H-1648.2

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**SUBSTITUTE HOUSE BILL 1134**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Local Government (originally sponsored by Representatives Peterson, Griffey, Irwin, Lekanoff, Gregerson, Eslick, and Pollet)

AN ACT Relating to standardizing fire safety codes for mobile food establishments; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Conversion vending unit" has the same meaning as in RCW 43.22.335.

(2) "Mobile food operator" means an individual who is legally responsible for the operation of the mobile food unit or conversion vending unit that operates a food establishment, such as the owner, owner's agent, or other person.

(3) "Mobile food unit" has the same meaning as in RCW 43.20.148.

(4) "Owner or operator" means an individual who is legally responsible for the operation of the mobile food unit such as the proprietor, proprietor's agent, or other person.

(5) "State fire permit" is an annual fire permit that: (a) Is issued by a local fire district to the mobile food operator of a mobile food unit or conversion vending unit operating a food establishment in Washington that is in compliance with the requirements established by the state building code council pursuant to section 6 of this act; (b) is valid for twelve months; and (c) has reciprocity throughout the state and is recognized in all counties, cities, or towns.

NEW SECTION. **Sec.**  Except as provided in chapter 43.22 RCW, the state of Washington fully occupies and preempts the entire field of regulating the fire code for mobile food units and conversion vending units operating food establishments. Any part of an ordinance, standard, rule, or regulation adopted by a county, city, or town that conflicts with this chapter, or rules adopted in accordance with this chapter, is void and has no force or effect.

NEW SECTION. **Sec.**  (1) Mobile food units and conversion vending units operating food establishments in Washington are exempt from the provisions of chapter 3, section 319.10.1 of the international fire code relating to exhaust system inspections and section 319.10.3 of the international fire code relating to fuel gas system inspections. However, the state building code council shall adopt rules that require: (a) An annual inspection of the exhaust system of each mobile food unit and conversion vending unit operating a food establishment in Washington; and (b) an annual inspection of the fuel gas system and LP-gas containers by an approved inspection agency or company or a local fire district or fire department in Washington.

(2) Except as provided in subsection (1) of this section, the state building code council shall adopt state fire permit rules for mobile food units and conversion vending units operating food establishments in Washington. The state building code council shall consult with the state fire marshal's office as provided in chapter 43.43 RCW, the department of labor and industries as provided in chapter 43.22 RCW, and the food truck industry prior to publication of the proposed rules. The state fire marshal's office and the department of labor and industries may recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section and to promote the health, safety, and welfare of the public.

NEW SECTION. **Sec.**  (1) The department of licensing must create a state fire permit, in the form of a red insigne, which indicates that a conversion vending unit and mobile food unit is in compliance with the state fire permit provisions of section 6 of this act.

(2) The state fire permit must be in the form of a red sticker with a space for where fire districts can indicate the date or period for which the sticker is valid.

(3) The director of the department of licensing shall: (a) Maintain the state fire permits; and (b) upon request, distribute the state fire permits to local fire districts throughout the state for distribution and permitting of conversion vending units and mobile food units in compliance with the state fire permit requirements pursuant to this section.

NEW SECTION. **Sec.**  (1) Every conversion vending unit and mobile food unit operating for the commercial sale of food in Washington shall:

(a) Be inspected by a local Washington fire district annually;

(b) Obtain a valid state fire permit sticker upon successful compliance with the state fire permit requirements under section 4 of this act; and

(c) Have affixed and displayed a current valid state fire permit.

(2) The total charge for the annual fire inspection and state fire permit shall not exceed twenty-five dollars per inspection.

(3) Only one state fire permit per mobile food unit or conversion vending unit is required per year and such state fire permit is valid in all local jurisdictions throughout the state. Nothing prohibits a random secondary fire inspection of a mobile food operator of a mobile food unit or conversion vending unit during periods when such unit is in operation.

(4) The fire district that performs the fire inspection of the mobile food unit or conversion vending unit, issues the state fire permit sticker pursuant to section 4 of this act, and collects the respective state fire permit fee, shall retain the proceeds from the collected state fire permit fee.

(5) The required state fire permit, for each mobile food unit or conversion vending unit operating a food establishment, issued by a fire district in Washington is valid throughout the state and shall be recognized in any county, city, or town throughout the state.

NEW SECTION. **Sec.**  (1) Every mobile food operator of a mobile food unit or conversion vending unit shall obtain an annual fire inspection from a local fire district that complies with the following requirements:

(a) Each mobile food unit and conversion vending unit must have a type 1 hood installed above the commercial cooking appliances (griddles/fryers);

(b) The fire extinguishing system of each mobile food unit and conversion vending unit must be serviced annually, or after each extinguishing system use. Proof must be provided documenting cleaning and inspection of the suppression system;

(c) Each mobile food unit and conversion vending unit must have a fire extinguisher with minimum rating 2A:10BC;

(d) Each mobile food unit and conversion vending unit must have a type 1 rated hood system and a K rated fire extinguisher, if the unit has grillers and fryers;

(e) Each mobile food unit and conversion vending unit must be in compliance with chapter 61 of the international fire code if the unit contains a liquid propane gas system;

(f) The maximum aggregate capacity of the liquid propane gas containers shall not exceed two hundred pounds propane capacity in any mobile food unit or conversion vending unit;

(g) The liquid propane containers installed on each mobile food unit and conversion vending unit shall be securely mounted and restrained to prevent movement. If there are freestanding cylinders, each shall be protected from impacts and falling over;

(h) If the liquid propane containers are in a closed compartment of the mobile food unit or conversion vending unit, there shall be a vent to the exterior;

(i) Each mobile food unit and conversion vending unit must have a leak detection alarm installed to manufacturer's specifications;

(j) The LP-gas system of each mobile food unit and conversion vending unit shall be annually inspected;

(k) If the mobile food unit or conversion vending unit contains a compressed natural gas system, it shall comply with national fire protection association standard 52 and the following shall apply:

(i) The containers for compressed natural gas shall not exceed one thousand three hundred pounds water capacity;

(ii) The compressed natural gas containers installed on the mobile food unit shall be securely mounted and restrained to prevent movement and shall be installed in a place to withstand a direct vehicular impact. Any freestanding cylinders shall be protected from impacts and falling over;

(iii) The mobile food unit must have a methane alarm installed to manufacturer's specifications; and

(iv) The compressed natural gas system must be inspected every three years by a qualified service facility. The system shall have a tag with the name of the inspection agency and date of inspection; and

(l) If there is a fixed cooking oil storage tank installed on the mobile food unit or conversion vending unit, the following requirements apply:

(i) Metallic and nonmetallic tanks shall be listed Underwriter Laboratories 80 or 142;

(ii) Normal and emergency venting shall be provided for cooking oil storage tanks; and

(iii) Nonmetallic tanks shall not exceed two hundred gallons and must be appropriately rated up to the maximum temperature it is exposed to during use.

(2) The vehicle when it is operating as a mobile food unit must be situated to keep the fire lanes clear. In addition, it must be located a minimum of five feet from noncombustible buildings, such as block or concrete walls. In cases where the building is made of wood or has combustible siding, the mobile food unit must be ten feet away. For all buildings, the mobile food unit must be ten feet from any door, window, or opening. The mobile food unit must be ten feet from the nearest tent or other mobile food units.

(3) Every mobile food operator of a mobile food unit or conversion vending unit must display, during its operation, a valid state fire permit that is: (a) Located in the respective mobile food unit or conversion vending unit; (b) clearly displayed in a conspicuous place during operation of the mobile food unit; and (c) upon request, available for inspection at all times by code enforcement.

NEW SECTION. **Sec.**  It is a civil infraction, punishable by a five hundred dollar fine, for any person to remove, replicate, or otherwise interfere with the display thereof of a state fire permit issued under the provisions of this chapter.

NEW SECTION. **Sec.**  The Washington state building code council shall adopt and amend rules, as necessary, for the purpose of providing uniform rules and guidelines for mobile food units and ensure that the council's rules do not conflict with the provisions of this chapter.

NEW SECTION. **Sec.**  Sections 1 through 8 and 10 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. **Sec.**  This act takes effect July 1, 2020.

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