
HOUSE BILL 2239

State of Washington

66th Legislature

2020 Regular Session

By Representatives Blake, Walsh, Orcutt, Lovick, and Appleton

Prefiled 12/12/19. Read first time 01/13/20. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to prohibiting unjustified employer searches of
2 employee personal vehicles; adding new sections to chapter 49.12 RCW;
3 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 49.12
6 RCW to read as follows:

7 (1) Except as provided in subsection (2) of this section:

8 (a) An employer or an employer's agent may not search the
9 privately owned vehicles of employees located on the employer's
10 parking lots or garages or located on the access road to the
11 employer's parking lots or garages.

12 (b) An employer must not require, as a condition of employment,
13 that an employee or prospective employee waive the protections of (a)
14 of this subsection.

15 (2) This section does not apply:

16 (a) To vehicles owned or leased by an employer;

17 (b) To lawful searches by law enforcement officers;

18 (c) When a reasonable person would believe that accessing
19 vehicles of an employee is necessary to prevent an immediate threat
20 to human health, life, or safety; or

1 (d) When an employee consents to a search of his or her privately
2 owned vehicle by a licensed private security guard for loss
3 prevention purposes based on probable cause that the employee
4 unlawfully possesses employer property.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12
6 RCW to read as follows:

7 When an employer provides private vehicles of an employee access
8 to the employer's parking lots or garages, or provides use of the
9 access road to the parking lots or garages, the employee has the
10 right to possess any of the employee's private property within the
11 employee's vehicle. For purposes of this section, private property
12 has its usual meaning under state and federal law.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.12
14 RCW to read as follows:

15 (1) Upon complaint by an employee, the director must investigate
16 to determine whether an employer has violated section 1 or 2 of this
17 act. The director may require the testimony of witnesses and the
18 production of documents as part of the director's investigation.

19 (2) If the director determines that an employer has violated
20 section 1 or 2 of this act, the director may order payment to the
21 department of a civil penalty of not more than one thousand dollars
22 for an employer's first violation and not more than five thousand
23 dollars for any subsequent violation; and payment to the department
24 of costs of investigation and enforcement. For the purposes of this
25 subsection (2), each employee affected by a violation constitutes a
26 separate violation.

27 (3) An appeal from the director's determination may be taken in
28 accordance with chapter 34.05 RCW.

29 (4) The department must deposit civil penalties paid under this
30 section in the supplemental pension fund created in RCW 51.44.033.

31 (5) The department shall collect civil penalties and costs due
32 under this section using the procedures in RCW 49.48.086.

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