

118TH CONGRESS
1ST SESSION

H. R. 3869

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2023

Mr. NEHLS (for himself and Ms. HOULAHAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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. SHORT TITLE.**

4 This Act may be cited as the “Trucker Bathroom Ac-
5 cess Act”.

6 **SEC. 2. RESTROOM ACCESS FOR DRIVERS.**

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

1 **“§ 14105. Restroom access for drivers**

2 “(a) IN GENERAL.—A covered driver shall be granted
3 access to any covered restroom facility at any covered es-
4 tablishment to which such employee delivers any goods or
5 cargo or is waiting to be loaded to transport goods or
6 cargo.

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

11 “(c) DEFINITIONS.—In this section:

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

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

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

1 covered drayage truck operators in areas of the terminal that
2 such operators typically have access to.

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

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

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

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

14 (c) DEFINITIONS.—In this section:

15 (1) COVERED DRAYAGE TRUCK OPERATOR.—

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

23 (2) TERMINAL OPERATOR.—The term “ter-
24 minal operator”—

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

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

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

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