

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1706

Chapter 204, Laws of 2022

67th Legislature
2022 Regular Session

DRAYAGE TRUCK OPERATORS—ACCESS TO RESTROOM FACILITIES

EFFECTIVE DATE: June 9, 2022

Passed by the House March 7, 2022
Yeas 97 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 2, 2022
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved March 30, 2022 2:22 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1706** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 31, 2022

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1706

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington 67th Legislature 2022 Regular Session

By House Transportation (originally sponsored 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)

READ FIRST TIME 02/07/22.

1 AN ACT Relating to truck drivers ability to access restroom
2 facilities; adding a new section to chapter 70.54 RCW; and
3 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) "Drayage truck operator" means the driver of any in-use on-
10 road vehicle with a gross vehicle weight rating greater than 33,000
11 pounds operating on or transgressing through port or intermodal rail
12 yard property for the purpose of loading, unloading, or transporting
13 cargo, including containerized, bulk, or break-bulk goods.

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

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

20 (2) A terminal operator must provide a sufficient number of
21 restrooms for use by drayage truck operators in areas of the terminal

1 that drayage truck operators typically have access to, such as inside
2 the gate and truck queuing lots. Restrooms may include fixed
3 bathrooms with flush toilets or portable chemical toilets. At least
4 one restroom provided by the terminal operator must be a private
5 space suitable for and dedicated to expressing breast milk.

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 in areas of
10 the terminal that drayage truck operators typically have access to
11 and when access does not pose an obvious safety risk to the drayage
12 truck operators and other workers in the area and does not violate
13 federal terminal security requirements;

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

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

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

24 (5) (a) The departments of health and labor and industries have
25 jurisdiction to enforce this section.

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

32 (c) Failure of a terminal operator to comply with this section is
33 a violation of chapter 49.17 RCW.

34 (d) The departments may not take duplicate enforcement actions
35 against an individual or business for violations arising from the
36 same conduct.

Passed by the House March 7, 2022.
Passed by the Senate March 2, 2022.
Approved by the Governor March 30, 2022.

Filed in Office of Secretary of State March 31, 2022.

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