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**SENATE BILL 5429**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators Stanford, MacEwen, Kuderer, Shewmake, Valdez, and C. Wilson

Read first time 01/17/23. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to a motor carrier's ability to access restroom  
2 facilities required by rules authorized under chapter 49.17 RCW;  
3 adding a new section to chapter 70.54 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.54  
6 RCW to read as follows:

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

9 (a) "Motor carrier" includes "common carrier," "contract  
10 carrier," and "private carrier" as defined in RCW 81.80.010.

11 (b) "Receiver" means a person or business who takes delivery of  
12 property, cargo, or materials transported in interstate or intrastate  
13 commerce from a motor carrier.

14 (c) "Restroom" means a bathroom facility as required by rules  
15 authorized under chapter 49.17 RCW, located on the premises of, and  
16 operated by, a shipper or receiver and that is intended for use by  
17 customers or employees of the shipper or receiver.

18 (d) "Shipper" means a person or business who tenders property,  
19 cargo, or materials to a motor carrier for transportation in  
20 interstate or intrastate commerce.

1 (2) A shipper or receiver required to provide a restroom by rules  
2 authorized under chapter 49.17 RCW must allow a motor carrier  
3 delivering goods to or picking goods up from a shipper or receiver to  
4 use that restroom during normal business hours if:

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

8 (b) Allowing the motor carrier to access the restroom does not  
9 pose an obvious security, health, or safety risk to the shipper,  
10 receiver, or its employees.

11 (3) A shipper or receiver is not required to make any physical  
12 changes to a restroom under this section and may require that an  
13 employee accompany a motor carrier to the restroom.

14 (4) A shipper or receiver or an employee of a shipper or receiver  
15 is not civilly liable for any act or omission in allowing a motor  
16 carrier to use a restroom if the act or omission:

17 (a) Is not willful or grossly negligent;

18 (b) Occurs in an area of the shipper or receiver facility that is  
19 not accessible to the public; and

20 (c) Results in an injury to or death of the motor carrier or any  
21 individual other than an employee accompanying the motor carrier.

22 (5) (a) The department of health and the department of labor and  
23 industries have jurisdiction to enforce this section.

24 (b) The department of health may issue a warning letter to a  
25 shipper or receiver for a first violation of this section, informing  
26 the shipper or receiver of the requirements of this section. A  
27 shipper or receiver that violates this section after receiving a  
28 warning letter is guilty of a class 2 civil infraction under chapter  
29 7.80 RCW.

30 (c) Failure of a shipper or receiver to comply with this section  
31 is a violation of chapter 49.17 RCW.

32 (d) The department of labor and industries and the department of  
33 health may not take duplicate enforcement actions against an  
34 individual or business for violations arising from the same conduct.

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