
SECOND SUBSTITUTE HOUSE BILL 1491

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington **68th Legislature** **2023 Regular Session**

By House Appropriations (originally sponsored by Representatives Orcutt, Chapman, Berry, Bronoske, Tharinger, and Pollet)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to prohibiting unjustified employer searches of
2 employee personal vehicles; and adding a new section to chapter 49.44
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 49.44
6 RCW to read as follows:

7 (1) Except as provided in subsection (2) of this section:

8 (a) An employer or an employer's agent may not search the
9 privately owned vehicles of employees located on the employer's
10 parking lots or garages or located on the access road to the
11 employer's parking lots or garages.

12 (b) An employee may possess any of the employee's private
13 property within the employee's vehicle, unless possession of such
14 property is otherwise prohibited by law.

15 (c) An employer must not require, as a condition of employment,
16 that an employee or prospective employee waive the protections of (a)
17 or (b) of this subsection.

18 (2) This section does not apply:

19 (a) To vehicles owned or leased by an employer;

20 (b) To lawful searches by law enforcement officers;

1 (c) When the employer requires or authorizes the employee to use
2 the employee's personal vehicle for work-related activities and the
3 employer needs to inspect the vehicle to ensure the vehicle is suited
4 to conduct the work-related activities;

5 (d) When a reasonable person would believe that accessing
6 vehicles of an employee is necessary to prevent an immediate threat
7 to human health, life, or safety;

8 (e) When an employee consents to a search of his or her privately
9 owned vehicle by the business owner, owner's agent, or a licensed
10 private security guard based on probable cause that the employee
11 unlawfully possesses: (i) Employer property; or (ii) a controlled
12 substance in violation of both federal law and the employer's written
13 policy prohibiting drug use. The employee's consent must be given
14 immediately prior to the search, and the employer may not require
15 that the employee waive consent as a condition of employment. Upon
16 consent, the employee has the right to select a witness to be present
17 for the search;

18 (f) To security inspections of vehicles on state and federal
19 military installations and facilities;

20 (g) To vehicles located on the premises of a state correctional
21 institution, as defined in RCW 9.94.049; or

22 (h) To specific employer areas subject to searches under state or
23 federal law.

24 (3) For purposes of this section, the terms "probable cause" and
25 "private property" have their usual meaning under state and federal
26 law.

27 (4) An employer may not take any adverse action against an
28 employee for exercising any right under this section. An adverse
29 action means any action taken or threatened by an employer against an
30 employee for exercising the employee's rights under this section, and
31 may include, but are not limited to:

32 (a) Denying the use of, or delaying, wages or other amounts owed
33 to the employee;

34 (b) Terminating, suspending, demoting, or denying a promotion;

35 (c) Reducing the number of work hours for which the employee is
36 scheduled;

37 (d) Altering the employee's preexisting work schedule;

38 (e) Reducing the employee's rate of pay; and

1 (f) Threatening to take, or taking, action based upon the
2 immigration status of an employee or an employee's family member.

--- **END** ---