

HOUSE BILL REPORT

ESHB 1688

As Reported By House Committee On:
Trade, Economic Development & Housing

Title: An act relating to manufactured housing installation.

Brief Description: Installing manufactured homes.

Sponsors: Representatives Campbell, Forner, Roland, Tate,
Mastin, Conway, Shin and Sheldon.

Brief History:

Reported by House Committee on:
Trade, Economic Development & Housing, February 3, 1994,
DP2S.

HOUSE COMMITTEE ON TRADE, ECONOMIC DEVELOPMENT & HOUSING

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 12 members: Representatives Wineberry, Chair; Shin, Vice Chair; Schoesler, Ranking Minority Member; Backlund; Campbell; Conway; Morris; Quall; Sheldon; Springer; Valle and Wood.

Minority Report: Without recommendation. Signed by 1 member: Representative Chandler, Assistant Ranking Minority Member.

Staff: Bill Lynch (786-7092).

Background: It is a violation of the Washington Consumer Protection Act if a contractor, manufactured home dealer, or manufactured home manufacturer improperly installs a manufactured home which: (1) causes a health and safety risk to the occupants of the manufactured home; or (2) severely hinders the use and enjoyment of the manufactured home.

Although there are penalties for the improper installation of a manufactured home, there is no training or certification required for a person to install a manufactured home.

Summary of Second Substitute Bill: A certification program for manufactured home installers is established in the

Department of Community, Trade and Economic Development. After July 1, 1995, no manufactured home may be installed without a certified manufactured home installer unless a person installs his or her own manufactured home. It is a violation for a manufactured home dealer or manufacturer to engage an uncertified person to install a manufactured home. At least one certified manufactured home installer must be on the installation site whenever installation work is being performed.

Persons who wish to be certified to install manufactured homes must apply to the Department of Community, Trade and Economic Development. The director reviews applications for certification and determines which applicants are eligible to take the training course and examination for certification. Any applicants for certification before July 1, 1996, must provide the department with evidence of experience. Applicants for certification after July 1, 1996, must provide written evidence of six months experience under the direct supervision of a certified manufactured home installer, or other equivalent experience.

The department must prepare an examination that tests the applicant's general knowledge of the technical information and practical procedures necessary for installing manufactured homes, applicable federal and state laws relating to manufactured homes, and local governments regulations related to the installation of manufactured homes.

A person who successfully takes the training course, passes the examination, and pays the applicable fees receives a certificate of manufactured home installation which allows that person to install manufactured homes throughout the state without any other installer certification. The certificate is renewable every three years. The department determines what continuing education is necessary for renewal of the certificate. If a person fails to renew the certificate by the renewal date, the person must retake the examination.

A certificate of manufactured home installation may be revoked by the department if: the certificate was obtained through fraud or error; the holder of the certificate is judged to be incompetent as a result of multiple violations of the state installation code; or the holder has violated a statute or regulation implementing the certification law. The holder of the certificate must be given written notice of the intent to revoke the certificate, and an opportunity for a hearing conducted in accordance with the Administrative Procedures Act.

The department is authorized to charge reasonable fees to cover the costs of administering the certification program, including the issuance, renewal, and reinstatement of certificates, and for the training courses and examinations required for certification. The fees are deposited into the manufactured home installation training account and may only be used to cover the costs of administering and enforcing the certification program.

A local government may not issue a permit to install a manufactured home unless the installer submits a copy of the certificate to the local government, or the work does not require a certified installer. The permit must contain the installer's certification identification number. A copy of the certificate must be posted with the inspection record card at the set-up site before work can commence.

An authorized representative of the department, including a local building official, may investigate violations and inspect installation sites to determine if the work is being done under the supervision of a certified installer. An authorized representative may issue a notice of infraction if the person supervising the installation of the manufactured home fails to produce evidence of having the necessary certificate. Notices of infraction are adjudicated pursuant to the Administrative Procedures Act. A monetary penalty of \$1,000 is assessed against a person found to have committed an infraction, unless the administrative law judge waives, reduces, or suspends the monetary penalty.

Second Substitute Bill Compared to Engrossed Substitute

Bill: Language is added to require an installer to provide a copy of the certificate to the local government before the local government can issue a permit for installation. A copy of the certificate must be posted at the work site. Fees are deposited into the manufactured home installation training account rather than the general fund. Technical amendments are made.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Many manufactured homes are improperly installed, and it is expensive to repair an improperly installed line. Oregon has a successful certification program that ensures that installers are properly trained. Dealers are inconsistent with the training they provide. Standards should be uniform. The energy efficiency of new homes is lost with improper installation. It makes more

sense to make sure homes are properly installed than to try and fix them afterward.

Testimony Against: None.

Witnesses: Jo Crittenden, Washington Mobile Home Towing Association (pro); Sheryl Barbour, Lee's Mobile Home Towing and Service (pro); Corine Foster and Nancy Hanna, Department of Community Development (pro); Nikki Baker, Mobile Home Owners (pro); Don Davey, Bonneville Power Association (pro); Tom Lineham, Washington State Energy Office (pro); Mark Wisner, Chelan County Public Utility District (pro); Heather Hamilton, Department of Licensing (pro); Blair Patrick, Washington Association of Building Officials (pro with amendments); and Ron Clarke, Washington Manufactured Housing Association (pro).