
HOUSE BILL 2107

State of Washington

66th Legislature

2019 Regular Session

By Representatives Blake, Walsh, and Young

Read first time 02/21/19. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to prohibiting employer searches of vehicles of
2 employees; adding new sections to chapter 49.12 RCW; and prescribing
3 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 49.12
6 RCW to read as follows:

7 (1) Except as provided in subsection (2) of this section:

8 (a) An employer or the employer's agent may not search the
9 locked, privately owned vehicles of employees on the employer's
10 parking lot or garages or the access to the parking lots or garages.

11 (b) An employer may not require, as a condition of employment,
12 that an employee or prospective employee waive the protections of (a)
13 of this subsection.

14 (2) This section does not apply to:

15 (a) An employer-provided secure parking lot or garage which
16 restricts general public access through the use of a gate, security
17 station, security officers, or other similar means, so long as any
18 employer policy allowing vehicle searches applies to all vehicles
19 entering the property and is applied on a uniform and frequent basis;

20 (b) Vehicles owned or leased by an employer;

21 (c) Searches by law enforcement officers when acting lawfully;

1 (d) When a reasonable person would believe that accessing a
2 locked vehicle of an employee is necessary to prevent an immediate
3 threat to human health, life, or safety;

4 (e) When an employee consents to a search of his or her locked
5 privately owned vehicle by a licensed private security guard for loss
6 prevention purposes based on probable cause that the employee
7 unlawfully possesses employer property;

8 (f) To any correctional institution, detention facility, or
9 similar place of confinement or confinement alternative; or

10 (g) To parking lots or garages or access thereto contiguous to
11 facilities providing electricity or natural gas transmission, water
12 storage or supply, or other utilities.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.12
14 RCW to read as follows:

15 (1)(a) Upon complaint by an employee, the director must
16 investigate to determine whether an employer has violated section 1
17 of this act. The director may require the testimony of witnesses and
18 production of documents as part of the director's investigation.

19 (b) If the director determines that an employer has violated
20 section 1 of this act, the director may order payment to the
21 department of a civil penalty of not more than two hundred dollars
22 for an employer's first violation and not more than one thousand
23 dollars for any subsequent violation; and payment to the department
24 for investigation and enforcement costs. For the purposes of a civil
25 penalty under this section, a violation as to each affected employee
26 constitutes a separate violation.

27 (2) An appeal from the director's determination may be taken in
28 accordance with chapter 34.05 RCW.

29 (3) The department must deposit civil penalties paid under this
30 subsection in the supplemental pension fund under RCW 51.44.033.

31 (4) The department may collect amounts ordered by the director
32 under this section under the procedures under RCW 49.48.086.

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