



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6772
September 16, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6772: Code Amendments Regarding E-motorcycle Regulations (Ordinance No. 25C-24, Second Reading)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Adopt Ordinance No. 25C-24, amending Title 10 of the Mercer Island City Code relating to electric motorcycles, as presented in Exhibit 1.	

DEPARTMENT:	City Manager
STAFF:	Jessi Bon, City Manager Michelle Bennett, Interim Chief of Police Mike Seifert, Police Commander Amelia Tjaden, Management Analyst
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 25C-24 2. Changes from First Reading of Ordinance No. 25C-24
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda item is to conduct a second reading and adoption of Ordinance No. 25C-24 (Exhibit 1), establishing regulations for electric motorcycles (e-motorcycles) on Mercer Island.

- Mercer Island has seen an increase in usage of e-motorcycles and e-dirt bikes over the past two years, particularly among youth 12-15 years of age.
- E-motorcycles and e-dirt bikes differ from e-bikes in that they have an electric motor with a power output that exceeds 750 watts that can propel the vehicle faster than 28 miles per hour. The e-dirt bikes have a dirt bike style frame with foot pegs or brackets. E-bikes, by comparison, have operable foot pedals and a maximum assisted speed of 20mph or 28mph.
- Currently, the Mercer Island Police Department (MIPD) will attempt to contact youth under the age of 16 when observed riding e-motorcycles/e-dirt bikes. When this occurs, MIPD will call the parent or guardian to pick up their child and the vehicle and advise them on the regulations related to their use.
- MIPD is limited in what enforcement actions it can take. There is an enforcement gap between what types of violations the Mercer Island Municipal Court can process and the age of the riders. In

addition, State laws have not kept up with the changing technology and work needs to be done to address the inconsistencies.

- On September 2, 2025, City Council conducted the First Reading of Ordinance No. 25C-24 ([AB 6763](#)).
- Ordinance No. 25C-24 (Exhibit 1) was amended from the first reading in response to City Council feedback. The amendments are shown in Exhibit 2.
- Ordinance No. 25C-24, if adopted, will classify e-motorcycles, e-dirt bikes, and e-bikes that have been modified to no longer meet definition of an electric-assisted bicycle in RCW 46.04.169 as “electric motorcycles” and they will be subject to the regulations and requirements for operating a motorcycle on a public road or right-of-way. The ordinance would go into effect on January 1, 2026.
- Staff are currently working on new regulations related to e-bike use on Mercer Island and those work items will be coming to the City Council by Q1 2026, or sooner, if possible.
- Mercer Island is working with other cities and the Association of Washington Cities to evaluate potential changes to State law and are hopeful these recommendations will be considered by the State Legislature during the 2026 session.

BACKGROUND

On May 20, 2025, the City Council amended the 2025-2026 Work Plan to include the development of an ordinance regulating the operation of e-bikes and e-motorcycles on the Island ([AB 6688](#)). On September 2, 2025, the City Council conducted the First Reading of Ordinance No. 25C-24 ([AB 6763](#)) related to e-motorcycles and e-bikes.

Mercer Island has seen an increase in usage of electric motorcycles/electric dirt bikes (e-motorcycles/e-dirt bikes) over the past two years. Many of the riders are 12-15 years of age and they are not legally allowed to operate this type of vehicle on the right-of-way. Riders often demonstrate unsafe riding behaviors, creating a danger to themselves and others.

The proposed ordinance (Exhibit 1) would classify e-motorcycles, e-dirt bikes, and e-bikes that have been modified to no longer meet definition of an electric-assisted bicycle in RCW 46.04.169 as “electric motorcycles” and they will be subject to the regulations and requirements for operating a motorcycle on a public road or right-of way. Additionally, the ordinance would establish that operation of e-motorcycles and e-dirt bikes by unlicensed individuals is unlawful in public places.

Differences Between E-Bikes, Traditional Electric Motorcycles, and E-Motorcycles/E-Dirt Bikes

Under Washington State law, there are clear differences between e-bikes, traditional electric motorcycles, and e-motorcycles/e-dirt bikes.

Under [RCW 46.04.169](#), e-bikes are bicycles that are assisted by an electric motor. Some e-bikes only provide electric assistance when the rider is pedaling, while others can propel the e-bike using electric power alone. Either way, a legal e-bike will always have functional pedals capable of propelling the bike and a maximum assisted speed of 20mph (when using only electric power) or 28mph (with the rider pedaling). The power output from an e-bike motor will never exceed 750 watts.

[RCW 46.04.330](#) provides the definition for a motorcycle. In short, "motorcycle" means a motor vehicle designed to travel on two to three wheels, on which the driver rides on a seat and steers the vehicle with a handlebar. "Motorcycle" excludes a motorized foot scooter, an electric-assisted bicycle, and a moped. Much like electric cars, motorcycle manufacturers have evolved their product lines to include alternatives to gas-

powered vehicles. Traditional motorcycles that only use electric power and are sold under the brands of Harley Davidson or Kawasaki, for example, can be purchased at dealerships and specialty stores. These vehicles require registration, a license plate, and a license with a motorcycle endorsement to operate.

The e-motorcycles and e-dirt bikes that are the primary subject of complaints on Mercer Island are powered solely by an electric motor with a power output that exceeds 750 watts. These vehicles have a dirt-bike-style frame and often have foot pegs or brackets instead of operable pedals. E-motorcycles/e-dirt bikes continue to power the vehicle after it has reached 28 mph, which distinguishes them from e-bikes.

Today, e-motorcycles and e-dirt bikes are widely available for purchase and are often labeled as 'e-bikes.' Consumers are not aware that the item they are purchasing is in fact an e-motorcycle, and that it is illegal to operate on the right-of-way. The City of Mercer Island has been running an information campaign about the difference between an e-bike and an e-motorcycle/e-dirt bike, but more needs to be done.

Enforcement

Currently, when feasible, MIPD will attempt to contact youth riding e-motorcycles/e-dirt bikes. MIPD will call the rider's parent(s) or guardian to pick up the youth and their vehicle. During the school year, if a youth rides an e-motorcycle/e-dirt bike to Islander Middle School or Mercer Island High School, the School Resource Officer will identify the youth and call their parents and have them pick up the vehicle. In both circumstances, MIPD reminds the parents and the child of the dangers of these types of vehicles and informs parents of the regulations around their use.

There are two issues restricting MIPD's ability to take additional enforcement actions staff are working to resolve. First, there is an enforcement gap due to the ages of the youth riding e-motorcycles/e-dirt bikes. The Mercer Island Municipal Court (Municipal Court) can only process juvenile defendants if they are 16 or 17 years of age, and the offense is a traffic/driving offense. Since many of the riders operating e-motorcycles/e-dirt bikes on the Island are 15 years old and under, their case cannot be processed by the Municipal Court. All e-motorcycle cases involving a defendant that is 15 years or younger would be forwarded to the Juvenile Division of the King County Prosecuting Attorney's Office. Due to high caseloads and prioritization of violent crime, it is unlikely that the King County Prosecutor would take enforcement action in juvenile e-motorcycle cases.

The second issue relates to [RCW 46.04.330](#), the definition of a motorcycle. While this definition could be interpreted to include e-motorcycles, the path towards enforcing these vehicles and instituting criminal penalties is not straightforward. It is likely that e-motorcycles/e-dirt bikes were not contemplated or in existence when these definitions were last revised.

The e-motorcycles/e-dirt bikes operated on Mercer Island have a dirt bike-style frame and have a lower power output than a traditional electric motorcycle, like a Harley Davidson or a Kawasaki, but a higher power output than an e-bike. These vehicles cost significantly less than a traditional electric motorcycle and are widely available for purchase online. E-motorcycles/e-dirt bikes are not defined in State law and fall into a grey area between e-bikes and traditional electric motorcycles, and this is restricting the City's ability to regulate these vehicles.

As many jurisdictions are navigating issues with underage riders operating e-motorcycles/e-dirt bikes, the best solution would be for the WA State Legislature to adopt modern definitions for these vehicles and accompanying regulations. City staff are currently engaging with the Association of Washington Cities and

regional partners to advocate for legislative changes to address these issues. These recommendations will be included in the draft 2026 Legislative Priorities presented to the City Council for consideration in November.

ISSUE/DISCUSSION

Ordinance No. 25C-24 (Exhibit 1) would classify e-motorcycles, e-dirt bikes, and e-bikes that have been modified to exceed 28mph as electric motorcycles and thus subject to the regulations and requirements for operating a motorcycle on a public road or right-of-way. In the ordinance, *electric motorcycle* means a - motorcycle, as defined by [RCW 46.04.330](#), which is powered by an electric motor and:

1. Is not equipped with fully operable pedals capable of propelling it. Foot pegs are not considered pedals; or
2. Has a motor with a power output that exceeds 750 watts; or
3. Has a motor that continues to provide assistance when the vehicle reaches the speed of twenty-eight miles per hour.

This means that any vehicle that travels on two or three wheels has a handlebar and a seat, has an electric motor, and meets any of the conditions listed in the definition, is an electric motorcycle and subject to the corresponding regulations. This definition would include the e-motorcycles seen on the Island, e-dirt bikes, e-bikes that have been modified to exceed 28mph, as well as vehicles powered solely by a throttle that do not go faster than 28mph. These vehicles would be subject to the requirements for operating a motorcycle.

Ordinance No. 25C-24 would make the following amendments to Title 10 – Vehicles and Traffic of the Mercer Island City Code:

- Adopts a definition for electric motorcycles.
- Prohibits the operation of an e-motorcycle by any person who does not have a valid driver's license with a motorcycle endorsement.
- Prohibits the operation of any e-motorcycle that does not display a valid license plate.
- Prohibits the operation of e-motorcycles on any sidewalk, pedestrian path, and within public parks.
- Establishes the ability for MIPD to impound an e-motorcycle.

Violations of the regulations that would be established under Ordinance. No. 25C-24 are civil infractions, subject to the following penalties.

- First offense: \$250
- Second offense: \$500
- Third and subsequent offenses: \$750 and possible referral for criminal citation under [RCW 46.20.005](#) Driving without a license

Ordinance No. 25C-24 was amended from the first reading with the following changes. The changes are shown in Exhibit 2.

- The definition of an 'electric motorcycle' (MICC 10.04.170) was updated to make the clause about the vehicles having operable pedals conditional, and to clarify that the motor continues to power the vehicle when it reaches 28 mph.
- MICC 10.53.010 was amended to remove reference to individuals under 16 years old, as state law requires a person to be 16 years old to obtain a driver's license. This section was also amended to remove reference to registering a vehicle with the Washington State Department of Licensing, instead

requiring the vehicles to display a valid license plate issued by a state or comparable government agency.

- A section was added to MICC 10.53.010 to require people operating an electric motorcycle to wear a helmet.
- MICC 9.30.150, regarding park rules, was amended to require operators of motor vehicles, including e-motorcycles, to be properly licensed. During the September 2, 2025, City Council meeting, staff was asked to clarify the regulations around operating a bicycle in a park. Under the current code, bicycles are allowed in designated park areas. Staff will continue to review this language and will update this section when the Parks Code is updated.

While Ordinance No. 25C-24 does not fully address all the issues related to the City's ability to regulate these vehicles, the code amendments provide MIPD with a tool to assist with reducing the number of e-motorcycles/e-dirt bikes being operated unlawfully on Mercer Island and assign a monetary penalty. Further, impoundment and retrieval, as well as the civil infractions, serve as educational mechanisms to alert parents and riders of the dangers of these vehicles.

NEXT STEPS

Enforcement and Process for Impoundment

If adopted, the ordinance will go into effect on January 1, 2026. Staff will use the next few months to establish the process for impoundment of e-motorcycles/e-dirt bikes and make any changes needed to facilitate this process. This work may include amending Chapter 10.22 MICC Impounding and the City's Fee Schedule to establish set fees for impoundment. Adding these fees would allow MIPD to recover some of the costs associated with enforcement actions.

During the implementation time frame, staff will also determine where impounded e-motorcycles/e-dirt bikes will be stored, as well as the process for retrieval, which is challenging given that the Police Department is currently operating out of temporary trailers.

Anticipated Regulatory Actions on E-Motorcycles/E-Dirt Bikes and E-Bikes

As this issue continues to develop, both on Mercer Island and regionally, staff will update the regulations to address emerging needs and provide reports on the effectiveness of established regulations.

Staff will return to the City Council with a separate ordinance to establish regulations for e-bikes.

Additionally, staff are exploring the possibility of instituting a parental or adult vehicle owner responsibility clause that would shift the burden of a violation of e-motorcycle or e-bike regulations from the minor who committed the act to their parent, guardian, or the owner of the e-motorcycle.

Communications

After adoption of Ordinance No. 25C-24, staff will continue the comprehensive outreach campaign, shifting the message to communicate the new regulations for e-motorcycles/e-dirt bikes. This campaign will include coordination with the Mercer Island School District, outreach to parents, updates to the existing [E-Bike Safety webpage](#), social media posts, and communications in the MI Weekly.

Strategy with the State Legislature

Staff have notified the Association of Washington Cities (AWC) of the emerging issues related to e-motorcycles/e-dirt bikes and e-bikes and will continue to work with AWC to promote legislative solutions.

City staff will work with AWC and legislators to see if there is potential for additional state action. Staff are interested in State support on differentiating traditional electric motorcycles (e.g. Harley Davidson), and e-motorcycles/e-dirt bikes. Staff are also interested in State policy on e-bikes, including requirements on labeling and education on classification at point of sale.

Getting a bill through the legislature often takes multiple years and requires several smaller bills that build on each other. Staff have determined the best place to start is an updated definition of e-motorcycles/e-dirt bikes. This will be staff's recommendation as a key goal for the 2026 Legislative Session.

RECOMMENDED ACTION

Adopt Ordinance No. 25C-24, amending Title 10 of the Mercer Island City Code relating to electric motorcycles, as presented in Exhibit 1.