

HOUSE BILL REPORT

HB 1134

As Reported by House Committee On:
Local Government

Title: An act relating to standardizing fire safety codes for mobile food establishments.

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

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

Brief History:

Committee Activity:

Local Government: 2/1/19, 2/19/19 [DPS].

Brief Summary of Substitute Bill

- Requires the State Building Code Council to establish and adopt rules relating to fire permits for food trucks.
- Requires all food trucks to: (1) be annually inspected by a local fire district; (2) obtain a valid state fire permit sticker upon successful compliance with the state fire permit requirements; and (3) affix and display a current valid state fire permit.
- Establishes a check list of requirements that food truck vendors must comply with in order to obtain a valid statewide fire permit.
- Requires the Department of Licensing to create state fire permit stickers and distribute them to local fire districts throughout the state.
- Makes it a civil infraction for any person to remove, replicate, or otherwise interfere with the display of a state fire permit.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Pollet, Chair; Peterson, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 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 L&I 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 ampere (known as amps) or 120 voltage (volts). Under the L&I review process, the L&I approves plans for each conversion vending unit and inspects the unit 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 State Building Code Council (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 liquified petroleum (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 United States Department of Transportation.

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

Summary of Substitute Bill:

An annual statewide mobile food unit fire permit is established for food trucks (mobile food units and conversion vending units). A single fire permit that is current and issued by a fire district is valid in all counties and cities throughout Washington.

The SBCC must adopt fire permit rules for food trucks 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. The SBCC must consult with the State Fire Marshal's Office, the L&I, and the food truck industry prior to publication of the rules. The SBCC must also adopt and amend rules, as necessary, for the purpose of providing uniform rules and guidelines for food trucks.

The Department of Licensing (DOL) must create a state fire permit in the form of a red sticker that indicates a food truck is in compliance with fire permit requirements. The sticker must have a space for where fire districts can indicate the time period for which the sticker is valid. The DOL must: (1) maintain the state fire permits; and (2) upon request, distribute the state fire permits to local fire districts throughout the state for distribution and permitting of food trucks that are in compliance with the state fire permit requirements.

Every food truck operating for the commercial sale of food must: (1) comply with the specified list of requirements specified in the act; (2) be inspected annually by a fire district; (3) obtain a valid fire permit sticker upon successful compliance with the state fire permit requirements; (4) affix and clearly display the fire permit sticker in a conspicuous place during operation of the mobile food unit; and (5) upon request, have the sticker available for inspection at all times by code enforcement. Only one fire permit is required per mobile food unit. However, nothing prohibits a random secondary fire inspection of a food truck during periods when the unit is in operation.

A current valid fire permit is valid throughout Washington and must be recognized in all jurisdictions of Washington. The total charge for the inspection and fire permit sticker is \$25 and each fire district that inspects a food truck and issues the food truck vendor a fire permit may retain the respective proceeds from the collected fire permit fees.

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.

It is a civil infraction, punishable by a \$500 fine, for any person to remove, replicate, or otherwise interfere with the display of a state fire permit.

Substitute Bill Compared to Original Bill:

Most of the original bill was eliminated and the substitute bill adds the following provisions that:

- require the SBCC to adopt fire permit rules for food trucks;
- require all food trucks to: (1) be annually inspected by a local Washington fire district; and (2) have affixed and displayed a current valid state fire permit;
- establish a check list of requirements that food truck vendors must comply with in order to obtain a valid statewide fire permit;
- limit the charge for the fire inspection and permit to \$25 and authorizes local fire districts to retain the proceeds from the collected fee;
- require the DOL to: (1) create the state fire permit in the form of a red sticker; (2) maintain the state fire permits; and (3) distribute the state fire permits to local fire districts throughout the state for distribution and permitting of food trucks that are in compliance with the state fire permit requirements; and
- make it a civil infraction for any person to remove, replicate, or otherwise interfere with the display thereof of a state fire permit.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 22, 2019.

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

Staff Summary of Public Testimony:

(In support) This is an industry initiated bill in response to numerous food truck explosions happening around the world.

The current regulatory system in Washington can often be chaotic. In some jurisdictions the fire districts are sent an alert notice as soon as a food truck vendor applies for a business license. This does not happen in all jurisdictions.

Although the L&I already does statewide inspections of food trucks, their inspections are only for the structure of the vehicle. In fact, most of the state has no fire code regulations at all for food trucks. One of the current problems is when a food truck has been inspected in one city then that same truck is required to get a second inspection if they operate in another

city. The food truck industry just wants standardized fire regulations where the permit has reciprocity throughout the state.

Food trucks have a thin revenue margin and are currently at risk of being put out of business because they are required to pay fire and other permit fees for every city in which they operate. A fire inspection should be universal. The goal of this bill is to set up a program that includes a checklist of fire code requirements and to ensure those requirements are accepted and recognized statewide. As a result, minimum standards need to be set by the state and having one permit across the board will be helpful for everyone. This bill will get rid of the patchwork of fire codes across the state.

(Opposed) There is support for having statewide fire standards and a statewide fire permit. However, there is opposition to the current original draft of the bill that includes preemption language. Local fire officials want to retain the ability to look at the operational functions of food trucks that enter and operate in their communities. They also want to retain the right to have a municipal code that addresses specific local issues.

There is also concern that the current version of the bill raises some liability issues, especially in cases where one jurisdiction issues a permit to a food truck and then that truck sets up and operates in another jurisdiction. Local jurisdictions do not want to be responsible for trucks that they have certified leaving their jurisdiction and going to another jurisdiction.

Another problem with the current version of the bill draft is the certification for propane tanks. This is not an issue or liability that fire districts want to take on and would prefer to leave the act of certifying tanks with the private sector industry.

The City of Renton passed a municipal code to regulate food trucks in their jurisdiction after a major food truck explosion occurred in Philadelphia. The permit fee in Renton is \$100 and it pays for the fire inspection and onsite visits to the food trucks while they are in operation. Once the SBCC's rules go into effect in 2020, the City of Renton will repeal most of their local requirements although they do hope to retain the ability to oversee how food trucks operate when they come into their town.

Lastly, an amendment should be made to the bill to ensure that food trailers are certified and included in the bill.

Persons Testifying: (In support) Representative Peterson, prime sponsor; Tim Johnson, Washington State Food Truck Association; Jen Gustin, Boss Mama's Kitchen; and Jennifer Covello, South Beach Cuisine and Espresso.

(Opposed) Sharon Swanson, Association of Washington Cities; and Anjela St. John, Renton Regional Fire Authority.

Persons Signed In To Testify But Not Testifying: