



Washington State Senate

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May 31, 2024

Alicia Young
Kelly Paradis
Solicitor General's Office
Office of Washington State Attorney General

RE: Review for clarification of RCW 43.20.149 – Food Truck Commissaries

Dear Alicia and Kelly,

Recently the WA State Food Truck Association contacted me regarding the Snohomish County Health Department's new interpretation of RCW 43.20.149. The county is now requiring food trucks to maintain a second commissary kitchen in Snohomish County, in addition to the commissary kitchen in their original health jurisdiction. The intent of the 2020 bill behind this RCW, which I co-sponsored, was to allow these small business owners to avoid exactly this kind of requirement. The Association is not aware of any other health jurisdictions in Washington with this additional, costly requirement.

I am requesting an official review of clarification from your office. The Association and I are concerned that Snohomish County is mis-interpreting this law, and without correction, other jurisdictions could soon follow.

Below is the RCW in question. The highlighted sections are very clear, and prohibit regulatory authorities from requiring additional commissary agreements, under certain circumstances.

RCW 43.20.149

Mobile food units—Reciprocity—Rule making.

(1) Beginning May 1, 2020, a regulatory authority must accept a completed and approved plan review of a mobile food unit from another regulatory authority if:

(a) The applicant has obtained a valid permit to operate the mobile food unit from another regulatory authority; and

(b) The applicant provides the following to the regulatory authority from which the applicant is seeking a permit:

(i) A copy of the current operating permit from the original regulatory authority;

(ii) A copy of the complete approved plan review from the original regulatory authority;

(iii) The most recent inspection report of the mobile food unit from the original regulatory authority that demonstrates compliance with food safety standards; and

(iv) Any commissary agreements that the applicant was required to maintain under the permit from the original regulatory authority.

(2) Except as provided in (a) and (b) of this subsection, the regulatory authority may not require an applicant to submit any additional documents or inspections to obtain a permit to operate the mobile food unit.

(a) The regulatory authority may require an applicant to submit any restroom agreements the regulatory authority determines are necessary to comply with department and state board regulations.

(b) The regulatory authority may require an applicant to submit additional commissary agreements as required by department and state board regulations unless:

(i) A mobile food unit is exempt from the use of a commissary under RCW [43.20.148](#); or

(ii) A mobile food unit returns to its approved commissary after each day of service as described in the approved plan.

(3) A regulatory authority granting a permit pursuant to subsection (1) of this section may charge the applicant an annual permit fee, but may not charge a plan review or inspection fee.

(4) The state board must adopt rules to implement this section.

[[2019 c 185 § 3](#).]

I appreciate your assistance in this matter. Please contact me if I can provide further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Curtis King". The signature is fluid and cursive, with a large initial "C" and "K".

Senator Curtis King
14th Legislative District
curtis.king@leg.wa.gov