
SUBSTITUTE HOUSE BILL 1134

State of Washington

66th Legislature

2019 Regular Session

By House Local Government (originally sponsored by Representatives Peterson, Griffey, Irwin, Lekanoff, Gregerson, Eslick, and Pollet)

1 AN ACT Relating to standardizing fire safety codes for mobile
2 food establishments; adding a new chapter to Title 19 RCW;
3 prescribing penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

8 (1) "Conversion vending unit" has the same meaning as in RCW
9 43.22.335.

10 (2) "Mobile food operator" means an individual who is legally
11 responsible for the operation of the mobile food unit or conversion
12 vending unit that operates a food establishment, such as the owner,
13 owner's agent, or other person.

14 (3) "Mobile food unit" has the same meaning as in RCW 43.20.148.

15 (4) "Owner or operator" means an individual who is legally
16 responsible for the operation of the mobile food unit such as the
17 proprietor, proprietor's agent, or other person.

18 (5) "State fire permit" is an annual fire permit that: (a) Is
19 issued by a local fire district to the mobile food operator of a
20 mobile food unit or conversion vending unit operating a food
21 establishment in Washington that is in compliance with the

1 requirements established by the state building code council pursuant
2 to section 6 of this act; (b) is valid for twelve months; and (c) has
3 reciprocity throughout the state and is recognized in all counties,
4 cities, or towns.

5 NEW SECTION. **Sec. 2.** Except as provided in chapter 43.22 RCW,
6 the state of Washington fully occupies and preempts the entire field
7 of regulating the fire code for mobile food units and conversion
8 vending units operating food establishments. Any part of an
9 ordinance, standard, rule, or regulation adopted by a county, city,
10 or town that conflicts with this chapter, or rules adopted in
11 accordance with this chapter, is void and has no force or effect.

12 NEW SECTION. **Sec. 3.** (1) Mobile food units and conversion
13 vending units operating food establishments in Washington are exempt
14 from the provisions of chapter 3, section 319.10.1 of the
15 international fire code relating to exhaust system inspections and
16 section 319.10.3 of the international fire code relating to fuel gas
17 system inspections. However, the state building code council shall
18 adopt rules that require: (a) An annual inspection of the exhaust
19 system of each mobile food unit and conversion vending unit operating
20 a food establishment in Washington; and (b) an annual inspection of
21 the fuel gas system and LP-gas containers by an approved inspection
22 agency or company or a local fire district or fire department in
23 Washington.

24 (2) Except as provided in subsection (1) of this section, the
25 state building code council shall adopt state fire permit rules for
26 mobile food units and conversion vending units operating food
27 establishments in Washington. The state building code council shall
28 consult with the state fire marshal's office as provided in chapter
29 43.43 RCW, the department of labor and industries as provided in
30 chapter 43.22 RCW, and the food truck industry prior to publication
31 of the proposed rules. The state fire marshal's office and the
32 department of labor and industries may recommend to the state
33 building code council any changes necessary to conform the proposed
34 rules to the requirements of this section and to promote the health,
35 safety, and welfare of the public.

36 NEW SECTION. **Sec. 4.** (1) The department of licensing must
37 create a state fire permit, in the form of a red insigne, which

1 indicates that a conversion vending unit and mobile food unit is in
2 compliance with the state fire permit provisions of section 6 of this
3 act.

4 (2) The state fire permit must be in the form of a red sticker
5 with a space for where fire districts can indicate the date or period
6 for which the sticker is valid.

7 (3) The director of the department of licensing shall: (a)
8 Maintain the state fire permits; and (b) upon request, distribute the
9 state fire permits to local fire districts throughout the state for
10 distribution and permitting of conversion vending units and mobile
11 food units in compliance with the state fire permit requirements
12 pursuant to this section.

13 NEW SECTION. **Sec. 5.** (1) Every conversion vending unit and
14 mobile food unit operating for the commercial sale of food in
15 Washington shall:

16 (a) Be inspected by a local Washington fire district annually;
17 (b) Obtain a valid state fire permit sticker upon successful
18 compliance with the state fire permit requirements under section 4 of
19 this act; and

20 (c) Have affixed and displayed a current valid state fire permit.

21 (2) The total charge for the annual fire inspection and state
22 fire permit shall not exceed twenty-five dollars per inspection.

23 (3) Only one state fire permit per mobile food unit or conversion
24 vending unit is required per year and such state fire permit is valid
25 in all local jurisdictions throughout the state. Nothing prohibits a
26 random secondary fire inspection of a mobile food operator of a
27 mobile food unit or conversion vending unit during periods when such
28 unit is in operation.

29 (4) The fire district that performs the fire inspection of the
30 mobile food unit or conversion vending unit, issues the state fire
31 permit sticker pursuant to section 4 of this act, and collects the
32 respective state fire permit fee, shall retain the proceeds from the
33 collected state fire permit fee.

34 (5) The required state fire permit, for each mobile food unit or
35 conversion vending unit operating a food establishment, issued by a
36 fire district in Washington is valid throughout the state and shall
37 be recognized in any county, city, or town throughout the state.

1 NEW SECTION. **Sec. 6.** (1) Every mobile food operator of a mobile
2 food unit or conversion vending unit shall obtain an annual fire
3 inspection from a local fire district that complies with the
4 following requirements:

5 (a) Each mobile food unit and conversion vending unit must have a
6 type 1 hood installed above the commercial cooking appliances
7 (griddles/fryers);

8 (b) The fire extinguishing system of each mobile food unit and
9 conversion vending unit must be serviced annually, or after each
10 extinguishing system use. Proof must be provided documenting cleaning
11 and inspection of the suppression system;

12 (c) Each mobile food unit and conversion vending unit must have a
13 fire extinguisher with minimum rating 2A:10BC;

14 (d) Each mobile food unit and conversion vending unit must have a
15 type 1 rated hood system and a K rated fire extinguisher, if the unit
16 has grillers and fryers;

17 (e) Each mobile food unit and conversion vending unit must be in
18 compliance with chapter 61 of the international fire code if the unit
19 contains a liquid propane gas system;

20 (f) The maximum aggregate capacity of the liquid propane gas
21 containers shall not exceed two hundred pounds propane capacity in
22 any mobile food unit or conversion vending unit;

23 (g) The liquid propane containers installed on each mobile food
24 unit and conversion vending unit shall be securely mounted and
25 restrained to prevent movement. If there are freestanding cylinders,
26 each shall be protected from impacts and falling over;

27 (h) If the liquid propane containers are in a closed compartment
28 of the mobile food unit or conversion vending unit, there shall be a
29 vent to the exterior;

30 (i) Each mobile food unit and conversion vending unit must have a
31 leak detection alarm installed to manufacturer's specifications;

32 (j) The LP-gas system of each mobile food unit and conversion
33 vending unit shall be annually inspected;

34 (k) If the mobile food unit or conversion vending unit contains a
35 compressed natural gas system, it shall comply with national fire
36 protection association standard 52 and the following shall apply:

37 (i) The containers for compressed natural gas shall not exceed
38 one thousand three hundred pounds water capacity;

39 (ii) The compressed natural gas containers installed on the
40 mobile food unit shall be securely mounted and restrained to prevent

1 movement and shall be installed in a place to withstand a direct
2 vehicular impact. Any freestanding cylinders shall be protected from
3 impacts and falling over;

4 (iii) The mobile food unit must have a methane alarm installed to
5 manufacturer's specifications; and

6 (iv) The compressed natural gas system must be inspected every
7 three years by a qualified service facility. The system shall have a
8 tag with the name of the inspection agency and date of inspection;
9 and

10 (1) If there is a fixed cooking oil storage tank installed on the
11 mobile food unit or conversion vending unit, the following
12 requirements apply:

13 (i) Metallic and nonmetallic tanks shall be listed Underwriter
14 Laboratories 80 or 142;

15 (ii) Normal and emergency venting shall be provided for cooking
16 oil storage tanks; and

17 (iii) Nonmetallic tanks shall not exceed two hundred gallons and
18 must be appropriately rated up to the maximum temperature it is
19 exposed to during use.

20 (2) The vehicle when it is operating as a mobile food unit must
21 be situated to keep the fire lanes clear. In addition, it must be
22 located a minimum of five feet from noncombustible buildings, such as
23 block or concrete walls. In cases where the building is made of wood
24 or has combustible siding, the mobile food unit must be ten feet
25 away. For all buildings, the mobile food unit must be ten feet from
26 any door, window, or opening. The mobile food unit must be ten feet
27 from the nearest tent or other mobile food units.

28 (3) Every mobile food operator of a mobile food unit or
29 conversion vending unit must display, during its operation, a valid
30 state fire permit that is: (a) Located in the respective mobile food
31 unit or conversion vending unit; (b) clearly displayed in a
32 conspicuous place during operation of the mobile food unit; and (c)
33 upon request, available for inspection at all times by code
34 enforcement.

35 NEW SECTION. **Sec. 7.** It is a civil infraction, punishable by a
36 five hundred dollar fine, for any person to remove, replicate, or
37 otherwise interfere with the display thereof of a state fire permit
38 issued under the provisions of this chapter.

1 NEW SECTION. **Sec. 8.** The Washington state building code council
2 shall adopt and amend rules, as necessary, for the purpose of
3 providing uniform rules and guidelines for mobile food units and
4 ensure that the council's rules do not conflict with the provisions
5 of this chapter.

6 NEW SECTION. **Sec. 9.** Sections 1 through 8 and 10 of this act
7 constitute a new chapter in Title 19 RCW.

8 NEW SECTION. **Sec. 10.** This act takes effect July 1, 2020.

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