

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1706**

67th Legislature  
2022 Regular Session

Passed by the House March 7, 2022  
Yeas 97 Nays 1

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**Speaker of the House of  
Representatives**

Passed by the Senate March 2, 2022  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1706** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1706**

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AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

**State of Washington                      67th Legislature                      2022 Regular Session**

**By** House Transportation (originally sponsored by Representatives Sells, Ryu, Wicks, Berry, Valdez, Graham, Berg, Macri, Peterson, Senn, Shewmake, Orwall, Gregerson, Dolan, Fitzgibbon, Paul, Stonier, Davis, Riccelli, Santos, Taylor, and Kloba)

READ FIRST TIME 02/07/22.

1            AN ACT Relating to truck drivers ability to access restroom  
2 facilities; adding a new section to chapter 70.54 RCW; and  
3 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) "Drayage truck operator" means the driver of any in-use on-  
10 road vehicle with a gross vehicle weight rating greater than 33,000  
11 pounds operating on or transgressing through port or intermodal rail  
12 yard property for the purpose of loading, unloading, or transporting  
13 cargo, including containerized, bulk, or break-bulk goods.

14            (b) (i) "Terminal operator" means the business entity operating a  
15 marine terminal for loading and unloading cargo to and from marine  
16 vessels.

17            (ii) "Terminal operator" includes the port if the port is  
18 directly operating the marine terminal in loading and unloading cargo  
19 to and from marine vessels.

20            (2) A terminal operator must provide a sufficient number of  
21 restrooms for use by drayage truck operators in areas of the terminal

1 that drayage truck operators typically have access to, such as inside  
2 the gate and truck queuing lots. Restrooms may include fixed  
3 bathrooms with flush toilets or portable chemical toilets. At least  
4 one restroom provided by the terminal operator must be a private  
5 space suitable for and dedicated to expressing breast milk.

6 (3) A terminal operator is deemed in compliance with this section  
7 if the terminal operator:

8 (a) Allows drayage truck operators access to existing restrooms  
9 while the drayage truck operators are on port property in areas of  
10 the terminal that drayage truck operators typically have access to  
11 and when access does not pose an obvious safety risk to the drayage  
12 truck operators and other workers in the area and does not violate  
13 federal terminal security requirements;

14 (b) When necessary, provides additional restrooms at locations  
15 where there is the most need. To determine need, the terminal  
16 operator must assess the use and accessibility of existing restrooms  
17 and conduct a survey of drayage truck operators; and

18 (c) Has a policy that allows drayage truck operators to leave  
19 their vehicles at reasonable times and locations for purposes of  
20 accessing restrooms.

21 (4) Restrooms for drayage truck operators must be located in  
22 areas where access would not pose an obvious health or safety risk to  
23 the drayage truck operators or other workers in the area.

24 (5) (a) The departments of health and labor and industries have  
25 jurisdiction to enforce this section.

26 (b) The department of health may issue a warning letter to the  
27 port terminal operator for a first violation of this section,  
28 informing the port terminal operator of the requirements of this  
29 section. A port terminal operator that violates this section after  
30 receiving a warning letter is guilty of a class 2 civil infraction  
31 under chapter 7.80 RCW.

32 (c) Failure of a terminal operator to comply with this section is  
33 a violation of chapter 49.17 RCW.

34 (d) The departments may not take duplicate enforcement actions  
35 against an individual or business for violations arising from the  
36 same conduct.

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