AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 5718

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. BLUNT ROCHESTER

Viz:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trucker Bathroom Access Act''.

SEC. 2. RESTROOM ACCESS FOR DRIVERS.

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

''§ 14105. Restroom access for drivers

''(a) DEFINITIONS.—In this section:

"(1) COVERED DRIVER.—The term 'covered driver' means any commercial motor vehicle operator with respect to whom the Secretary has power to establish qualifications and maximum hours of service pursuant to the provisions of section 31502.

"(2) COVERED ESTABLISHMENT.—

"(A) IN GENERAL.—The term 'covered establishment' means a place of business of a shipper, receiver, manufacturer, warehouse, distribution center, or any other business entity that—

"(i) is open to the general public for the sale of goods or services; or

"(ii) is receiving or sending goods by commercial motor vehicle.

"(B) EXCLUSIONS.—The term 'covered establishment' does not include any structure, such as a filling station, service station, or restaurant, of 800 square feet or less that has a restroom located within that structure that is only intended for use by employees.

"(3) COVERED RESTROOM.—The term 'covered restroom' means a restroom that—

"(A) is located on the premises of a covered establishment;

"(B) is intended for use by customers or employees of the covered establishment; and

"(C) is located in an area where providing access to a covered driver would not—

"(i) create an obvious health or safety risk to the covered driver; or

"(ii) pose an obvious security risk to the covered establishment.

"(b) RESTROOM ACCESS.—A covered driver shall be granted reasonable access to any covered restroom at any covered establishment—

"(1) to which the covered driver delivers any goods or cargo, during the period of that delivery (including unloading); or

"(2) at which the covered driver is waiting for a commercial motor vehicle to be loaded to transport goods or cargo from that covered establishment.

"(c) RULE OF CONSTRUCTION.—Nothing in this section requires a covered establishment to make any physical changes to a restroom to be in compliance with this section.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 141 of title 49, United States Code, is amended by inserting after the item relating to section 14104 the following:

"14105. Restroom access for drivers.".

SEC. 3. RESTROOM ACCESS FOR DRAYAGE TRUCK OPERATORS.

(a) DEFINITIONS.—In this section:

(1) COVERED DRAYAGE TRUCK OPERATOR.—The term ''covered drayage truck operator'' means the driver of any in-use on-road vehicle with a gross vehicle weight rating of greater than 33,000 pounds operating on or transgressing through port or intermodal rail yard property for the purpose of loading, unloading, or transporting cargo, including containerized, bulk, or break-bulk goods.

(2) COVERED RESTROOM.—The term ''covered restroom'' means a restroom or portable chemical toilet that is located in an area that does not pose an obvious health or safety risk to a covered drayage truck operator.

(3) TERMINAL OPERATOR.—The term ''terminal operator''—

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

(B) includes the port authority if the port is directly operating the marine terminal in loading and unloading cargo to and from marine vessels.

(b) RESTROOM ACCESS.—A terminal operator shall provide a sufficient number of covered restrooms for use by covered drayage truck operators in areas of the terminal to which the covered drayage truck operators typically have access.

(c) REQUIREMENTS.—To be in compliance with subsection (b), a terminal operator shall provide—

(1) covered drayage truck operators with access to existing covered restrooms when—

(A) the covered drayage truck operators are on port property; and

(B) that access does not pose an obvious safety risk to—

(i) the covered drayage truck operators; or

(ii) other employees of the terminal operator in the area;

(2) additional covered restrooms, if necessary, at locations where there is the most need; and

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

(d) ENFORCEMENT.—

(1) IN GENERAL.—This section shall be enforced by the Attorney General under section 14703 of title 49, United States Code.

(2) TREATMENT.—For purposes of enforcement of this section, this section shall be treated as if it were a provision of part B of subtitle IV of title 49, United States Code.