



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6763
September 2, 2025
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 6763: Code Amendments Regarding E-motorcycle Regulations (Ordinance No. 25C-24, First Reading).	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Schedule Ordinance No. 25C-24 for second reading and adoption on September 16, 2025.	

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
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 first reading 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, particularly among youth 12-15 years of age.
- E-motorcycles 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. These vehicles have a dirt bike style frame with foot pegs or brackets. E-bikes, of which there are different classes, have operable foot pedals and a maximum assisted speed of 20mph (when using only electric power) or 28mph (with the rider pedaling).
- Currently, the Mercer Island Police Department (MIPD) will stop any individual riding e-bikes and e-scooters in an unsafe manner. MIPD also stops youth under the age of 16 when observed riding e-motorcycles. When this occurs, MIPD will call the parent or guardian to pick up their child and the e-bike or e-motorcycle and advise them on the regulations related to their use.
- MIPD is limited in what enforcement actions they can take as there is an enforcement gap between what types of violations the Mercer Island Municipal Court can process and the age of the riders.

- Ordinance No. 25C-24 (Exhibit 1) establishes regulations for e-motorcycles and allows MIPD to impound e-motorcycles in violation of such regulations. 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.
- Finally, there are some gaps in State law related to e-motorcycles and e-bikes, which is making it challenging for cities to regulate these vehicles. 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. These recommendations will also be included in the City's draft Legislative Priorities, which will come to the City Council for consideration in November 2025.

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](#)).

Mercer Island has seen an increase in usage of electric motorcycles (e-motorcycles). Many of the riders are 12-15 years of age and they are not legally allowed to operate this type of vehicle in rights-of-way. They often demonstrate unsafe riding behaviors, creating a danger to themselves and others. The proposed ordinance (Exhibit 1) would establish that operation of e-motorcycles by underage youth is unlawful in the public right-of-way and within parks.

Under Washington State law, there are clear differences between e-bikes and e-motorcycles. These distinctions are described below.

- 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.
- The e-motorcycles seen 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 have foot pegs or brackets (no operable pedals). E-motorcycles can travel over 28 mph with motor assistance.
- [RCW 46.04.330](#) provides the definition for a motorcycle. In short, "motorcycle" means a motor vehicle designed to travel on not more than 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. As such, any motor-driven cycle with an electric motor that exceeds 750 watts is classified as an e- motorcycle.

This definition of motorcycle was likely written to address traditional motorcycle styles sold under the brand of Harley Davidson or Kawasaki, as an example. Much like electric cars, motorcycle manufacturers have evolved their product lines to include gas-powered alternatives and as these products were hitting the market, State laws were updated to recognize them.

Today, e-motorcycles like the ones being ridden by youth, 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

it is not legal to operate in the rights-of-way. The City of Mercer Island has been running an information campaign about the difference between an e-bike and an e-motorcycle, but more needs to be done.

Enforcement

Currently, when feasible, MIPD will attempt to contact youth riding e-motorcycles. MIPD will call their parents or guardian to pick up the youth and their vehicle. During the school year, if a youth rides an e-motorcycle to Islander Middle School, the School Resource Officer will identify the youth and again, call their parents and have them pick up the e-motorcycle. 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 these vehicles. 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. All other cases in which the defendant is a juvenile must be sent to the King County Prosecuting Attorney's Office – Juvenile Division (King County Prosecutor). For a case to be forwarded to the King County Prosecutor, it must be a criminal case.

As many of the riders operating e-motorcycles on the Island are 15 years old and under, their case could not be processed by the Municipal Court. An officer would need to press criminal charges and escalate the offense to the King County Prosecutor to take enforcement action against a person under 16 years old. Due to high caseloads and prioritization of violent crime, it is unlikely that the King County Prosecutor would take enforcement actions in juvenile e-motorcycle cases.

The second issue appears with [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. The vehicles 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. The e-motorcycles seen on Mercer Island cost significantly less than a traditional electric motorcycle and are available for purchase online, often labeled and branded as e-bikes. These e-motorcycles fall into a grey area between e-bikes and traditional electric motorcycles that allows the purchaser and/or rider to not fully understand the legal requirements and limits the enforcement actions that MIPD can effectively take.

As many jurisdictions are navigating issues with underage riders operating e-motorcycles, the best solution would be for the WA State Legislature to adopt a definition for these vehicles and accompany regulations. This would allow jurisdictions, including the City of Mercer Island, to uniformly regulate e-motorcycles from jurisdiction to jurisdiction. City staff are currently engaging with the Association of Washington Cities and regional cities to advocate for legislative change to address these needs. These recommendations will be included in the draft 2026 Legislative Priorities presented to the City Council for consideration in November.

Public Outreach and Education

Staff have conducted a robust public outreach and education campaign about e-bikes, e-scooters, and e-motorcycles that included the following items.

- Creation and maintenance of the [E-Bike Safety](#) page on the City of Mercer Island website.
- Social media posts across various platforms.
- Multiple features in the MI Weekly.

- An email, distributed by the Mercer Island School District, to all parents of children who attend Islander Middle School.
- Attending a PTA meeting in December 2024.
- Hosting two assemblies for all IMS students in April 2025.
- Tabling at Summer Celebration and National Night Out.

The goal of the public outreach and education campaign was to promote safe ridership, inform the community of the differences between e-bikes and e-motorcycles, and to share how to report an incident of unsafe or illegal behavior involving an e-bike or an e-motorcycle.

Community Reporting

The Mercer Island community has been active in reporting unsafe and illegal behaviors on e-bikes and e-motorcycles. Between January 1 and August 25, 2025, the Police Department received roughly 70 calls expressing concerns about e-bikes and e-motorcycles. In addition, 12 emails have been received between the Customer Service Team inbox and the Council inbox in 2025 inquiring about regulations and reporting unsafe behaviors.

Staff encourages community members witnessing unsafe and illegal behaviors involving e-bikes and e-motorcycles to call 911 to report the incident immediately. Calling 911 is the fastest way to deploy law enforcement to an incident and stop these behaviors as they are happening.

ISSUE/DISCUSSION

Ordinance No. 25C-24 (Exhibit 1) establishes regulations for e-motorcycles, and allows MIPD to impound e-motorcycles, with the intention of mitigating unsafe and illegal riding.

The ordinance would make the following amendments to Title 10 – Vehicles and Traffic of the Mercer Island Municipal Code:

- Adopts a definition for electric motorcycles. As the state definition is insufficient to pursue enforcement action, adopting a definition for e-motorcycles will allow the City to institute regulations for these vehicles.
- Prohibits the operation of an e-motorcycle by any person under the age of 16 and any person who does not have a valid driver’s license with a motorcycle endorsement.
- Prohibits the operation of any e-motorcycle that is not registered and 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, 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

While Ordinance No. 25C-24 does not fully address the issues restricting MIPD’s ability to take enforcement action, the code amendments provide MIPD with a tool to assist with reducing the number of e-motorcycles 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

Anticipated Regulatory Actions on E-Motorcycles and E-Bikes

As this issue continues to develop, both on Mercer Island and regionally, staff will update the regulations to meet 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.

Opportunity for Regional Partnerships

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

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. 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.

Enforcement and Process for Impoundment

If adopted, the ordinance will go into effect on January 1, 2026. Staff will use this time to establish the process for impoundment of e-motorcycles 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 will be stored, as well as the process to retrieve an impounded e-motorcycle.

RECOMMENDED ACTION

Schedule Ordinance No. 25C-24 for second reading and adoption on September 16, 2025.

**CITY OF MERCER ISLAND
ORDINANCE NO. 25C-24**

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, AMENDING MERCER ISLAND CITY CODE RELATED TO ELECTRIC MOTORCYCLES; ADOPTING A NEW CHAPTER 10.53 MICC RELATED TO ELECTRIC MOTORCYCLES; AMENDING MERCER ISLAND SECTION 9.30.150, VEHICLES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Mercer Island has seen an increase in popularity in e-motorcycle ridership within the City; and

WHEREAS, e-motorcycles can pose public safety issues if not operated appropriately, including traveling at high speeds on streets and sidewalks, or when demonstrating tricks; and

WHEREAS, on May 20, 2025, the City Council amended the 2025-2026 Workplan to include the development of an ordinance regulating the operation of e-bikes and e-motorcycles on the Island; and

WHEREAS, City Staff, including the Mercer Island Police Department, have drafted potential regulations for e-motorcycles to address the public safety issues.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DO ORDAIN AS FOLLOWS:

- Section 1.** **Amended.** Chapter 10.04, Definitions, MICC shall be amended as set forth in Exhibit A of this ordinance.
- Section 2.** **Adopted.** New Chapter 10.53, Electric Motorcycles, MICC shall be adopted as set forth in Exhibit B of this ordinance.
- Section 3.** **Amended.** MICC 9.30.150, Vehicles, shall be amended as set forth in Exhibit C of this ordinance.
- Section 4.** **Severability.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.
- Section 5.** **Effective date.** This ordinance shall take effect and be in force on January 1, 2026, provided thirty days have passed since the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON THE 16TH DAY OF SEPTEMBER, 2025.

CITY OF MERCER ISLAND

Salim Nice, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____

EXHIBIT A

Chapter 10.04 – DEFINITIONS

....

10.04.170 – Electric motorcycle,

Electric motorcycle means a motorcycle, as defined by RCW 46.04.330, which is powered solely by electricity and:

1. Is not equipped with fully operable pedals capable of propelling it. Foot pegs are not considered pedals;
2. Has a motor with a power output that exceeds 750 watts; or is capable of traveling over 28 mph with motor assistance.

....

EXHIBIT B

Chapter 10.53 – ELECTRIC MOTORCYCLES

10.53.010 Prohibited operation of electric motorcycles within the City of Mercer Island.

1. No person under the age of 16 may operate an electric motorcycle.
2. No person may operate an electric motorcycle that is not registered with the Washington State Department of Licensing and does not have a valid license plate.
3. No person without a valid driver's license with a motorcycle endorsement may operate an electric motorcycle.
4. To be operated on a public street or road, an electric motorcycle must meet the requirements of RCW 46.61.705.
5. No person may operate an electric motorcycle on any sidewalk, pedestrian path, park trail, or within City-owned or controlled parks.

10.53.020 Impoundment and penalties for operation of an electric motorcycle.

1. A law enforcement officer may impound, as defined in MICC 10.04.180, any electric motorcycle operated in violation of this chapter.
2. The impounded vehicle may be redeemed in accordance with MICC 10.22.060.
3. Violations of MICC 10.53.010 are deemed civil infractions and are subject to the following penalties:
 - a. First offense: \$250
 - b. Second offense: \$500
 - c. Third and subsequent offenses: \$750 and possible referral for criminal citation under RCW 46.20.005.
4. In addition to the penalties set out in this section, violators must pay the costs of impound, storage, and court fees in accordance with MICC 10.22.070.

10.53.030 Enforcement authority.

The Mercer Island Police Department is authorized to enforce the provisions of this chapter and may issue civil infractions, impound vehicles, and take other lawful action necessary to protect public safety and ensure compliance.

EXHIBIT C

9.30.150 - Vehicles.

It is unlawful to ride or drive any bicycle, motor vehicle, motorcycle, [electric motorcycle as defined in MICC Ch. 10.04](#), or motor-driven cycle over or through any park except along and upon the public roads, streets or other designated areas therein or to operate any vehicle at a speed in excess of the posted speed limit. Both the operator or driver of such motor vehicle, motorcycle or motor-driven cycle and such vehicle shall be properly licensed if required by state law.