
HOUSE BILL 1706

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

Prefiled 12/27/21. Read first time 01/10/22. Referred to Committee on Transportation.

1 AN ACT Relating to truck drivers ability to access restroom
2 facilities; adding new sections to chapter 70.54 RCW; and prescribing
3 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) (i) "Common carrier" means any person who transports goods for
10 the general public by motor vehicle for compensation, and includes
11 drayage truck operators as defined in section 2 of this act.

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

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

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

19 (d) "Retail establishment" means a place of business open to the
20 general public for the sale of goods or services. Retail
21 establishment does not include any structure such as a filling

1 station, service station, or restaurant of 800 square feet or less
2 that has a restroom located within that structure intended for use
3 only by employees.

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

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

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

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

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

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.54
26 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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