Any person violating the provisions of this section shall be guilty of  
14 a misdemeanor.

15 **Sec. 8.** RCW 35.75.030 and 1965 c 7 s 35.75.030 are each amended to  
16 read as follows:

17 Every city and town by ordinance may establish and collect  
18 reasonable license fees from all persons riding a bicycle, motorized  
19 scooter, or other similar vehicle within its respective corporate  
20 limits, and may enforce the payment thereof by reasonable fines and  
21 penalties.

22 **Sec. 9.** RCW 35.75.040 and 1965 c 7 s 35.75.040 are each amended to  
23 read as follows:

24 The license fee to be paid and the rules regulating the riding of  
25 bicycles, motorized scooters, or other similar vehicles within any city  
26 or town shall be fixed by ordinance, and the rules regulating the use  
27 of such bicycle paths or roadways constructed or maintained within its  
28 limits and the fines and penalties for the violation of such rules  
29 shall be fixed by ordinance.

30 **Sec. 10.** RCW 46.61.710 and 1997 c 328 s 5 are each amended to read  
31 as follows:

32 (1) No person shall operate a moped upon the highways of this state  
33 unless the moped has been assigned a moped registration number and  
34 displays a moped permit in accordance with the provisions of RCW  
35 46.16.630.

1       (2) No person may operate a motorized scooter upon the highways of  
2 this state unless the driver of the motorized scooter has complied with  
3 the licensing ordinances of the municipal corporate limits in which he  
4 or she resides in accordance with RCW 35.75.030.

5       (3) Notwithstanding any other provision of law, a moped may not be  
6 operated on a bicycle path or trail, bikeway, equestrian trail, or  
7 hiking or recreational trail.

8       (~~(3)~~) (4) Notwithstanding any other provision of law, a motorized  
9 scooter may not be operated on a bicycle trail, equestrian trail, or  
10 hiking or recreational trail.

11       (5) Operation of a moped or an electric-assisted bicycle on a fully  
12 controlled limited access highway or on a sidewalk is unlawful.

13       (~~(4)~~) (6) Removal of any muffling device or pollution control  
14 device from a moped or motorized scooter is unlawful.

15       (~~(5)~~) (7) Subsections (1), (~~(2)~~) (3), and (~~(4)~~) (6) of this  
16 section do not apply to electric-assisted bicycles. Electric-assisted  
17 bicycles may have access to highways of the state to the same extent as  
18 bicycles. Electric-assisted bicycles may be operated on a multipurpose  
19 trail or bicycle lane, but local jurisdictions may restrict or  
20 otherwise limit the access of electric-assisted bicycles.

21       (8) Motorized scooters may be operated on a multipurpose trail or  
22 bicycle lane, unless the local authority or the governing body of a  
23 local agency having jurisdiction over that trail or lane prohibits that  
24 operation by ordinance.

25       NEW SECTION. Sec. 11. The legislature finds that this state has  
26 severe traffic congestion and air pollution problems, particularly in  
27 its cities, and finding ways to reduce these problems is of paramount  
28 importance. Motorized scooters produce little or no emissions and,  
29 therefore, do not contribute to increased air pollution nor do they  
30 increase traffic congestion. Therefore, it is the intent of the  
31 legislature in enacting this chapter to promote the use of alternative  
32 low-emission or no-emission transportation.

33       NEW SECTION. Sec. 12. It is unlawful for a person to operate a  
34 motorized scooter upon a highway, multipurpose trail, or bicycle lane  
35 while under the influence of an alcoholic beverage or any drug, or

1 under the combined influence of an alcoholic beverage and any drug.  
2 Violations of this section are governed by RCW 46.61.502.

3 NEW SECTION. **Sec. 13.** (1) A motorized scooter operated upon a  
4 highway, multipurpose trail, or bicycle lane during darkness must be  
5 equipped with the following:

6 (a) Except as provided in subsection (2) of this section, a lamp  
7 emitting a white light that, while the motorized scooter is in motion,  
8 illuminates the way in front of the operator and is visible from a  
9 distance of three hundred feet in front and from the sides of the  
10 motorized scooter;

11 (b) Except as provided in subsection (2) of this section, a red  
12 reflector on the rear that is visible from a distance of five hundred  
13 feet to the rear when directly in front of lawful upper beams of  
14 headlamps on a motor vehicle;

15 (c) A white or yellow reflector on each side visible from the front  
16 and rear of the motorized scooter from a distance of two hundred feet.

17 (2)(a) A lamp or lamp combination, emitting a white light, attached  
18 to the operator and visible from a distance of three hundred feet in  
19 front and from the sides of the motorized scooter may be used in lieu  
20 of the lamp required by subsection (1)(a) of this section.

21 (b) A red reflector, or reflecting material, attached to the  
22 operator and visible from a distance of five hundred feet to the rear  
23 when directly in front of lawful upper beams of headlamps on a motor  
24 vehicle may be used in lieu of the reflector required by subsection  
25 (1)(b) of this section.

26 NEW SECTION. **Sec. 14.** It is unlawful to operate a motorized  
27 scooter that does not comply with one of the following:

28 (1) Operates in a manner so that the electric or gasoline motor is  
29 disengaged or ceases to function when the brakes are applied; or

30 (2) Operates in a manner so that the motor is engaged through a  
31 switch or mechanism that, when released, will cause the electric motor  
32 to disengage or cease to function.

33 NEW SECTION. **Sec. 15.** A person operating a motorized scooter on  
34 a highway at a speed less than the normal speed of traffic moving in  
35 the same direction at that time shall ride as close as practicable to

1 the right-hand curb or right edge of the roadway, except under the  
2 following situations:

3 (1) When overtaking and passing another vehicle proceeding in the  
4 same direction;

5 (2) When preparing for a left turn, the operator shall stop and  
6 dismount as close as practicable to the right-hand curb or right edge  
7 of the roadway and complete the turn by crossing the roadway on foot,  
8 subject to the same restrictions placed upon pedestrians;

9 (3) When reasonably necessary to avoid conditions including, but  
10 not limited to, fixed or moving objects, vehicles, bicycles,  
11 pedestrians, animals, surface hazards, or narrow lanes, that make it  
12 unsafe to continue along the right-hand curb or right edge of the  
13 roadway.

14 NEW SECTION. **Sec. 16.** A person operating a motorized scooter on  
15 a highway that carries traffic in one direction only and has two or  
16 more marked traffic lanes may operate the motorized scooter as near the  
17 left-hand curb or left edge of that roadway as practicable. However,  
18 when preparing for a right turn, the operator shall stop and dismount  
19 as close as practicable to the left-hand curb or left edge of the  
20 highway and complete the turn by crossing the roadway on foot subject  
21 to the same restrictions placed upon pedestrians.

22 NEW SECTION. **Sec. 17.** When a bicycle lane has been established on  
23 a roadway, a person operating a motorized scooter on the roadway shall  
24 ride within the bicycle lane unless prohibited by the local authority  
25 or the governing body of a local agency having jurisdiction over the  
26 bicycle lane. The operator may move out of the bicycle lane in any of  
27 the following circumstances, as long as the movement may be made with  
28 reasonable safety:

29 (1) When overtaking and passing another vehicle or pedestrian  
30 within the lane or when about to enter the lane, if the overtaking and  
31 passing cannot be done safely within the lane;

32 (2) When preparing for a left turn, the operator shall stop and  
33 dismount as close as practicable to the right-hand curb or right edge  
34 of the roadway and complete the turn by crossing the roadway on foot,  
35 subject to the restrictions placed upon pedestrians;

36 (3) When reasonably necessary to leave the bicycle lane to avoid  
37 debris or other hazardous condition;

1 (4) When approaching a place where a right turn is authorized.

2 NEW SECTION. **Sec. 18.** The operator of a motorized scooter may not  
3 do any of the following:

4 (1) Operate a motorized scooter unless it is equipped with a brake  
5 that enables the operator to make a braked wheel skid on dry, level,  
6 clean pavement;

7 (2) Operate a motorized scooter on a highway with a speed limit in  
8 excess of twenty-five miles per hour unless the motorized scooter is  
9 operated within a bicycle lane;

10 (3) Operate a motorized scooter without wearing a properly fitted  
11 and fastened bicycle helmet;

12 (4) Operate a motorized scooter when the operator is under the age  
13 of sixteen years;

14 (5) Operate a motorized scooter with a passenger in addition to the  
15 operator;

16 (6) Operate a motorized scooter carrying a package, bundle, or  
17 article that prevents the operator from keeping at least one hand upon  
18 the handlebars;

19 (7) Operate a motorized scooter on a sidewalk, except as may be  
20 necessary to enter or leave adjacent property;

21 (8) Operate a motorized scooter with the handlebars raised so that  
22 the operator must elevate his or her hands above the level of his or  
23 her shoulders in order to grasp the normal steering grip area;

24 (9) Leave a motorized scooter lying on its side on a sidewalk, or  
25 park a motorized scooter on a sidewalk in any other position, so that  
26 there is not an adequate path for pedestrians;

27 (10) Attach the motorized scooter, or himself or herself, by any  
28 means to another vehicle on the roadway;

29 (11) Operate a motorized scooter at a speed in excess of fifteen  
30 miles per hour.

31 NEW SECTION. **Sec. 19.** Sections 11 through 18 of this act  
32 constitute a new chapter in Title 47 RCW.

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