

1 **ESSB 5703 - H AMD ADOPTED 4/9/01**

2 By Representative Kessler

3 Strike everything after the enacting clause and insert the  
4 following:

5 "Sec. 1. RCW 43.22.335 and 1999 c 22 s 1 are each amended to read  
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout RCW 43.22.340 through 43.22.420.

9 ~~(1) ("Park trailer" means a park trailer as defined in the  
10 American National Standards Institute A119.5 standard for park  
11 trailers.~~

12 ~~(2) "Recreational vehicle" means a vehicular type unit primarily  
13 designed for recreational camping or travel use that has its own motive  
14 power or is mounted on or towed by another vehicle. The units include  
15 travel trailers, fifth wheel trailers, folding camping trailers, truck  
16 campers, and motor homes.~~

17 ~~(3))~~ "Conversion vendor units" means a motor vehicle or  
18 recreational vehicle that has been converted or built for the purpose  
19 of being used for commercial sales at temporary locations. The units  
20 must be less than eight feet six inches wide in the set-up position and  
21 the inside working area must be less than forty feet in length.

22 ~~((+4))~~ (2) "Manufactured home" means a single-family dwelling  
23 required to be built in accordance with regulations adopted under the  
24 national manufactured housing construction and safety standards act of  
25 1974 (42 U.S.C. 5401 et seq.).

26 (3) "Medical unit" means a self-propelled unit used to provide  
27 medical examinations, treatments, and medical and dental services or  
28 procedures, not including emergency response vehicles.

29 (4) "Mobile home" means a factory-built dwelling built before June  
30 15, 1976, to standards other than the national manufactured housing  
31 construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.),  
32 and acceptable under applicable state codes in effect at the time of  
33 construction or introduction of the home into this state.

34 (5) "Park trailer" means a park trailer as defined in the American  
35 national standards institute A119.5 standard for park trailers.

1        (6) "Recreational vehicle" means a vehicular-type unit primarily  
2 designed for recreational camping or travel use that has its own motive  
3 power or is mounted on or towed by another vehicle. The units include  
4 travel trailers, fifth-wheel trailers, folding camping trailers, truck  
5 campers, and motor homes.

6        **Sec. 2.** RCW 43.22.420 and 1999 c 22 s 9 are each amended to read  
7 as follows:

8        There is hereby created a factory assembled structures advisory  
9 board consisting of nine members to be appointed by the director of  
10 labor and industries. It shall be the purpose and function of the  
11 board to advise the director on all matters pertaining to the  
12 enforcement of this chapter including but not limited to standards of  
13 body and frame design, construction and plumbing, heating and  
14 electrical installations, minimum inspection procedures, the adoption  
15 of rules pertaining to the manufacture of factory assembled structures,  
16 ((mobile)) manufactured homes, commercial coaches, conversion vending  
17 units, medical units, recreational vehicles, and park trailers. The  
18 advisory board shall periodically review the rules adopted under RCW  
19 43.22.450 through 43.22.490 and shall recommend changes of such rules  
20 to the department if it deems changes advisable.

21        The members of the advisory board shall be representative of  
22 consumers, the regulated industries, and allied professionals. The  
23 term of each member shall be four years. However, the director may  
24 appoint the initial members of the advisory board to staggered terms  
25 not exceeding four years.

26        The chief inspector or any person acting as chief inspector for  
27 the factory assembled structures, manufactured or mobile home,  
28 commercial coach, conversion vending units, medical units, recreational  
29 vehicle, and park trailer section shall serve as secretary of the board  
30 during his tenure as chief. Meetings of the board shall be called at  
31 the discretion of the director of labor and industries, but at least  
32 quarterly. Each member of the board shall be paid travel expenses in  
33 accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of  
34 the appropriation to the department of labor and industries, upon  
35 vouchers approved by the director of labor and industries or his or her  
36 designee.

1           **Sec. 3.** RCW 43.22.431 and 1977 ex.s. c 21 s 1 are each amended to  
2 read as follows:

3           The director of the department of labor and industries may enforce  
4 ((mobile)) manufactured home safety and construction standards adopted  
5 by the secretary of housing and urban development under the national  
6 ((Mobile)) manufactured home construction and safety standards act of  
7 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the  
8 director may make agreements with the United States government and  
9 private inspection organizations to implement the development and  
10 enforcement of applicable provisions of this chapter and the national  
11 ((Mobile)) manufactured home construction and safety standards act of  
12 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

13           **Sec. 4.** RCW 43.22.432 and 1977 ex.s. c 21 s 2 are each amended to  
14 read as follows:

15           (1) The department may adopt all standards and regulations adopted  
16 by the secretary under the national ((Mobile)) manufactured home  
17 construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C.  
18 Secs. 5401-5426) for ((mobile)) manufactured home construction and  
19 safety standards. If any deletions or amendments to the federal  
20 standards or regulations are thereafter made and notice thereof is  
21 given to the department, the standards or regulations shall be  
22 considered automatically adopted by the state under this chapter after  
23 the expiration of thirty days from publication in the federal register  
24 of a final order describing the deletions or amendments unless within  
25 that thirty day period the department objects to the deletion or  
26 amendment. In case of objection, the department shall proceed under  
27 the rule making procedure of chapter 34.05 RCW.

28           (2) The department shall adopt rules with respect to manufactured  
29 homes installed in accordance with the standards adopted under RCW  
30 43.22.440 that:

31           (a) Specify exemptions from a requirement for a permit to alter a  
32 manufactured home;

33           (b) Authorize the granting of variances from the rules adopted  
34 under this section for alterations that use materials, designs, or  
35 methods of construction different from those required under the rules  
36 adopted under this section; and

1        (c) Require the seller of a manufactured home to deliver to the  
2 buyer prior to the sale a completed property transfer disclosure  
3 statement that includes all the criteria specified in RCW 64.06.020 and  
4 a copy of a variance, if any, granted under the rules adopted under  
5 this section. Nothing in this chapter shall be construed to prohibit  
6 the sale of a manufactured home that was altered unless the alteration  
7 makes the home unsafe so that its use may constitute a hazard to life,  
8 safety, or health.

9        **Sec. 5.** RCW 43.22.434 and 1999 c 22 s 10 are each amended to read  
10 as follows:

11        (1) The director or the director's authorized representative may  
12 conduct such inspections, investigations, and audits as may be  
13 necessary to adopt or enforce manufactured and mobile home, commercial  
14 coach, conversion vending units, medical units, recreational vehicle,  
15 park trailer, factory built housing, and factory built commercial  
16 structure rules adopted under the authority of this chapter or to carry  
17 out the director's duties under this chapter.

18        (2) For purposes of enforcement of this chapter, persons duly  
19 designated by the director upon presenting appropriate credentials to  
20 the owner, operator, or agent in charge may:

21        (a) At reasonable times and without advance notice enter any  
22 factory, warehouse, or establishment in which manufactured and mobile  
23 homes, commercial coaches, conversion vending units, medical units,  
24 recreational vehicles, park trailers, factory built housing, and  
25 factory built commercial structures are manufactured, stored, or held  
26 for sale;

27        (b) At reasonable times, within reasonable limits, and in a  
28 reasonable manner inspect any factory, warehouse, or establishment as  
29 required to comply with the standards adopted by the secretary of  
30 housing and urban development under the national ((Mobile))  
31 manufactured home construction and safety standards act of 1974. Each  
32 inspection shall be commenced and completed with reasonable promptness;  
33 and

34        (c) As requested by an owner of a conversion vending unit or  
35 medical unit, inspect an alteration.

1 (3) The department shall set a schedule of fees by rule which will  
2 cover the costs incurred by the department in the administration of RCW  
3 43.22.335 through 43.22.490.

4 **Sec. 6.** RCW 43.22.440 and 1988 c 239 s 5 are each amended to read  
5 as follows:

6 (1) The legislature finds that inspections of manufactured and  
7 mobile home installation are not done on a consistent basis.  
8 Manufactured and mobile homes provide housing for many people in the  
9 state, and improperly installed manufactured or mobile homes are a  
10 serious health and safety risk. Where possible and practical,  
11 manufactured and mobile homes should be treated the same as any housing  
12 inhabited or to be inhabited by persons in this state, including  
13 housing built according to the state building code.

14 (2) In consultation with the factory assembled structures advisory  
15 board for ((mobile)) manufactured homes, the director of labor and  
16 industries shall by rule establish uniform standards for the  
17 performance and workmanship of installation service and warranty  
18 service by persons or entities engaged in performing the services  
19 within this state for all manufactured and mobile homes, as defined in  
20 RCW 46.04.302. The standards shall conform, where applicable, with  
21 statutes, rules, and recommendations established under the ((federal))  
22 national ((mobile)) manufactured home construction and safety standards  
23 act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the  
24 installation of manufactured and mobile homes shall be enforced and  
25 fees charged by the counties and cities in the same manner the state  
26 building code is enforced under RCW 19.27.050.

27 (3) In addition to and in conjunction with the remedies provided  
28 in this chapter, failure to remedy any breach of the standards and  
29 rules so established, upon adequate notice and within a reasonable  
30 time, is a violation of the consumer protection act, chapter 19.86 RCW  
31 and subject to the remedies provided in that chapter.

32 **Sec. 7.** RCW 43.22.442 and 1980 c 153 s 2 are each amended to read  
33 as follows:

34 A manufacturer of ((mobile)) manufactured homes who designates a  
35 representative within this state to provide consumers with warranty  
36 service for ((mobile)) manufactured homes on behalf of the manufacturer

1 shall make reasonable and timely compensation to the representative for  
2 performance of the warranty service.

3 **Sec. 8.** RCW 43.22.450 and 1973 1st ex.s. c 22 s 1 are each  
4 amended to read as follows:

5 Whenever used in RCW 43.22.450 through 43.22.490:

6 (1) "Department" means the Washington state department of labor  
7 and industries;

8 (2) "Approved" means approved by the department;

9 (3) "Factory built housing" means any structure designed primarily  
10 for human occupancy other than a manufactured or mobile home the  
11 structure or any room of which is either entirely or substantially  
12 prefabricated or assembled at a place other than a building site;

13 (4) "Install" means the assembly of factory built housing or  
14 factory built commercial structures at a building site;

15 (5) "Building site" means any tract, parcel or subdivision of land  
16 upon which factory built housing or a factory built commercial  
17 structure is installed or is to be installed;

18 (6) "Local enforcement agency" means any agency of the governing  
19 body of any city or county which enforces laws or ordinances governing  
20 the construction of buildings;

21 (7) "Commercial structure" means a structure designed or used for  
22 human habitation, or human occupancy for industrial, educational,  
23 assembly, professional or commercial purposes.

24 NEW SECTION. **Sec. 9.** (1) A joint legislative task force is  
25 created to review chapter 43.22 RCW as it pertains to the regulation of  
26 manufactured and mobile homes. The task force membership shall consist  
27 of:

28 (a) One member from each caucus of the senate labor, commerce and  
29 financial institutions committee, appointed by the president of the  
30 senate;

31 (b) One member from each caucus of the house commerce and labor  
32 committee, appointed by the co-speakers of the house of  
33 representatives;

34 (c) Representatives of the mobile/manufactured homeowners,  
35 mobile/manufactured home mortgage lenders, mobile/manufactured home  
36 manufacturers and retailers, realtors, business and labor

1 representatives of the electrical and plumbing trades, and other state  
2 or local government agencies as appropriate, appointed jointly by the  
3 president of the senate and the co-speakers of the house of  
4 representatives; and

5 (d) A representative of the department of labor and industries.  
6 The department shall cooperate with the task force and provide such  
7 technical expertise as the task force co-chairs may reasonably require.

8 (2) The task force shall choose its co-chairs from among its  
9 membership.

10 (3) The study shall review at least the following issues:

11 (a) The fact that many mobile/manufactured homeowners have  
12 performed alterations or repairs to their homes without obtaining the  
13 required permits with the result that potential buyers may be unable to  
14 obtain mortgage financing from the usual sources;

15 (b) The costs associated with obtaining required permits,  
16 particularly on those occasions when an engineering analysis is  
17 required;

18 (c) The possibility of reducing the number and type of repairs and  
19 alterations that require a permit, consistent with public health and  
20 safety considerations;

21 (d) The appropriateness of the current legal sanction for not  
22 obtaining a permit when required;

23 (e) The feasibility and desirability of allowing for inspections  
24 of mobile/manufactured home alterations by local building officials;  
25 and

26 (f) Any methods, procedures, or changes in the law that can assist  
27 mobile/manufactured homeowners in the proper and economical maintenance  
28 and improvement of their homes, and the protection of their equity.

29 (4) The task force shall use legislative facilities and staff from  
30 senate committee services and the office of program research. Each  
31 nonlegislative member of the task force is eligible to be reimbursed  
32 for travel expenses in accordance with RCW 43.03.050 and 43.03.060.  
33 All expenses of the task force, including travel, shall be paid jointly  
34 by the senate and the house of representatives.

35 (5) The task force shall report its findings and recommendations  
36 to the legislature by January 1, 2002.

37 (6) This section expires April 1, 2002.

1            NEW SECTION.    **Sec. 10.**    This act applies to manufactured homes  
2 without regard to the date such homes may have been altered."

3    Correct the title.

**EFFECT:**    The amendment deletes the Senate committee study of problems related to alterations of mobile homes and adds provisions that: (1) direct the Department of Labor and Industries to adopt rules regarding installed manufactured homes specifying exemptions from the permit requirement for alterations, authorizing the granting of variances for alterations that do not comply with manufacturing standards, and requiring disclosure when an altered manufactured home is sold; (2) clarify that the bill applies without regard to the date a home was altered; and (3) establish a Joint Legislative Task Force to review the regulation of manufactured/mobile homes and make recommendations to the Legislature by January 1, 2002. The task force will include legislative members from the Senate Labor, Commerce & Financial Institutions Committee and the House Commerce & Labor Committee and interested parties.