
HOUSE BILL 1134

State of Washington

66th Legislature

2019 Regular Session

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

Read first time 01/15/19. Referred to Committee on Local Government.

1 AN ACT Relating to standardizing fire safety codes for mobile
2 food establishments; amending RCW 19.27.040; adding a new chapter to
3 Title 19 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Building code council" means the state building code
9 council.

10 (2) "Conversion vending unit" has the same meaning as in RCW
11 43.22.335.

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

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

16 (a) Is legally responsible for the operation of the mobile food
17 unit or conversion vending unit that operates a food establishment,
18 such as the owner, owner's agent, or other person; and

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

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

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

5 (7) "Statewide mobile food unit fire permit" is an annual fire
6 permit that: (a) Is issued by a local regulatory entity to the mobile
7 food operator of a mobile food unit or conversion vending unit
8 operating a food establishment in Washington that is in compliance
9 with the rules established by the building code council pursuant to
10 section 3 of this act; (b) is valid for twelve months; and (c) has
11 reciprocity throughout the state and is recognized in all local
12 jurisdictions.

13 NEW SECTION. **Sec. 2.** Except as provided in chapter 43.22 RCW,
14 the state of Washington fully occupies and preempts the entire field
15 of regulating the fire code for mobile food units and conversion
16 vending units operating food establishments. Any part of an
17 ordinance, standard, rule, or regulation adopted by a county, city,
18 or town that conflicts with this chapter, or rules adopted in
19 accordance with this chapter, is void and has no force or effect.

20 NEW SECTION. **Sec. 3.** (1)(a) Except as provided in (b) of this
21 subsection, the state building code council shall adopt rules that
22 are consistent with chapter 3, section 319 of the International Fire
23 Code in Washington in place of any existing state or local regulatory
24 codes and requirements for mobile food units and conversion vending
25 units operating food establishments in Washington.

26 (b) Mobile food units and conversion vending units operating food
27 establishments in Washington are exempt from the provisions of
28 chapter 3, section 319.10.1 of the international fire code relating
29 to exhaust system inspections and section 319.10.3 of the
30 international fire code relating to fuel gas system inspections.
31 However, the state building code council shall adopt rules that
32 require: (i) An annual inspection of the exhaust system of each
33 mobile food unit and conversion vending unit operating a food
34 establishment in Washington; and (ii) an annual inspection of the
35 fuel gas system and LP-gas containers by an approved inspection
36 agency or company or a local fire district or fire department in
37 Washington.

1 (2) The building code council shall consult with the state fire
2 marshal's office as provided in chapter 43.43 RCW and the department
3 of labor and industries as provided in chapter 43.22 RCW prior to
4 publication of the proposed rules. The state fire marshal's office
5 and the department of labor and industries may recommend to the
6 building code council any changes necessary to conform the proposed
7 rules to the requirements of this section and to promote the health,
8 safety, and welfare of the public.

9 NEW SECTION. **Sec. 4.** (1) The rules adopted in section 3 of this
10 act apply to all counties, cities, and towns of the state. The fire
11 code shall be applicable to each mobile food unit and each conversion
12 vending unit used for the commercial sale of food.

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

22 NEW SECTION. **Sec. 5.** The building code council shall establish
23 an annual fire permit fee to be charged by any local regulatory
24 entity issuing a statewide mobile food unit fire permit to mobile
25 food units and conversion vending units operating food establishments
26 that are in compliance with the rules adopted in section 4 of this
27 act. The annual statewide fire permit fee, established for a
28 statewide mobile food unit fire permit, must be standardized and the
29 same fee charged by all local regulatory entities. The fee charged
30 for the annual statewide mobile food unit fire permit shall not
31 exceed the actual costs of the fire inspection and administrative
32 expenses required to issue the fire permit.

33 NEW SECTION. **Sec. 6.** (1) Any local regulatory entity may issue
34 a statewide mobile food unit fire permit and charge the respective
35 annual mobile food unit fire permit fee, established pursuant to
36 section 5 of this act, provided such mobile food unit or conversion
37 vending unit operating a food establishment is in compliance with the

1 rules established and adopted by the building code council pursuant
2 to section 3 of this act.

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

8 NEW SECTION. **Sec. 7.** The building code council shall facilitate
9 reciprocity of the statewide mobile food unit fire permits between
10 local regulatory authorities and assist in informing local regulatory
11 authorities when statewide mobile food unit fire permit rules are
12 updated or amended.

13 NEW SECTION. **Sec. 8.** The building code council shall establish
14 an online database that local regulatory entities can enter approved
15 statewide mobile food unit fire permits. The database shall be open
16 to the public and, at a minimum, be searchable by statewide mobile
17 food unit fire permit number, business name, or business license
18 number.

19 NEW SECTION. **Sec. 9.** (1) A mobile food operator of a mobile
20 food unit or conversion vending unit is only required to obtain one
21 statewide mobile food unit fire permit per mobile food unit or
22 conversion vending unit per year. In accordance with section 4 of
23 this act, a statewide mobile food unit fire permit, for a mobile food
24 unit or conversion vending unit operating a food establishment,
25 issued by a local regulatory entity in Washington is valid throughout
26 the state and shall be recognized in any local jurisdiction, such as
27 a county, city, or town in this state.

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

34 NEW SECTION. **Sec. 10.** Counties and cities shall enforce the
35 fire permit rules, for mobile food units and conversion vending units
36 operating food establishments, required by this chapter. Any county

1 or city not having the means to provide such fire permit inspections
2 consistent with section 3 of this act shall contract with another
3 county, city, or inspection agency approved by the county or city for
4 enforcement of the fire code for mobile food units and conversion
5 vending units operating food establishments within its jurisdictional
6 boundaries.

7 NEW SECTION. **Sec. 11.** The department of labor and industries
8 shall adopt and amend rules, as necessary, for the purpose of
9 providing uniform rules and guidelines for mobile food units as
10 provided by this act.

11 **Sec. 12.** RCW 19.27.040 and 1990 c 2 s 11 are each amended to
12 read as follows:

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

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

21 NEW SECTION. **Sec. 13.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. **Sec. 14.** Sections 1 through 11 and 15 of this act
26 constitute a new chapter in Title 19 RCW.

27 NEW SECTION. **Sec. 15.** This act takes effect July 1, 2020.

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