
Local Government Committee

HB 1134

Brief Description: Standardizing fire safety codes for mobile food establishments.

Sponsors: Representatives Peterson, Griffey, Irwin, Lekanoff, Gregerson, Eslick and Pollet.

Brief Summary of Bill

- Requires mobile food units (food trucks) to obtain an annual statewide fire permit.
- Requires the State Building Code Council (SBCC) to: (1) establish and adopt rules relating to fire permits for food trucks; (2) establish a searchable fire permit database; (3) facilitate reciprocity of the statewide mobile food unit fire permits between local jurisdictions; and (4) assist in informing local jurisdictions when fire permit rules are updated or amended.
- Provides that a current single fire permit obtained by a food truck operator is valid in any jurisdiction in Washington.
- Authorizes local jurisdictions that inspect food trucks and issue fire permits to retain the proceeds collected from the fire permit fees.

Hearing Date: 2/1/19

Staff: Yvonne Walker (786-7841).

Background:

Generally, fire inspections for food trucks are done locally and the requirements for such inspections and permits vary by city.

Department of Labor and Industries.

The Department of Labor and Industries (L&I) regulates factory assembled structures, including manufactured and mobile homes, conversion vendor units, and medical units. A "conversion vendor unit" is a motor or recreational vehicle that is either converted or built for commercial sales at temporary locations, such as a food truck. In general, a conversion vending unit such as

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a food truck includes any vehicle that is transportable over a road; where food or other items are sold; where people work inside of it; where customers stand only outside; where the vehicle has electrical, water or drain, and gas piping systems; and where the vehicle is less than 8.5 feet wide.

The Department must adopt rules for conversion vendor units to protect occupants from fire, address underlying safety issues, and ensure the unit will support a concentrated load of 500 pounds or more. Such units (food trucks) in Washington need to have a permit and inspection from the L&I. Plans must also be submitted to the L&I if food trucks have certain items, including: fuel gas piping; fire suppression; commercial venting hoods; and electrical systems over 30 amps or 120 volts. Under the Department's review process, the Department approves plans for each conversion vending and inspects the units as it relates to the unit's structure and construction. An approved unit receives an insignia indicating approval.

State Building Code Council.

The State Building Code (SBC) provides a set of statewide standards and requirements related to building construction. The SBC is comprised of various international model codes, including building, residential, fire, and plumbing codes (model codes) adopted by reference by the Legislature. The model codes are promulgated by the International Code Council.

In 2018, the SBCC adopted section 319 of the 2018 International Fire Code relating to mobile food preparation vehicles (food trucks). Mobile food preparation vehicles are vehicles equipped with appliances that produce smoke or grease-laden vapors. The rules include, but are not limited to, requiring that:

- cooking equipment that produces grease-laden vapors be provided with a kitchen exhaust hood;
- cooking equipment be protected by automatic fire extinguishing systems;
- portable fire extinguishers be provided;
- vents be properly installed;
- gas cooking appliances be secured in place and connected to fuel-supply piping;
- cooking oil storage containers be stored in such a way as to not be toppled or damaged during transport;
- metallic and nonmetallic cooking oil storage tanks be installed in accordance with the tank manufacturer's instructions;
- the maximum aggregate capacity of LP-gas containers transported on the vehicle and used to fuel cooking appliances not exceed 200 pounds;
- a methane gas alarm be installed within the vehicle in accordance with manufacturer's instructions;
- fire protection systems and devices be properly maintained; and
- LP-gas containers installed on the vehicle and fuel-gas piping systems be inspected annually by an approved inspection agency or a company that is registered with the U.S. Department of Transportation.

The effective date for adoption of the 2018 codes become effective on July 1, 2020.

Summary of Bill:

An annual statewide mobile food unit fire permit is established for mobile food units. A single fire permit that is current and issued by any local jurisdiction is valid in all counties and cities throughout Washington.

The State Building Code Council (SBCC) must adopt rules for mobile food units and conversion vending units (mobile food units) operating food establishments in Washington. The rules must require an annual: (1) fire inspection of each unit's exhaust system; and (2) inspection of each food unit's fuel gas system and LP-gas containers by an approved inspection entity or local fire department. The SBCC must consult with the State Fire Marshal's Office and the Department of Labor Industries (L&I) prior to publication of the rules. The adopted rules apply to all local jurisdictions and are applicable to all mobile food units operating in Washington.

The SBCC must establish an annual fire permit fee to be charged by each local jurisdiction issuing a fire permit to a mobile food unit. The fee must be standardized and must be the same fee charged by all local regulatory entities; however, the charge for the fire permit cannot exceed the actual costs of the fire inspection and administrative expenses required to issue the fire permit. Any local jurisdiction may issue a statewide mobile food unit fire permit to an operator of a mobile food unit provided the mobile food unit is in compliance with the rules established by the SBCC. Each permit is valid for twelve months, has reciprocity throughout the state, and is recognized in all local jurisdictions. Local jurisdictions that inspect mobile food units and issue fire permits may retain the proceeds from the collected fire permit fees.

Only one fire permit is required per mobile food unit. A current valid fire permit is valid throughout the State and must be recognized in any jurisdiction of the State. The SBCC must facilitate reciprocity of the statewide mobile food unit fire permits between local jurisdictions and assist in informing local jurisdictions when fire permit rules are updated or amended.

During the operation of any mobile food unit, a valid statewide mobile food unit fire permit must be: (1) located in the respective mobile food unit; (2) clearly displayed in a conspicuous place during operation of the mobile food unit; and (3) available for inspection at all times for code enforcement.

The SBCC must establish an online database where local jurisdictions can input approved fire permits. The database must be open to the public and, at a minimum, be searchable by fire permit number, business name, or business license number.

Counties and cities must enforce the fire permit rules for mobile food units. Any county or city not having the means to provide fire permit inspections must contract with another local jurisdiction or inspection agency approved by the county or city for enforcement of the fire code for mobile food units within its jurisdictional boundaries.

The L&I must also adopt and amend rules, as necessary, for the purpose of providing uniform rules and guidelines for mobile food units.

The State of Washington preempts the entire field regulating the fire code for mobile food units. Local rules and regulations that conflict with this act are void and have no force or effect.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2020.