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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.70 RCW
8 to read as follows:

9 (1) In addition to the requirements contained in RCW 46.70.135,
10 each sale of a new manufactured home in this state is made with an
11 implied warranty that the manufactured home conforms in all material
12 aspects to applicable federal and state laws and regulations
13 establishing standards of safety or quality, and with implied
14 warranties of merchantability and fitness for a particular purpose as
15 permanent housing in the climate of the state.

16 (2) The implied warranties contained in this section may not be
17 waived, limited, or modified. Any provision that attempts to waive,
18 limit, or modify the implied warranties contained in this section is
19 void and unenforceable.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.70 RCW
21 to read as follows:

22 Any dealer, manufacturer, or contractor who installs a manufactured
23 home warrants that the manufactured home is installed in accordance
24 with the state installation code, chapter 296-150B WAC. The warranty
25 contained in this section may not be waived, limited, or modified. Any
26 provision attempting to waive, limit, or modify the warranty contained
27 in this section is void and unenforceable. This section does not apply
28 when the manufactured home is installed by the purchaser of the home.

29 **Sec. 3.** RCW 46.70.135 and 1989 c 343 s 22 are each amended to read
30 as follows:

31 Mobile home manufacturers and mobile home dealers who sell mobile
32 homes to be assembled on site and used as residences in this state
33 shall conform to the following requirements:

1 (1) No new manufactured home may be sold unless the purchaser is
2 provided with a manufacturer's written warranty for construction of the
3 home in compliance with the Magnuson-Moss Warranty Act (88 Stat. 2183;
4 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et seq.).

5 (2) No new manufactured home may be sold unless the purchaser is
6 provided with a dealer's written warranty for all installation services
7 performed by the dealer.

8 (3) The warranties required by subsections (1) and (2) of this
9 section shall be valid for a minimum of one year measured from the date
10 of (~~sale~~) delivery and shall not be invalidated by resale by the
11 original purchaser to a subsequent purchaser or by the certificate of
12 ownership being eliminated or not issued as described in chapter 65.20
13 RCW. Copies of the warranties shall be given to the purchaser upon
14 signing a purchase agreement and shall include an explanation of
15 remedies available to the purchaser under state and federal law for
16 breach of warranty, the name and address of the federal department of
17 housing and urban development and the state departments of licensing
18 and labor and industries, and a brief description of the duties of
19 these agencies concerning mobile homes.

20 (4) Warranty service shall be completed within forty-five days
21 after the owner gives written notice of the defect unless there is a
22 bona fide dispute between the parties. Warranty service for a defect
23 affecting health or safety shall be completed within seventy-two hours
24 of receipt of written notice. Warranty service shall be performed on
25 site and a written work order describing labor performed and parts used
26 shall be completed and signed by the service agent and the owner. If
27 the owner's signature cannot be obtained, the reasons shall be
28 described on the work order. Work orders shall be retained by the
29 dealer or manufacturer for a period of three years.

30 (5) Before delivery of possession of the home to the purchaser, an
31 inspection shall be performed by the dealer or his or her agent and by
32 the purchaser or his or her agent which shall include a test of all
33 systems of the home to insure proper operation, unless such systems
34 test is delayed pursuant to this subsection. At the time of the
35 inspection, the purchaser shall be given copies of all documents
36 required by state or federal agencies to be supplied by the
37 manufacturer with the home which have not previously been provided as
38 required under subsection (3) of this section, and the dealer shall
39 complete any required purchaser information card and forward the card

1 to the manufacturer. A purchaser is deemed to have taken delivery of
2 the manufactured home when all three of the following events have
3 occurred: (a) The contractual obligations between the purchaser and
4 the seller have been met; (b) the inspection of the home is completed;
5 and (c) the systems test of the home has been completed subsequent to
6 the installation of the home, or fifteen days has elapsed since the
7 transport of the home to the site where it will be installed, whichever
8 is earlier. Occupancy of the manufactured home shall only occur after
9 the systems test has occurred and all required utility connections have
10 been approved after inspection.

11 (6) Manufacturer and dealer advertising which states the dimensions
12 of a home shall not include the length of the draw bar assembly in a
13 listed dimension, and shall state the square footage of the actual
14 floor area.

15 **Sec. 4.** RCW 46.70.180 and 1993 c 175 s 3 are each amended to read
16 as follows:

17 Each of the following acts or practices is unlawful:

18 (1) To cause or permit to be advertised, printed, displayed,
19 published, distributed, broadcasted, televised, or disseminated in any
20 manner whatsoever, any statement or representation with regard to the
21 sale or financing of a vehicle which is false, deceptive, or
22 misleading, including but not limited to the following:

23 (a) That no down payment is required in connection with the sale of
24 a vehicle when a down payment is in fact required, or that a vehicle
25 may be purchased for a smaller down payment than is actually required;

26 (b) That a certain percentage of the sale price of a vehicle may be
27 financed when such financing is not offered in a single document
28 evidencing the entire security transaction;

29 (c) That a certain percentage is the amount of the service charge
30 to be charged for financing, without stating whether this percentage
31 charge is a monthly amount or an amount to be charged per year;

32 (d) That a new vehicle will be sold for a certain amount above or
33 below cost without computing cost as the exact amount of the factory
34 invoice on the specific vehicle to be sold;

35 (e) That a vehicle will be sold upon a monthly payment of a certain
36 amount, without including in the statement the number of payments of
37 that same amount which are required to liquidate the unpaid purchase
38 price.

1 (2) To incorporate within the terms of any purchase and sale
2 agreement any statement or representation with regard to the sale or
3 financing of a vehicle which is false, deceptive, or misleading,
4 including but not limited to terms that include as an added cost to the
5 selling price of a vehicle an amount for licensing or transfer of title
6 of that vehicle which is not actually due to the state, unless such
7 amount has in fact been paid by the dealer prior to such sale.

8 (3) To set up, promote, or aid in the promotion of a plan by which
9 vehicles are to be sold to a person for a consideration and upon
10 further consideration that the purchaser agrees to secure one or more
11 persons to participate in the plan by respectively making a similar
12 purchase and in turn agreeing to secure one or more persons likewise to
13 join in said plan, each purchaser being given the right to secure
14 money, credits, goods, or something of value, depending upon the number
15 of persons joining the plan.

16 (4) To commit, allow, or ratify any act of "bushing" which is
17 defined as follows: Taking from a prospective buyer of a vehicle a
18 written order or offer to purchase, or a contract document signed by
19 the buyer, which:

20 (a) Is subject to the dealer's, or his or her authorized
21 representative's future acceptance, and the dealer fails or refuses
22 within forty-eight hours, exclusive of Saturday, Sunday, or legal
23 holiday, and prior to any further negotiations with said buyer, to
24 deliver to the buyer either the dealer's signed acceptance or all
25 copies of the order, offer, or contract document together with any
26 initial payment or security made or given by the buyer, including but
27 not limited to money, check, promissory note, vehicle keys, a trade-in,
28 or certificate of title to a trade-in; or

29 (b) Permits the dealer to renegotiate a dollar amount specified as
30 trade-in allowance on a vehicle delivered or to be delivered by the
31 buyer as part of the purchase price, for any reason except substantial
32 physical damage or latent mechanical defect occurring before the dealer
33 took possession of the vehicle and which could not have been reasonably
34 discoverable at the time of the taking of the order, offer, or
35 contract; or

36 (c) Fails to comply with the obligation of any written warranty or
37 guarantee given by the dealer requiring the furnishing of services or
38 repairs within a reasonable time.

1 (5) To commit any offense relating to odometers, as such offenses
2 are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A
3 violation of this subsection is a class C felony punishable under
4 chapter 9A.20 RCW.

5 (6) For any vehicle dealer or vehicle salesman to refuse to
6 furnish, upon request of a prospective purchaser, the name and address
7 of the previous registered owner of any used vehicle offered for sale.

8 (7) To commit any other offense under RCW 46.37.423, 46.37.424, or
9 46.37.425.

10 (8) To commit any offense relating to a dealer's temporary license
11 permit, including but not limited to failure to properly complete each
12 such permit, or the issuance of more than one such permit on any one
13 vehicle.

14 (9) For a dealer, salesman, or mobile home manufacturer, having
15 taken an instrument or cash "on deposit" from a purchaser prior to the
16 delivery of the bargained-for vehicle, to commingle ((said)) the "on
17 deposit" funds with assets of the dealer, salesman, or mobile home
18 manufacturer instead of holding ((said)) the "on deposit" funds as
19 trustee in a separate trust account until the purchaser has taken
20 delivery of the bargained-for vehicle. Delivery of a manufactured home
21 shall be deemed to occur in accordance with RCW 46.70.135(5). Failure,
22 immediately upon receipt, to endorse "on deposit" instruments to such
23 a trust account, or to set aside "on deposit" cash for deposit in such
24 trust account, and failure to deposit such instruments or cash in such
25 trust account by the close of banking hours on the day following
26 receipt thereof, shall be evidence of intent to commit this unlawful
27 practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a
28 separate trust account which equals his or her customary total customer
29 deposits for vehicles for future delivery. For purposes of this
30 section, "on deposit" funds received from a purchaser of a manufactured
31 home means those funds that a seller requires a purchaser to advance
32 before ordering the manufactured home, but does not include any loan
33 proceeds or moneys that might have been paid on an installment
34 contract.

35 (10) For a dealer or manufacturer to fail to comply with the
36 obligations of any written warranty or guarantee given by the dealer or
37 manufacturer requiring the furnishing of goods and services or repairs
38 within a reasonable period of time, or to fail to furnish to a
39 purchaser, all parts which attach to the manufactured unit including

1 but not limited to the undercarriage, and all items specified in the
2 terms of a sales agreement signed by the seller and buyer.

3 (11) For a vehicle dealer to pay to or receive from any person,
4 firm, partnership, association, or corporation acting, either directly
5 or through a subsidiary, as a buyer's agent for consumers, any
6 compensation, fee, gratuity, or reward in connection with the purchase
7 or sale of a new motor vehicle.

8 (12) For a buyer's agent acting directly or through a subsidiary to
9 pay to or to receive from any motor vehicle dealer any compensation,
10 fee, gratuity, or reward in connection with the purchase or sale of a
11 new motor vehicle.

12 (13) For a buyer's agent to arrange for or to negotiate the
13 purchase, or both, of a new motor vehicle through an out-of-state
14 dealer without disclosing in writing to the customer that the new
15 vehicle would not be subject to chapter 19.118 RCW.

16 (14) Being a manufacturer, other than a motorcycle manufacturer
17 governed by chapter 46.94 RCW, to:

18 (a) Coerce or attempt to coerce any vehicle dealer to order or
19 accept delivery of any vehicle or vehicles, parts or accessories, or
20 any other commodities which have not been voluntarily ordered by the
21 vehicle dealer: PROVIDED, That recommendation, endorsement,
22 exposition, persuasion, urging, or argument are not deemed to
23 constitute coercion;

24 (b) Cancel or fail to renew the franchise or selling agreement of
25 any vehicle dealer doing business in this state without fairly
26 compensating the dealer at a fair going business value for his or her
27 capital investment which shall include but not be limited to tools,
28 equipment, and parts inventory possessed by the dealer on the day he or
29 she is notified of such cancellation or termination and which are still
30 within the dealer's possession on the day the cancellation or
31 termination is effective, if: (i) The capital investment has been
32 entered into with reasonable and prudent business judgment for the
33 purpose of fulfilling the franchise; and (ii) (~~said~~) the cancellation
34 or nonrenewal was not done in good faith. Good faith is defined as the
35 duty of each party to any franchise to act in a fair and equitable
36 manner towards each other, so as to guarantee one party freedom from
37 coercion, intimidation, or threats of coercion or intimidation from the
38 other party: PROVIDED, That recommendation, endorsement, exposition,

1 persuasion, urging, or argument are not deemed to constitute a lack of
2 good faith.

3 (c) Encourage, aid, abet, or teach a vehicle dealer to sell
4 vehicles through any false, deceptive, or misleading sales or financing
5 practices including but not limited to those practices declared
6 unlawful in this section;

7 (d) Coerce or attempt to coerce a vehicle dealer to engage in any
8 practice forbidden in this section by either threats of actual
9 cancellation or failure to renew the dealer's franchise agreement;

10 (e) Refuse to deliver any vehicle publicly advertised for immediate
11 delivery to any duly licensed vehicle dealer having a franchise or
12 contractual agreement for the retail sale of new and unused vehicles
13 sold or distributed by such manufacturer within sixty days after such
14 dealer's order has been received in writing unless caused by inability
15 to deliver because of shortage or curtailment of material, labor,
16 transportation, or utility services, or by any labor or production
17 difficulty, or by any cause beyond the reasonable control of the
18 manufacturer;

19 (f) To provide under the terms of any warranty that a purchaser of
20 any new or unused vehicle that has been sold, distributed for sale, or
21 transferred into this state for resale by the vehicle manufacturer may
22 only make any warranty claim on any item included as an integral part
23 of the vehicle against the manufacturer of that item.

24 Nothing in this section may be construed to impair the obligations
25 of a contract or to prevent a manufacturer, distributor,
26 representative, or any other person, whether or not licensed under this
27 chapter, from requiring performance of a written contract entered into
28 with any licensee hereunder, nor does the requirement of such
29 performance constitute a violation of any of the provisions of this
30 section if any such contract or the terms thereof requiring
31 performance, have been freely entered into and executed between the
32 contracting parties. This paragraph and subsection ~~((11)(b))~~ (14)(b)
33 of this section do not apply to new motor vehicle manufacturers
34 governed by chapter 46.96 RCW.

35 (15) Unlawful transfer of an ownership interest in a motor vehicle
36 as defined in RCW 19.116.050.

37 NEW SECTION. **Sec. 5.** The purpose of this chapter is to ensure
38 that all mobile and manufactured homes are installed by a certified

1 manufactured home installer in accordance with the state installation
2 code, chapter 296-150B WAC, in order to provide greater protections to
3 consumers and make the warranty requirement of section 2 of this act
4 easier to achieve.

5 NEW SECTION. **Sec. 6.** Unless the context clearly requires
6 otherwise, the definitions in this section apply throughout this
7 chapter.

8 (1) "Authorized representative" means an employee of a state
9 agency, city, or county acting on behalf of the department.

10 (2) "Certified manufactured home installer" means a person who is
11 in the business of installing mobile or manufactured homes and who has
12 been issued a certificate by the department as provided in this
13 chapter.

14 (3) "Department" means the department of community, trade, and
15 economic development.

16 (4) "Director" means the director of community, trade, and economic
17 development.

18 (5) "Manufactured home" means a single-family dwelling built in
19 accordance with the department of housing and urban development
20 manufactured home construction and safety standards act, which is a
21 national, preemptive building code.

22 (6) "Mobile or manufactured home installation" means all on-site
23 work necessary for the installation of a manufactured home, including:

24 (a) Construction of the foundation system;

25 (b) Installation of the support piers;

26 (c) Required connection to foundation system and support piers;

27 (d) Skirting;

28 (e) Connections to the on-site water and sewer systems that are
29 necessary for the normal operation of the home; and

30 (f) Extension of the pressure relief valve for the water heater.

31 (7) "Manufactured home standards" means the manufactured home
32 construction and safety standards as promulgated by the United States
33 department of housing and urban development (HUD).

34 (8) "Mobile home" means a factory-built dwelling built prior to
35 June 15, 1976, to standards other than the HUD code, and acceptable
36 under applicable state codes in effect at the time of construction or
37 introduction of the home into the state. Mobile homes have not been

1 built since introduction of the HUD manufactured home construction and
2 safety standards act.

3 (9) "Training course" means the education program administered by
4 the department as a prerequisite to taking the examination for
5 certification.

6 NEW SECTION. **Sec. 7.** After July 1, 1995, a mobile or manufactured
7 home may not be installed without a certified manufactured home
8 installer providing on-site supervision whenever installation work is
9 being performed. The certified manufactured home installer is
10 responsible for the reading, understanding, and following the
11 manufacturer's installation instructions and performance of
12 noncertified workers engaged in the installation of the home. There
13 shall be at least one certified manufactured home installer on the
14 installation site whenever installation work is being performed.

15 A manufactured home installer certification shall not be required
16 for:

- 17 (1) Site preparation;
- 18 (2) Sewer and water connections outside of the building site;
- 19 (3) Specialty trades that are responsible for constructing
20 accessory structures such as garages, carports, and decks;
- 21 (4) Pouring concrete into forms;
- 22 (5) Painting and dry wall finishing;
- 23 (6) Carpet installation;
- 24 (7) Specialty work performed within the scope of their license by
25 licensed plumbers or electricians. This provision does not waive or
26 lessen any state regulations related to licensing or permits required
27 for electricians or plumbers;
- 28 (8) A mobile or manufactured home owner performing installation
29 work on their own home; and
- 30 (9) A manufacturer's mobile home set-up crew installing a mobile or
31 manufactured home sold by the manufacturer except for the on-site
32 supervisor.

33 Violation of this section is an infraction.

34 NEW SECTION. **Sec. 8.** A person desiring to be issued a certificate
35 of manufactured home installation as provided in this chapter shall
36 make application to the department, in such a form as required by the
37 department.

1 Upon receipt of the application and evidence required in this
2 chapter, the director shall review the information and make a
3 determination as to whether the applicant is eligible to take the
4 training course and examination for the certificate of manufactured
5 home installation. An applicant must furnish written evidence of six
6 months of experience under the direct supervision of a certified
7 manufactured home installer, or other equivalent experience, in order
8 to be eligible to take the training course and examination. The
9 director shall establish reasonable rules for the training course and
10 examinations to be given to applicants for certificates of manufactured
11 home installation. Upon determining that the applicant is eligible to
12 take the training course and examination, the director shall notify the
13 applicant, indicating the time and place for taking the training course
14 and examination.

15 The requirement that an applicant must be under the direct
16 supervision of a certified manufactured home installer for six months
17 only applies to applications made on or after July 1, 1996. For
18 applications made before July 1, 1996, the department shall require
19 evidence of experience to satisfy this requirement.

20 The director may allow other persons to take the training course
21 and examination on manufactured home installation, without
22 certification.

23 NEW SECTION. **Sec. 9.** The department shall prepare a written
24 training course and examination to be administered to applicants for
25 manufactured home installer certification. The examination shall be
26 constructed to determine whether the applicant:

27 (1) Possesses general knowledge of the technical information and
28 practical procedures that are necessary for manufactured home
29 installation;

30 (2) Is familiar with the federal and state codes and administrative
31 rules pertaining to manufactured homes; and

32 (3) Is familiar with the local government regulations as related to
33 manufactured home installations.

34 The department shall certify the results of the examination and
35 shall notify the applicant in writing whether the applicant has passed
36 or failed the examination. An applicant who failed the examination may
37 retake the training course and examination. The director may not limit

1 the number of times that a person may take the training course and
2 examination.

3 NEW SECTION. **Sec. 10.** (1) The department shall issue a
4 certificate of manufactured home installation to an applicant who has
5 taken the training course, passed the examination, paid the fees, and
6 in all other respects meet the qualifications. The certificate shall
7 bear the date of issuance, a certification identification number, and
8 is renewable every three years upon application and completion of a
9 continuing education program as determined by the department. A
10 renewal fee shall be assessed for each certificate. If a person fails
11 to renew a certificate by the renewal date, the person must retake the
12 examination and pay the examination fee.

13 (2) The certificate of manufactured home installation provided for
14 in this chapter grants the holder the right to engage in manufactured
15 home installation throughout the state, without any other installer
16 certification.

17 NEW SECTION. **Sec. 11.** Any local government mobile or manufactured
18 home installation application and permit shall state the name and
19 certification identification number of the certified manufactured home
20 installer supervising such installation. A local government may not
21 issue a permit to install a manufactured home unless: (1) The
22 installer submits a copy of the certificate of manufactured home
23 installation to the local government; or (2) work is being performed
24 that does not require a certified installer. When work must be
25 performed by a certified manufactured home installer, no work may
26 commence until the installer or the installer's agent has posted or
27 otherwise made available, with the inspection record card at the set-up
28 site, a copy of the certified manufactured home installer's certificate
29 of manufactured home installation.

30 NEW SECTION. **Sec. 12.** (1) The department may revoke a certificate
31 of manufactured home installation upon the following grounds:

- 32 (a) The certificate was obtained through error or fraud;
33 (b) The holder of the certificate is judged to be incompetent as a
34 result of multiple infractions of the state installation code, WAC 296-
35 150B-200 through 296-150B-255; or

1 (c) The holder has violated a provision of this chapter or a rule
2 adopted to implement this chapter.

3 (2) Before a certificate of manufactured home installation is
4 revoked, the holder must be given written notice of the department's
5 intention to revoke the certificate, sent by registered mail, return
6 receipt requested, to the holder's last known address. The notice
7 shall enumerate the allegations against the holder, and shall give the
8 holder the opportunity to request a hearing. At the hearing, the
9 department and the holder may produce witnesses and give testimony.
10 The hearing shall be conducted in accordance with the provisions of
11 chapter 34.05 RCW.

12 NEW SECTION. **Sec. 13.** The department shall charge reasonable fees
13 to cover the costs to administer the certification program which shall
14 include but not be limited to the issuance, renewal, and reinstatement
15 of all certificates, training courses, and examinations required under
16 this chapter. The amount of each fee shall be established by the
17 department in rule. All fees collected under this chapter shall be
18 deposited in the manufactured home installation training account
19 created in section 14 of this act and used only for the purposes
20 specified in this chapter.

21 The fees shall be limited to covering the full cost of issuing the
22 certificates, devising and administering the examinations, and
23 administering and enforcing this chapter. The costs shall include
24 necessary travel, per diem, and administrative support costs.

25 NEW SECTION. **Sec. 14.** (1) The manufactured home installation
26 training account is created in the custody of the state treasurer. All
27 fees collected under this chapter and any legislative appropriations
28 for manufactured home installation training shall be deposited into the
29 account. Expenditures from the account shall only be used for the
30 purposes of this chapter. Only the director or the director's designee
31 may authorize expenditures from the account. The account is subject to
32 allotment procedures under chapter 43.88 RCW. Unexpended and
33 unencumbered moneys that remain in the account at the end of the fiscal
34 year do not revert to the state general fund but remain in the account,
35 separately accounted for, as a contingency reserve.

1 NEW SECTION. **Sec. 15.** An authorized representative may
2 investigate alleged or apparent violations of this chapter. Upon
3 presentation of credentials, an authorized representative, including a
4 local government building official, may inspect sites at which
5 manufactured home installation work is undertaken to determine whether
6 such work is being done under the supervision of a certified
7 manufactured home installer. Upon request of the authorized
8 representative, a person performing manufactured home installation work
9 shall identify the person holding the certificate issued by the
10 department in accordance with this chapter.

11 NEW SECTION. **Sec. 16.** An authorized representative of the
12 department may issue a notice of infraction if the person supervising
13 the manufactured home installation work fails to produce evidence of
14 having a certificate issued by the department in accordance with this
15 chapter. A notice of infraction issued under this chapter shall be
16 personally served on or sent by certified mail to the person named in
17 the notice by the authorized representative.

18 NEW SECTION. **Sec. 17.** (1) The department shall prescribe the form
19 of the notice of infraction issued under this chapter.

20 (2) The notice of infraction shall include the following:

21 (a) A statement that the notice represents a determination that the
22 infraction has been committed by the person named in the notice and
23 that the determination is final unless contested as provided in this
24 chapter;

25 (b) A statement that the infraction is a noncriminal offense for
26 which imprisonment may not be imposed as a sanction;

27 (c) A statement of the specific infraction for which the notice was
28 issued;

29 (d) A statement of a monetary penalty that has been established for
30 the infraction;

31 (e) A statement of the options provided in this chapter for
32 responding to the notice and the procedures necessary to exercise these
33 options;

34 (f) A statement that, at a hearing to contest the determination,
35 the state has the burden of proving, by a preponderance of the
36 evidence, that the infraction was committed, and that the person may

1 subpoena witnesses including the authorized representative who issued
2 and served the notice of the infraction;

3 (g) A statement, that the person shall sign, that the person
4 promises to respond to the notice of infraction in one of the ways
5 provided in this chapter;

6 (h) A statement that refusal to sign the infraction as directed in
7 (g) of this subsection is a misdemeanor; and

8 (i) A statement that failure to respond to a notice of infraction
9 as promised is a misdemeanor and may be punished by a fine or
10 imprisonment in jail.

11 NEW SECTION. **Sec. 18.** Each day in which a person engages in the
12 installation of manufactured homes in violation of this chapter is a
13 separate infraction. Each worksite at which a person engages in the
14 trade of manufactured home installation in violation of this chapter is
15 a separate infraction.

16 NEW SECTION. **Sec. 19.** It is a violation of this chapter for any
17 contractor, manufactured home dealer, manufacturer, or home dealer's or
18 manufacturer's agent to engage any person to install a manufactured
19 home who is not certified in accordance with this chapter.

20 NEW SECTION. **Sec. 20.** All violations designated as an infraction
21 shall be adjudicated in accordance with the administrative procedure
22 act, chapter 34.05 RCW.

23 NEW SECTION. **Sec. 21.** Unless contested in accordance with this
24 chapter, the notice of infraction represents a determination that the
25 person to whom the notice was issued committed the infraction.

26 NEW SECTION. **Sec. 22.** (1) A person found to have committed an
27 infraction under this chapter shall be assessed a monetary penalty of
28 one thousand dollars.

29 (2) The administrative law judge may waive, reduce, or suspend the
30 monetary penalty imposed for the infraction.

31 (3) Monetary penalties collected under this chapter shall be
32 remitted as provided in chapter 3.62 RCW.

1 NEW SECTION. **Sec. 23.** The director may adopt rules in accordance
2 with chapter 34.05 RCW, make specific decisions, orders, and rulings,
3 include demands and findings within the decisions, orders, and rulings,
4 and take other necessary action for the implementation and enforcement
5 of duties under this chapter.

6 NEW SECTION. **Sec. 24.** Sections 5 through 23 of this act shall
7 constitute a new chapter in Title 43 RCW.

8 NEW SECTION. **Sec. 25.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 26.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and shall take
15 effect immediately."

16 **HB 1029** - S COMM AMD
17 By Committee on Labor & Commerce

18

19 On page 1, line 2 of the title, after "homes;" strike the remainder
20 of the title and insert "amending RCW 46.70.135 and 46.70.180; adding
21 new sections to chapter 46.70 RCW; adding a new chapter to Title 43
22 RCW; prescribing penalties; and declaring an emergency."

--- END ---