

HOUSE BILL REPORT

ESHB 2783

As Passed Legislature

Title: An act relating to standardizing fire safety requirements for mobile on-demand gasoline providers.

Brief Description: Standardizing fire safety requirements for mobile on-demand gasoline providers.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Griffey, Springer and Walen).

Brief History:

Committee Activity:

Local Government: 2/5/20, 2/7/20 [DPS].

Floor Activity:

Passed House: 2/18/20, 95-2.

Passed Senate: 3/4/20, 47-0.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Requires the State Building Code Council to adopt clarifying standards and administrative provisions for mobile on-demand gasoline operations, including provisions related to operator licensing, vehicle licensing, and site permitting processes, in order to provide guidance to local jurisdictions that are establishing permitting procedures.
- Allows local jurisdictions to collect fees for inspections and permits involving on-demand gasoline operations.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Pollet, Chair; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

Staff: Kellen Wright (786-7134).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The State Building Code Council is responsible for updating, maintaining, and amending the State Building Code (Code). The Code is comprised of various international model codes, including building, residential, and plumbing codes. These codes establish minimum standards for construction, engineering, and safety. Local jurisdictions are required to enforce the provisions of the Code.

The International Fire Code is one of the codes included within the Code. Local officials, often local fire marshals, enforce this code.

A mobile on-demand fuel provider uses mobile fueling vehicles to deliver gasoline directly to customers' vehicles.

Summary of Engrossed Substitute Bill:

The State Building Code Council (Council) must adopt rules to clarify standards and administrative provisions for mobile on-demand gasoline operations. All such rules must conform to Section 5707 of the 2018 International Fire Code, and the Council must consider recommendations from the Washington State Association of Fire Marshals. The rules must be adopted by May 2021. The purpose of the rules is to provide assistance to local authorities establishing permitting processes.

The rules adopted by the Council must address three subjects. The first subject is the creation of a mobile on-demand operator certification, and the possibility of standardized permitting processes, operational requirements, and a reciprocal acceptance of certification throughout jurisdictions in Washington. The second subject is the creation of a mobile on-demand fueling truck permit or certification, and the possibility of standardized permitting, certification requirements, or vehicle requirements, and reducing the number of inspections required of a single vehicle to be licensed in multiple jurisdictions. The third subject is site permits for mobile on-demand operations issued by local jurisdictions under conditions established by the local jurisdiction. Such site permits must be issued in at least two tiers. A tier 1 permit applies to locations at which the local jurisdiction has determined that a mobile on-demand gasoline provider can operate without unusual environmental or safety concerns. Tier 1 permits may be issued with an expedited process and without prior site inspection, though a local fire marshal retains the ability to conduct an inspection, impose additional requirements, or to revoke permission to operate at a location for specific safety or environmental reasons. A tier 2 permit applies to any location that has not been determined to be eligible for a tier 1 permit, and may require a site inspection prior to issuance.

Fees may be charged by a local jurisdiction for the cost of conducting an inspection or issuing a permit related to a mobile on-demand gasoline operation.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Mobile fueling is convenient, aids local businesses, and is more environmentally friendly because it reduces vehicle miles and spills, and removes the need for underground storage tanks. Mobile fueling increases accessibility for seniors and for differently-abled populations. Mobile fuel trucks could also be used in an emergency situation. In order to survive, industry must expand, and there are currently barriers to expansion. These barriers include redundant permitting and requirements for permitting standard locations. Some growing companies do not have the bandwidth for the required inspections. The system of tiered site permits should speed up the process. This bill would streamline permitting while not compromising standards. It reduces regulatory inefficiencies and saves valuable time and money. The substitute bill was negotiated with the fire marshal's office, and was part of a collaborative process to reach agreement. This bill would allow local jurisdictions to retain control while reducing burdens on the industry. This is a relatively new industry, and the fire code is just catching up.

(Opposed) None.

Persons Testifying: Representative Griffey, prime sponsor; Aileen Zhong, Booster Fuels; Bryan McConaughy, Washington State Association of Fire Marshals; Tim Munnis, Seattle Fire Department; and Pierson Stoecklein, Shell TapUp.

Persons Signed In To Testify But Not Testifying: None.