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**HOUSE BILL 1134**

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

**By** Representatives Peterson, Griffey, Irwin, Lekanoff, Gregerson, Eslick, and Pollet

AN ACT Relating to standardizing fire safety codes for mobile food establishments; amending RCW 19.27.040; adding a new chapter to Title 19 RCW; 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) "Building code council" means the state building code council.

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

(3) "Local regulatory entity" means any city, town, county, special purpose district, or other political subdivision of the state.

(4) "Mobile food operator" means an individual who:

(a) 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; and

(b) Possesses a valid statewide mobile food unit fire permit from a local regulatory authority to operate a mobile food unit or a conversion vending unit that operates a food establishment.

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

(6) "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.

(7) "Statewide mobile food unit fire permit" is an annual fire permit that: (a) Is issued by a local regulatory entity 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 rules established by the building code council pursuant to section 3 of this act; (b) is valid for twelve months; and (c) has reciprocity throughout the state and is recognized in all local jurisdictions.

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)(a) Except as provided in (b) of this subsection, the state building code council shall adopt rules that are consistent with chapter 3, section 319 of the International Fire Code in Washington in place of any existing state or local regulatory codes and requirements for mobile food units and conversion vending units operating food establishments in Washington.

(b) 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: (i) An annual inspection of the exhaust system of each mobile food unit and conversion vending unit operating a food establishment in Washington; and (ii) 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) The building code council shall consult with the state fire marshal's office as provided in chapter 43.43 RCW and the department of labor and industries as provided in chapter 43.22 RCW prior to publication of the proposed rules. The state fire marshal's office and the department of labor and industries may recommend to the 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 rules adopted in section 3 of this act apply to all counties, cities, and towns of the state. The fire code shall be applicable to each mobile food unit and each conversion vending unit used for the commercial sale of food.

(2) A local regulatory entity shall authorize each mobile food unit and conversion vending unit operating a food unit establishment, to operate such food unit in the local regulatory entity's jurisdiction provided the owner or operator of the food or vending unit: (a) Has obtained a valid statewide mobile food unit fire permit to operate the food or vending unit from another local regulatory entity; and (b) provides the local regulatory entity a copy of the current statewide mobile food unit fire permit from the original local regulatory entity that issued the permit.

NEW SECTION. **Sec.**  The building code council shall establish an annual fire permit fee to be charged by any local regulatory entity issuing a statewide mobile food unit fire permit to mobile food units and conversion vending units operating food establishments that are in compliance with the rules adopted in section 4 of this act. The annual statewide fire permit fee, established for a statewide mobile food unit fire permit, must be standardized and the same fee charged by all local regulatory entities. The fee charged for the annual statewide mobile food unit fire permit shall not exceed the actual costs of the fire inspection and administrative expenses required to issue the fire permit.

NEW SECTION. **Sec.**  (1) Any local regulatory entity may issue a statewide mobile food unit fire permit and charge the respective annual mobile food unit fire permit fee, established pursuant to section 5 of this act, provided such mobile food unit or conversion vending unit operating a food establishment is in compliance with the rules established and adopted by the building code council pursuant to section 3 of this act.

(2) The local regulatory entity that inspects a mobile food unit or conversion vending unit, issues the statewide mobile food unit fire permit, pursuant to section 5 of this act, and collects the respective statewide mobile food unit fire permit fee, shall retain the collected mobile food unit fire permit fee.

NEW SECTION. **Sec.**  The building code council shall facilitate reciprocity of the statewide mobile food unit fire permits between local regulatory authorities and assist in informing local regulatory authorities when statewide mobile food unit fire permit rules are updated or amended.

NEW SECTION. **Sec.**  The building code council shall establish an online database that local regulatory entities can enter approved statewide mobile food unit fire permits. The database shall be open to the public and, at a minimum, be searchable by statewide mobile food unit fire permit number, business name, or business license number.

NEW SECTION. **Sec.**  (1) A mobile food operator of a mobile food unit or conversion vending unit is only required to obtain one statewide mobile food unit fire permit per mobile food unit or conversion vending unit per year. In accordance with section 4 of this act, a statewide mobile food unit fire permit, for a mobile food unit or conversion vending unit operating a food establishment, issued by a local regulatory entity in Washington is valid throughout the state and shall be recognized in any local jurisdiction, such as a county, city, or town in this state.

(2) During the operation of any mobile food unit and conversion vending unit, a valid statewide mobile food unit fire permit must be: (a) Located in the respective mobile food unit or conversion vending unit; (b) clearly displayed in a conspicuous place during operation of the unit; and (c) available for inspection at all times for code enforcement.

NEW SECTION. **Sec.**  Counties and cities shall enforce the fire permit rules, for mobile food units and conversion vending units operating food establishments, required by this chapter. Any county or city not having the means to provide such fire permit inspections consistent with section 3 of this act shall contract with another county, city, or inspection agency approved by the county or city for enforcement of the fire code for mobile food units and conversion vending units operating food establishments within its jurisdictional boundaries.

NEW SECTION. **Sec.**  The department of labor and industries shall adopt and amend rules, as necessary, for the purpose of providing uniform rules and guidelines for mobile food units as provided by this act.

**Sec.**  RCW 19.27.040 and 1990 c 2 s 11 are each amended to read as follows:

Except as provided in sections 1 through 11 of this act, the governing body of each county or city is authorized to amend the state building code as it applies within the jurisdiction of the county or city. The minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020 shall not be diminished by any county or city amendments.

Nothing in this chapter shall authorize any modifications of the requirements of chapter 70.92 RCW.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  Sections 1 through 11 and 15 of this act constitute a new chapter in Title 19 RCW.

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

**--- END ---**