



Notice of Adoption – Policy Statement

Title: Motor carriers – Access to restroom facilities | OAS-01-2024

Issuing Entity: Department of Health

Subject Matter: Outlines the Department of Health’s (department) process to enforce RCW 70.54.500, Motor carriers – Access to restroom facilities. RCW 70.54.500 requires a shipper or consignee to provide access to a restroom to a motor carrier delivering goods to or picking goods up during normal business hours.

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Policy Statement

Title:	Motor carriers – Access to restroom facilities.
Policy Statement Number:	OAS-01-2024
Document Number:	N/A
References:	RCW 70.54.500; Chapter 49.17 RCW; Chapter 7.80 RCW; Chapter 296-800 WAC
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This policy statement outlines the Department of Health’s (department) process to enforce RCW 70.54.500, Motor carriers – Access to restroom facilities. RCW 70.54.500 requires a shipper or consignee to provide access to a restroom on its premises to a motor carrier delivering or picking goods up during normal business hours.

RCW 70.54.500, Motor carriers – Access to restroom facilities.

[RCW 70.54.500](#) was passed in 2023 and requires a shipper or consignee to provide access to a restroom by rules authorized under [chapter 49.17 RCW](#) to a motor carrier delivering or picking goods up during normal business hours.

Chapter 49.17 RCW, the Washington Industrial Safety and Health Act gives the Washington State Department of Labor and Industries (L&I) authority to establish rules for workplace safety and health. Chapter 296-800 WAC outlines bathroom requirements. RCW 70.54.500 specifies that a shipper or consignee is not required to make any physical changes to the bathroom under this section. A shipper or consignee cannot exempt themselves from the requirements in RCW 70.54.500.

Enforcement Process

When the department receives a complaint that a shipper or consignee has prohibited a motor carrier from using the restroom, staff will investigate the allegations of the complaint and offer education, technical assistance, and guidance to the shipper or consignee on how to comply with RCW 70.54.500.

If staff receive additional complaints following educational attempts or if the shipper or consignee states they are unwilling to comply with RCW 70.54.500, staff will conduct a formal investigation which may include conducting complainant interviews, contacting other licensing and permitting agencies, reviewing previous cases, and actions taken against the shipper or consignee.

The department may determine a shipper or consignee is not in violation of RCW 70.54.500 if during an investigation it is found that:

- The restroom is located in an area where providing access would create an obvious health or safety risk to the motor carrier, or
- Allowing the motor carrier access to the restroom would pose an obvious security, health, or safety risk to the shipper, consignee, or its employees.

RCW 70.54.500 does not define "obvious health or safety risk". The Department interprets these terms consistent with chapter 49.17 RCW and its definition of "hazard" in chapter 296-800 WAC.

If the Department determines that a shipper or consignee has violated RCW 70.54.500, the Department can issue:

- A warning letter for the first violation. The warning letter will inform the shipper or consignee of the requirements of RCW 70.54.500.
- A notice of infraction for the second violation. The notice of infraction will inform the shipper or consignee they are guilty of a class 2 civil infraction under [chapter 7.80 RCW](#) and they must pay a fine of \$125.

The process to contest a civil infraction or request a hearing in district court for class 2 civil infractions follows [chapter 7.80 RCW](#) and the Washington State Court Rules.

The shipper or consignee may not be civilly liable if:

- Their actions are not willful or grossly negligent,
- A restroom is not accessible by the public (including employees), or
- Providing access to a restroom could result in injury to or death of the motor carrier.

Definitions

For the purpose of this Policy Statement:

- “Consignee” means the same as RCW 70.54.500(1)(a).
- “Motor carrier” means the same as RCW 70.54.500(1)(b).
- “Normal business hours” means any time a shipper or consignee has employees present and/or is accepting or providing a shipment.
- “Restroom” means the same as RCW 70.54.500(1)(c).
- “Shipper” means the same as RCW 70.54.500(1)(d).