

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1937

Chapter 141, Laws of 2003

58th Legislature
2003 Regular Session

POWER WHEELCHAIRS

EFFECTIVE DATE: 7/27/03

Passed by the House April 21, 2003
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 8, 2003
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved May 7, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1937** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 7, 2003 - 3:13 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1937

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Representatives Murray, Holmquist, Romero and Hankins

Read first time 02/17/2003. Referred to Committee on Transportation.

1 AN ACT Relating to power wheelchairs; amending RCW 46.04.320,
2 46.04.330, 46.04.332, 46.04.400, 46.04.670, 46.20.500, and 47.04.010;
3 and adding a new section to chapter 46.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
6 to read as follows:

7 "Power wheelchair" means any self-propelled vehicle capable of
8 traveling no more than fifteen miles per hour, usable indoors, designed
9 as a mobility aid for individuals with mobility impairments, and
10 operated by such an individual.

11 **Sec. 2.** RCW 46.04.320 and 2002 c 247 s 2 are each amended to read
12 as follows:

13 "Motor vehicle" (~~shall~~) means every vehicle (~~which~~) that is
14 self-propelled and every vehicle (~~which~~) that is propelled by
15 electric power obtained from overhead trolley wires, but not operated
16 upon rails. An electric personal assistive mobility device is not
17 considered a motor vehicle. A power wheelchair is not considered a
18 motor vehicle.

1 **Sec. 3.** RCW 46.04.330 and 2002 c 247 s 3 are each amended to read
2 as follows:

3 "Motorcycle" means a motor vehicle designed to travel on not more
4 than three wheels in contact with the ground, on which the driver rides
5 astride the motor unit or power train and is designed to be steered
6 with a handle bar, but excluding a farm tractor, a power wheelchair, an
7 electric personal assistive mobility device, and a moped.

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

12 **Sec. 4.** RCW 46.04.332 and 2002 c 247 s 4 are each amended to read
13 as follows:

14 "Motor-driven cycle" means every motorcycle, including every motor
15 scooter, with a motor that produces not to exceed five brake horsepower
16 (developed by a prime mover, as measured by a brake applied to the
17 driving shaft). A motor-driven cycle does not include a moped, a power
18 wheelchair, or an electric personal assistive mobility device.

19 **Sec. 5.** RCW 46.04.400 and 1990 c 241 s 1 are each amended to read
20 as follows:

21 "Pedestrian" means any person who is afoot or who is using a
22 wheelchair, a power wheelchair, or a means of conveyance propelled by
23 human power other than a bicycle.

24 **Sec. 6.** RCW 46.04.670 and 2002 c 247 s 5 are each amended to read
25 as follows:

26 "Vehicle" includes every device capable of being moved upon a
27 public highway and in, upon, or by which any persons or property is or
28 may be transported or drawn upon a public highway, including bicycles.
29 The term does not include power wheelchairs or devices other than
30 bicycles moved by human or animal power or used exclusively upon
31 stationary rails or tracks. Mopeds shall not be considered vehicles or
32 motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall
33 not be considered vehicles for the purposes of chapter 46.12, 46.16, or
34 46.70 RCW. Electric personal assistive mobility devices are not

1 considered vehicles or motor vehicles for the purposes of chapter
2 46.12, 46.16, 46.29, 46.37, or 46.70 RCW.

3 **Sec. 7.** RCW 46.20.500 and 2002 c 247 s 6 are each amended to read
4 as follows:

5 (1) No person may drive a motorcycle or a motor-driven cycle unless
6 such person has a valid driver's license specially endorsed by the
7 director to enable the holder to drive such vehicles.

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

12 (3) No driver's license is required for operation of an electric-
13 assisted bicycle if the operator is at least sixteen years of age.
14 Persons under sixteen years of age may not operate an electric-assisted
15 bicycle.

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

18 **Sec. 8.** RCW 47.04.010 and 1975 c 62 s 50 are each amended to read
19 as follows:

20 The following words and phrases, wherever used in this title, shall
21 have the meaning as in this section ascribed to them, unless where used
22 the context thereof shall clearly indicate to the contrary or unless
23 otherwise defined in the chapter of which they are a part:

24 (1) "Alley." A highway within the ordinary meaning of alley not
25 designated for general travel and primarily used as a means of access
26 to the rear of residences and business establishments;

27 (2) "Arterial highway." Every highway, as herein defined, or
28 portion thereof designated as such by proper authority;

29 (3) "Business district." The territory contiguous to and including
30 a highway, as herein defined, when within any six hundred feet along
31 such highway there are buildings in use for business or industrial
32 purposes, including but not limited to hotels, banks, or office
33 buildings, railroad stations, and public buildings which occupy at
34 least three hundred feet of frontage on one side or three hundred feet
35 collectively on both sides of the highway;

1 (4) "Center line." The line, marked or unmarked parallel to and
2 equidistant from the sides of a two-way traffic roadway of a highway
3 except where otherwise indicated by painted lines or markers;

4 (5) "Center of intersection." The point of intersection of the
5 center lines of the roadways of intersecting highways;

6 (6) "City street." Every highway as herein defined, or part
7 thereof located within the limits of incorporated cities and towns,
8 except alleys;

9 (7) "Combination of vehicles." Every combination of motor vehicle
10 and motor vehicle, motor vehicle and trailer, or motor vehicle and
11 semitrailer;

12 (8) "Commercial vehicle." Any vehicle the principal use of which
13 is the transportation of commodities, merchandise, produce, freight,
14 animals, or passengers for hire;

15 (9) "County road." Every highway as herein defined, or part
16 thereof, outside the limits of incorporated cities and towns and which
17 has not been designated as a state highway, or branch thereof;

18 (10) "Crosswalk." The portion of the roadway between the
19 intersection area and a prolongation or connection of the farthest
20 sidewalk line or in the event there are no sidewalks then between the
21 intersection area and a line ten feet therefrom, except as modified by
22 a marked crosswalk;

23 (11) "Intersection area." (a) The area embraced within the
24 prolongation or connection of the lateral curb lines, or, if none, then
25 the lateral boundary lines of the roadways of two or more highways
26 which join one another at, or approximately at, right angles, or the
27 area within which vehicles traveling upon different highways joining at
28 any other angle may come in conflict;

29 (b) Where a highway includes two roadways thirty feet or more
30 apart, then every crossing of each roadway of such divided highway by
31 an intersecting highway shall be regarded as a separate intersection.
32 In the event such intersecting highway also includes two roadways
33 thirty feet or more apart, then every crossing of two roadways of such
34 highways shall be regarded as a separate intersection;

35 (c) The junction of an alley with a street or highway shall not
36 constitute an intersection;

37 (12) "Intersection control area." The intersection area as herein

1 defined, together with such modification of the adjacent roadway area
2 as results from the arc or curb corners and together with any marked or
3 unmarked crosswalks adjacent to the intersection;

4 (13) "Laned highway." A highway the roadway of which is divided
5 into clearly marked lanes for vehicular traffic;

6 (14) "Local authorities." Every county, municipal, or other local
7 public board or body having authority to adopt local police regulations
8 under the Constitution and laws of this state;

9 (15) "Marked crosswalk." Any portion of a roadway distinctly
10 indicated for pedestrian crossing by lines or other markings on the
11 surface thereof;

12 (16) "Metal tire." Every tire, the bearing surface of which in
13 contact with the highway is wholly or partly of metal or other hard,
14 nonresilient material;

15 (17) "Motor truck." Any motor vehicle, as herein defined, designed
16 or used for the transportation of commodities, merchandise, produce,
17 freight, or animals;

18 (18) "Motor vehicle." Every vehicle, as herein defined, which is
19 in itself a self-propelled unit;

20 (19) "Multiple lane highway." Any highway the roadway of which is
21 of sufficient width to reasonably accommodate two or more separate
22 lanes of vehicular traffic in the same direction, each lane of which
23 shall be not less than the maximum legal vehicle width, and whether or
24 not such lanes are marked;

25 (20) "Operator." Every person who drives or is in actual physical
26 control of a vehicle as herein defined;

27 (21) "Peace officer." Any officer authorized by law to execute
28 criminal process or to make arrests for the violation of the statutes
29 generally or of any particular statute or statutes relative to the
30 highways of this state;

31 (22) "Pedestrian." Any person afoot or who is using a wheelchair,
32 power wheelchair as defined in section 1 of this act, or a means of
33 conveyance propelled by human power other than a bicycle;

34 (23) "Person." Every natural person, firm, copartnership,
35 corporation, association, or organization;

36 (24) "Pneumatic tires." Every tire of rubber or other resilient
37 material designed to be inflated with compressed air to support the
38 load thereon;

1 (25) "Private road or driveway." Every way or place in private
2 ownership and used for travel of vehicles by the owner or those having
3 express or implied permission from the owner, but not by other persons;

4 (26) "Highway." Every way, lane, road, street, boulevard, and
5 every way or place in the state of Washington open as a matter of right
6 to public vehicular travel both inside and outside the limits of
7 incorporated cities and towns;

8 (27) "Railroad." A carrier of persons or property upon vehicles,
9 other than street cars, operated upon stationary rails, the route of
10 which is principally outside incorporated cities and towns;

11 (28) "Railroad sign or signal." Any sign, signal, or device
12 erected by authority of a public body or official or by a railroad and
13 intended to give notice of the presence of railroad tracks or the
14 approach of a railroad train;

15 (29) "Residence district." The territory contiguous to and
16 including the highway, as herein defined, not comprising a business
17 district, as herein defined, when the property on such highway for a
18 continuous distance of three hundred feet or more on either side
19 thereof is in the main improved with residences or residences and
20 buildings in use for business;

21 (30) "Roadway." The paved, improved, or proper driving portion of
22 a highway designed, or ordinarily used for vehicular travel;

23 (31) "Safety zone." The area or space officially set apart within
24 a roadway for the exclusive use of pedestrians and which is protected
25 or is marked or indicated by painted marks, signs, buttons, standards,
26 or otherwise so as to be plainly discernible;

27 (32) "Sidewalk." That property between the curb lines or the
28 lateral lines of a roadway, as herein defined, and the adjacent
29 property, set aside and intended for the use of pedestrians or such
30 portion of private property parallel and in proximity to a highway and
31 dedicated to use by pedestrians;

32 (33) "Solid tire." Every tire of rubber or other resilient
33 material which does not depend upon inflation with compressed air for
34 the support of the load thereon;

35 (34) "State highway." Every highway as herein defined, or part
36 thereof, which has been designated as a state highway, or branch
37 thereof, by legislative enactment;

1 (35) "Street car." A vehicle other than a train, as herein
2 defined, for the transporting of persons or property and operated upon
3 stationary rails principally within incorporated cities and towns;

4 (36) "Traffic." Pedestrians, ridden or herded animals, vehicles,
5 street cars, and other conveyances either singly or together while
6 using any highways for purposes of travel;

7 (37) "Traffic control signal." Any traffic device, as herein
8 defined, whether manually, electrically, or mechanically operated, by
9 which traffic alternately is directed to stop or proceed or otherwise
10 controlled;

11 (38) "Traffic devices." All signs, signals, markings, and devices
12 not inconsistent with this title placed or erected by authority of a
13 public body or official having jurisdiction, for the purpose of
14 regulating, warning, or guiding traffic;

15 (39) "Train." A vehicle propelled by steam, electricity, or other
16 motive power with or without cars coupled thereto, operated upon
17 stationary rails, except street cars;

18 (40) "Vehicle." Every device capable of being moved upon a highway
19 and in, upon, or by which any person or property is or may be
20 transported or drawn upon a highway, excepting power wheelchairs, as
21 defined in section 1 of this act, or devices moved by human or animal
22 power or used exclusively upon stationary rails or tracks.

23 Words and phrases used herein in the past, present, or future tense
24 shall include the past, present, and future tenses; words and phrases
25 used herein in the masculine, feminine, or neuter gender shall include
26 the masculine, feminine, and neuter genders; and words and phrases used
27 herein in the singular or plural shall include the singular and plural;
28 unless the context thereof shall indicate to the contrary.

Passed by the House April 21, 2003.

Passed by the Senate April 8, 2003.

Approved by the Governor May 7, 2003.

Filed in Office of Secretary of State May 7, 2003.