
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2465 Session of
2022

INTRODUCED BY SILVIS, ROTHMAN, SMITH, MAJOR AND DELLOSO,
MARCH 29, 2022

REFERRED TO COMMITTEE ON TRANSPORTATION, MARCH 29, 2022

AN ACT

1 Providing for retail restroom access for truck drivers and for
2 port restroom access for truck drivers; imposing penalties;
3 imposing a duty on the Department of Health; and providing
4 for enforcement.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Truck Driver
9 Restroom Access Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Common carrier." A person that transports property, cargo
15 or materials for the general public via motor vehicle for
16 compensation.

17 "Drayage truck driver." A driver of an in-use on-road
18 vehicle with a gross vehicle weight rating greater than 33,000
19 pounds operating on or moving through a port or intermodal rail

1 yard property for the purpose of loading, unloading or
2 transporting cargo, including containerized, bulk or break-bulk
3 goods.

4 "Receiver." A person that takes delivery from a motor
5 carrier or driver of a commercial motor vehicle of property,
6 cargo or materials transported in interstate or intrastate
7 commerce.

8 "Restroom." A bathroom facility on the premises of, and
9 operated by, a retail establishment, shipper and receiver and
10 intended for use by customers and employees.

11 "Retail establishment." A place of business open to the
12 general public for the sale of goods or service, including
13 commercial warehouses. The term does not include a structure
14 such as a filling station, service station or restaurant of 800
15 square feet or less that has a restroom located within the
16 structure intended for use by employees only.

17 "Shipper." A person that tenders property, cargo or
18 materials to a motor carrier or driver of a commercial motor
19 vehicle for transportation in interstate or intrastate commerce.

20 "Terminal operator." The business entity operating a marine
21 terminal for loading and unloading cargo to and from marine
22 vessels. The term includes a port if the port is directly
23 operating the marine terminal in loading and unloading cargo to
24 and from the marine vessels.

25 Section 3. Retail restroom access and penalties.

26 The following apply:

27 (1) A retail establishment, shipper or receiver that has
28 a restroom shall allow a common carrier delivering goods to
29 or picking goods up from the retail establishment to use that
30 restroom during regular business hours provided that:

1 (i) The restroom is located in an area where
2 providing access would not create health or safety risks
3 to the common carrier.

4 (ii) Allowing the common carrier to access the
5 restroom does not pose a security risk to the retail
6 establishment or the employees or customers of the retail
7 establishment.

8 (iii) Restrooms may include fixed bathrooms with
9 plumbing or portable toilets.

10 (2) For a first violation of this section, the
11 Department of Health shall issue a notice letter to the owner
12 or operator of the retail establishment and to any employee
13 of the retail establishment, shipper or receiver who denies
14 access to a restroom in violation of this section, informing
15 them of the requirements of this section. An additional
16 violation shall result in a fine of \$300.

17 (3) This section shall not require a retail
18 establishment, shipper or receiver to make a physical change
19 to a restroom to be in compliance with this section.

20 Section 4. Port restroom access.

21 The following apply:

22 (1) A terminal operator must provide a sufficient number
23 of restrooms for use by drayage truck drivers in terminal
24 areas to which drayage truck drivers have access. Restrooms
25 may include fixed bathrooms with plumbing or portable
26 toilets.

27 (2) A terminal operator is deemed in compliance with
28 this section if the terminal operator:

29 (i) Allows drayage truck drivers access to existing
30 restrooms while the drayage truck drivers are on port

1 property and when access does not pose a safety risk to
2 the drayage truck driver or other port workers.

3 (ii) When necessary, provides additional restrooms
4 at locations where there is the most need. Additional
5 restrooms shall be located in areas where access would
6 not pose an obvious health or safety risk to drayage
7 truck drivers and other port workers.

8 (iii) Has a policy that allows drayage truck drivers
9 to leave their vehicles at reasonable locations and times
10 for purposes of accessing restrooms.

11 Section 5. Enforcement.

12 The Department of Health and local health departments or
13 divisions of a county have concurrent jurisdiction to enforce
14 this act.

15 Section 6. Effective date.

16 This act shall take effect in 60 days.