

FINAL BILL REPORT

SHB 1457

C 251 L 23

Synopsis as Enacted

Brief Description: Concerning a motor carrier's ability to access restroom facilities required by rules authorized under chapter 49.17 RCW.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Robertson, Berry, Santos, Reed and Fosse).

House Committee on Transportation

House Committee on Appropriations

Senate Committee on Labor & Commerce

Senate Committee on Ways & Means

Background:

Motor Carriers.

Motor carriers are entities that transport property for others in interstate or intrastate commerce. Motor carriers are generally regulated by the Utility and Transportation Commission under state law.

Shippers and Consignees.

A shipper is a business or person that tenders property to a motor carrier for transportation in interstate or intrastate commerce. A consignee is a business or person who takes delivery of property from a motor carrier in interstate or intrastate commerce.

Restroom Requirements.

Under the Washington Industrial Safety and Health Act (WISHA), an employer must provide a workplace free from recognized hazards. The Department of Labor and Industries (L&I) administers WISHA. The Department of Labor & Industries has adopted general health and safety standards, pursuant to WISHA, that apply to most industries. Employers must generally provide restrooms to employees with a minimum number of toilets, based on the maximum number of employees present at any one time during a shift. An exception to this rule is allowed for mobile crews or work locations not normally attended by employees.

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

A retail establishment that has an employee restroom must allow a customer to use that employee restroom during normal business hours if:

- three or more employees of the retail establishment are working at the time the customer requests use of the employee restroom, and the establishment does not normally make a restroom available to the public; and
- the employee restroom is reasonably safe, and is not located in an area where providing access would create an obvious health or safety risk to the customer; or allowing the customer to access the employee restroom does not pose a security risk to the retail establishment or its employees.

A terminal operator of a port district must provide a sufficient number of restrooms for use by drayage truck operators in areas of the terminal that drayage truck operators typically access. This requirement is met if the terminal operator:

- allows drayage truck operators access to existing restrooms while the drayage truck operators are on port property, when access does not pose an obvious safety risk to the drayage truck operators and other workers in the area, is in areas where drayage truck operators typically have access, and does not violate federal terminal security requirements;
- provides additional restrooms at locations where there is the most need; and
- has a policy that allows drayage truck operators to leave their vehicles at reasonable times and locations for purposes of accessing restrooms.

The Department of Health (DOH) and L&I are authorized to enforce the restroom requirements that apply to port district terminal operators. The DOH may issue a warning for a first violation of the requirements; a subsequent violation is a class 2 civil infraction. Failure to comply with the restroom requirement is a violation of WISHA.

Summary:

Restroom Access for Motor Carriers.

A shipper or consignee required to provide a restroom by rules authorized under WISHA must allow a motor carrier delivering goods to the consignee, or picking goods up from the shipper, to use that restroom during normal business hours if:

- the restroom is located in an area where providing access would not create an obvious health or safety risk to the motor carrier; and
- allowing the motor carrier access to the restroom does not pose any obvious security, health, or safety risk to the shipper, consignee, or its employees.

A shipper or consignee is not required to make any physical changes to a restroom and may require that an employee accompany a motor carrier to the restroom. A shipper or consignee, or an employee of a shipper or consignee, is not civilly liable for any act or omission in allowing a motor carrier to use a restroom if: (1) the act or omission is not willful or grossly negligent; (2) occurs in an area of the shipper or consignee facility that is

not accessible to the public; and (3) results in an injury to, or death of the motor carrier, or any individual other than an employee accompanying the motor carrier.

Enforcement.

The DOH is authorized to enforce the restroom requirements. The DOH may issue a warning letter to a shipper or consignee for a first violation. A shipper or consignee that violates these provisions after receiving a warning letter is guilty of a class 2 civil infraction.

Votes on Final Passage:

House 96 0

Senate 49 0

Effective: July 23, 2023