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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R.

To amend title 49, United States Code, with respect to restroom access
for certain drivers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. NEHLS introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend title 49, United States Code, with respect to
restroom access for certain drivers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. RESTROOM ACCESS FOR DRIVERS.**

4 (a) IN GENERAL.—Subchapter I of chapter 141 of
5 title 49, United States Code, is amended by adding at the
6 end the following:

7 **“§ 14105. Restroom access for drivers**

8 “(a) IN GENERAL.—A covered driver shall be granted
9 access to any covered restroom facility at any covered es-

1 establishment to which such employee delivers any goods or
2 cargo or is waiting to be loaded to transport goods or
3 cargo.

4 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to require a covered establishment
6 to make any physical changes to a restroom to be in com-
7 pliance with this section.

8 “(c) DEFINITIONS.—In this section:

9 “(1) COVERED DRIVER.—The term ‘covered
10 driver’ means any commercial motor vehicle operator
11 with respect to whom the Secretary of Transpor-
12 tation has power to establish qualifications and max-
13 imum hours of service pursuant to the provisions of
14 section 31502.

15 “(2) COVERED RESTROOM FACILITY.—The
16 term ‘covered restroom facility’ means a restroom lo-
17 cated on the premises of a covered establishment
18 that is intended for use by customers or employees
19 of the establishment and that is—

20 “(A) located in an area where providing
21 access would not create an obvious health or
22 safety risk to a covered driver; and

23 “(B) located in an area where providing
24 access would not pose an obvious security risk
25 to the covered establishment.

1 “(3) COVERED ESTABLISHMENT.—The term
2 ‘covered establishment’—

3 “(A) means a place of business open to the
4 general public for the sale of goods or services;

5 “(B) a shipper, receiver, manufacturer,
6 warehouse, distribution center, or any other
7 business entity that is receiving or sending
8 goods by commercial motor vehicle;

9 “(C) does not include any structure such
10 as a filling station, service station, or res-
11 taurant of 800 square feet or less that has a
12 restroom located within such structure that is
13 only intended for use by employees; and

14 “(D) does not include any rail facility.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 141 of title 49, United States Code, is amended by
17 inserting after the item relating to section 14104 the fol-
18 lowing new item:

 “14105. Restroom access for drivers.”.

19 **SEC. 2. RESTROOM ACCESS FOR DRAYAGE TRUCK OPERA-**
20 **TORS.**

21 (a) IN GENERAL.—A terminal operator shall provide
22 a sufficient number of covered restrooms for use by cov-
23 ered drayage truck operators in areas of the terminal that
24 such operators typically have access to.

1 (b) REQUIREMENTS.—To be in compliance with sub-
2 section (a), a terminal operator shall provide—

3 (1) access to existing restrooms while covered
4 drayage truck operators are on port property and
5 when such access does not pose an obvious safety
6 risk to such truck operators and other employees of
7 the terminal operator in the area; and

8 (2) additional restrooms, if necessary, at loca-
9 tions where there is the most need; and

10 (3) a place for covered drayage truck operators
11 to park vehicles while accessing such restrooms.

12 (c) DEFINITIONS.—In this section:

13 (1) COVERED DRAYAGE TRUCK OPERATOR.—
14 The term “covered drayage truck operator” means
15 the driver of any in-use on-road vehicle with a gross
16 vehicle weight rating of greater than 33,000 pounds
17 operating on or transgressing through port or inter-
18 modal rail yard property for the purpose of loading,
19 unloading, or transporting cargo, including contain-
20 erized, bulk, or break-bulk goods.

21 (2) TERMINAL OPERATOR.—The term “ter-
22 minal operator”—

23 (A) means the business entity operating a
24 marine terminal for loading and unloading
25 cargo to and from marine vessels; and

1 (B) includes the port authority if the port
2 is directly operating the marine terminal in
3 loading and unloading cargo to and from ma-
4 rine vessels.

5 (3) COVERED RESTROOM.—The term “covered
6 restroom” means a restroom or portable chemical
7 toilet that is located in an area that does not pose
8 an obvious health or safety risk to a covered drayage
9 truck operator.