

# HOUSE BILL REPORT

## HB 2783

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**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to standardizing fire safety requirements for mobile on-demand gasoline providers.

**Brief Description:** Standardizing fire safety requirements for mobile on-demand gasoline providers.

**Sponsors:** Representatives Griffey, Springer and Walen.

**Brief History:**

**Committee Activity:**

Local Government: 2/5/20, 2/7/20 [DPS].

**Brief Summary of Substitute Bill**

- Requires the State Building Code Council to adopt clarifying standards and administrative provisions for mobile on-demand gasoline operations, including provisions related to operator licensing, vehicle licensing, and site permitting processes, in order to provide guidance to local jurisdictions that are establishing permitting procedures.
- Allows local jurisdictions to collect fees for inspections and permits involving on-demand gasoline operations.

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### 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; Duerr, Vice Chair; Kraft, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Appleton, Goehner and Senn.

**Staff:** Kellen Wright (786-7134).

**Background:**

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*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.*

The State Building Code Council is responsible for updating, maintaining, and amending the State Building Code (Code). The Code is comprised of various international model codes, including building, residential, and plumbing codes. These codes establish minimum standards for construction, engineering, and safety. Local jurisdictions are required to enforce the provisions of the Code.

The International Fire Code is one of the codes included within the Code. Local officials, often local fire marshals, enforce this code.

A mobile on-demand fuel provider uses mobile fueling vehicles to deliver gasoline directly to customers' vehicles.

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### **Summary of Substitute Bill:**

The State Building Code Council (Council) must adopt rules to clarify standards and administrative provisions for mobile on-demand gasoline operations. All such rules must conform to Section 5707 of the 2018 International Fire Code, and the Council must consider recommendations from the Washington State Association of Fire Marshals. The rules must be adopted by December 2020. The purpose of the rules is to provide assistance to local authorities establishing permitting processes.

The rules adopted by the Council must address three subjects. The first subject is the creation of a mobile on-demand operator certification, and the possibility of standardized permitting processes, operational requirements, and a reciprocal acceptance of certification throughout jurisdictions in Washington. The second subject is the creation of a mobile on-demand fueling truck permit or certification, and the possibility of standardized permitting, certification requirements, or vehicle requirements, and reducing the number of inspections required of a single vehicle to be licensed in multiple jurisdictions. The third subject is site permits for mobile on-demand operations issued by local jurisdictions under conditions established by the local jurisdiction. Such site permits must be issued in at least two tiers. A tier 1 permit applies to locations at which the local jurisdiction has determined that a mobile on-demand gasoline provider can operate without unusual environmental or safety concerns. Tier 1 permits may be issued with an expedited process and without prior site inspection, though a local fire marshal retains the ability to conduct an inspection, impose additional requirements, or to revoke permission to operate at a location for specific safety or environmental reasons. A tier 2 permit applies to any location that has not been determined to be eligible for a tier 1 permit, and may require a site inspection prior to issuance.

Fees may be charged by a local jurisdiction for the cost of conducting an inspection or issuing a permit related to a mobile on-demand gasoline operation.

### **Substitute Bill Compared to Original Bill:**

The substitute bill:

- replaces the requirement that the State Building Code Council (Council) develop a statewide permitting process for mobile on-demand gasoline providers and mobile

- fueling trucks with a requirement that the Council clarify standards in order to aid local authorities in establishing permitting structures;
- requires that, in adopting provisions and administrative guidelines, the Council address the creation of a "mobile on-demand operator" certification that conforms to the provisions of the 2018 International Fire Code, and that the Council consider standardized permitting processes, operational requirements, and reciprocal acceptance of certification;
  - requires that the Council address the creation of a "mobile on-demand fueling truck" permit or certification that is consistent with the provisions of the International Fire Code, and that the Council consider standardized permitting or certification requirements, standardized vehicle requirements, and processes that do not require multiple inspections of a particular vehicle to allow it to operate across jurisdictions;
  - replaces the requirement that the Council develop categories of locations at which a mobile on-demand fuel providers could operate with a requirement that the Council address a site permit consistent with the International Fire Code that would be issued by local jurisdictions and which could include local requirements.
  - requires that permits issued by local jurisdictions be in two tiers: tier 1 permits for locations the local jurisdiction has determined do not represent unusual environment or safety concerns, and which will be issued on an expedited basis without prior site inspection; and tier 2 permits for locations not designated as tier 1, and at which a site inspection may be required prior to issuance; and
  - allows the collection of fees to offset permit inspection and issuance costs, including administrative costs and overhead.
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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 8, 2020.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Mobile fueling is convenient, aids local businesses, and is more environmentally friendly because it reduces vehicle miles and spills, and removes the need for underground storage tanks. Mobile fueling increases accessibility for seniors and for differently-abled populations. Mobile fuel trucks could also be used in an emergency situation. In order to survive, industry must expand, and there are currently barriers to expansion. These barriers include redundant permitting and requirements for permitting standard locations. Some growing companies do not have the bandwidth for the required inspections. The system of tiered site permits should speed up the process. This bill would streamline permitting while not compromising standards. It reduces regulatory inefficiencies and saves valuable time and money. The substitute bill was negotiated with the fire marshal's office, and was part of a collaborative process to reach agreement. This bill would allow local jurisdictions to retain control while reducing burdens on the industry. This is a relatively new industry, and the fire code is just catching up.

(Opposed) None.

**Persons Testifying:** Representative Griffey, prime sponsor; Aileen Zhong, Booster Fuels; Bryan McConaughy, Washington State Association of Fire Marshals; Tim Munnis, Seattle Fire Department; and Pierson Stoecklein, Shell TapUp.

**Persons Signed In To Testify But Not Testifying:** None.