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**HOUSE BILL 1706**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor, and Kloba

AN ACT Relating to truck drivers ability to access restroom facilities; adding new sections to chapter 70.54 RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  A new section is added to chapter 70.54 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a)(i) "Common carrier" means any person who transports goods for the general public by motor vehicle for compensation, and includes drayage truck operators as defined in section 2 of this act.

(ii) "Common carrier" does not include the transport of passengers.

(b) "Motor vehicle" means any commercial truck, trailer, or semitrailer the principle purpose of which is to transport goods.

(c) "Restroom" means a bathroom facility on the premises of, and operated by, a retail establishment and that is intended for use by customers or employees of the retail establishment.

(d) "Retail establishment" means a place of business open to the general public for the sale of goods or services. Retail establishment does not include any structure such as a filling station, service station, or restaurant of 800 square feet or less that has a restroom located within that structure intended for use only by employees.

(2) A retail establishment that has a restroom must allow a common carrier delivering goods to the retail establishment to use that restroom during normal business hours if:

(a) The restroom is located in an area where providing access would not create an obvious health or safety risk to the common carrier; and

(b) Allowing the common carrier to access the restroom does not pose an obvious security risk to the retail establishment or its employees.

(3) For a first violation of this section, the city or county attorney shall issue a warning letter to the owner or operator of the retail establishment, and to any employee of a retail establishment who denies access to a restroom in violation of this section, informing the owner or operator of the retail establishment and employee of the requirements of this section. A retail establishment or an employee of a retail establishment that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(4) This section does not require a retail establishment to make any physical changes to a restroom to be in compliance with this section.

NEW SECTION. **Sec.**  A new section is added to chapter 70.54 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Drayage truck operator" means the driver of any in-use on-road vehicle with a gross vehicle weight rating greater than 33,000 pounds operating on or transgressing through port or intermodal rail yard property for the purpose of loading, unloading, or transporting cargo, including containerized, bulk, or break-bulk goods.

(b)(i) "Terminal operator" means the business entity operating a marine terminal for loading and unloading cargo to and from marine vessels.

(ii) "Terminal operator" includes the port if the port is directly operating the marine terminal in loading and unloading cargo to and from marine vessels.

(2) A terminal operator must provide a sufficient number of restrooms for use by drayage truck operators in areas of the terminal that drayage truck operators typically have access to, such as inside the gate and truck queuing lots. Restrooms may include fixed bathrooms with flush toilets or portable chemical toilets.

(3) A terminal operator is deemed in compliance with this section if the terminal operator:

(a) Allows drayage truck operators access to existing restrooms while the drayage truck operators are on port property and when access does not pose an obvious safety risk to the drayage truck operators and other workers in the area;

(b) When necessary, provides additional restrooms at locations where there is the most need. To determine need, the terminal operator must assess the use and accessibility of existing restrooms and conduct a survey of drayage truck operators; and

(c) Has a policy that allows drayage truck operators to leave their vehicles at reasonable times and locations for purposes of accessing restrooms.

(4) Restrooms for drayage truck operators must be located in areas where access would not pose an obvious health or safety risk to the drayage truck operators or other workers in the area.

(5) The department of health and the local health departments or divisions of each county have concurrent jurisdiction to enforce this section.

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