
SUBSTITUTE SENATE BILL 5429

State of Washington

68th Legislature

2023 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Stanford, MacEwen, Kuderer, Shewmake, Valdez, and C. Wilson)

READ FIRST TIME 02/01/23.

1 AN ACT Relating to a motor carrier's ability to access restroom
2 facilities required by rules authorized under chapter 49.17 RCW;
3 adding a new section to chapter 70.54 RCW; 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 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) "Consignee" means a person or business who takes delivery of
10 property, cargo, or materials transported in interstate or intrastate
11 commerce from a motor carrier.

12 (b) "Motor carrier" includes "common carrier," "contract
13 carrier," and "private carrier" as defined in RCW 81.80.010.

14 (c) "Restroom" means a bathroom facility as required by rules
15 authorized under chapter 49.17 RCW, located on the premises of, and
16 operated by, a shipper or consignee and that is intended for use by
17 customers or employees of the shipper or consignee.

18 (d) "Shipper" means a person or business who tenders property,
19 cargo, or materials to a motor carrier for transportation in
20 interstate or intrastate commerce.

1 (2) A shipper or consignee required to provide a restroom by
2 rules authorized under chapter 49.17 RCW must allow a motor carrier
3 delivering goods to or picking goods up from a shipper or consignee
4 to use that restroom during normal business hours if:

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

8 (b) Allowing the motor carrier to access the restroom does not
9 pose an obvious security, health, or safety risk to the shipper,
10 consignee, or its employees.

11 (3) A shipper or consignee is not required to make any physical
12 changes to a restroom under this section and may require that an
13 employee accompany a motor carrier to the restroom.

14 (4) A shipper or consignee or an employee of a shipper or
15 consignee is not civilly liable for any act or omission in allowing a
16 motor carrier to use a restroom if the act or omission:

17 (a) Is not willful or grossly negligent;

18 (b) Occurs in an area of the shipper or consignee facility that
19 is not accessible to the public; and

20 (c) Results in an injury to or death of the motor carrier or any
21 individual other than an employee accompanying the motor carrier.

22 (5) (a) The department of health has jurisdiction to enforce this
23 section.

24 (b) Pursuant to chapter 43.05 RCW, the department of health may
25 issue a notice of correction to a shipper or consignee for a first
26 violation of this section, informing the shipper or consignee of the
27 requirements of this section. A shipper or consignee that violates
28 this section after receiving a notice of correction is subject to a
29 civil penalty of \$250.

30 (c) RCW 43.70.095 governs the assessment of a civil penalty
31 issued under this section.

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