
SECOND SUBSTITUTE HOUSE BILL 1688

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Campbell, Forner, Roland, Tate, Mastin, Conway, Shin and Sheldon)

Read first time 02/04/94.

1 AN ACT Relating to manufactured housing installation; adding a new
2 chapter to Title 43 RCW; prescribing penalties; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The purpose of this chapter is to provide
6 for an installation training course and examination process and ensure
7 that all mobile and manufactured homes are installed by a certified
8 manufactured home installer.

9 NEW SECTION. **Sec. 2.** Unless the context clearly requires
10 otherwise, the definitions in this section apply throughout this
11 chapter.

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

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

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

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

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

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

11 (a) Construction of the foundation system;

12 (b) Installation of the support piers;

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

14 (d) Skirting;

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

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

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

21 (8) "Mobile home" means a factory-built dwelling built prior to
22 June 15, 1976, to standards other than the HUD code, and acceptable
23 under applicable state codes in effect at the time of construction or
24 introduction of the home into the state. Mobile homes have not been
25 built since introduction of the HUD manufactured home construction and
26 safety standards act.

27 (9) "Training course" means the education program administered by
28 the department as a prerequisite to taking the examination for
29 certification.

30 NEW SECTION. **Sec. 3.** After July 1, 1995, a mobile or manufactured
31 home may not be installed without a certified manufactured home
32 installer providing on-site supervision whenever installation work is
33 being performed. The certified manufactured home installer is
34 responsible for the reading, understanding, and following the
35 manufacturer's installation instructions and performance of
36 noncertified workers engaged in the installation of the home. There
37 shall be at least one certified manufactured home installer on the
38 installation site whenever installation work is being performed.

1 A manufactured home installer certification shall not be required
2 for:

3 (1) Site preparation;

4 (2) Sewer and water connections outside of the building site;

5 (3) Specialty trades that are responsible for constructing
6 accessory structures such as garages, carports, and decks;

7 (4) Pouring concrete into forms;

8 (5) Painting and dry wall finishing;

9 (6) Carpet installation;

10 (7) Specialty work performed within the scope of their license by
11 licensed plumbers or electricians. This provision does not waive or
12 lessen any state regulations related to licensing or permits required
13 for electricians or plumbers;

14 (8) A mobile or manufactured home owner performing installation
15 work on their own home; and

16 (9) A manufacturer's mobile home set-up crew installing a mobile or
17 manufactured home sold by the manufacturer except for the on-site
18 supervisor.

19 Violation of this section is an infraction.

20 NEW SECTION. **Sec. 4.** A person desiring to be issued a certificate
21 of manufactured home installation as provided in this chapter shall
22 make application to the department, in such a form as required by the
23 department.

24 Upon receipt of the application and evidence required in this
25 chapter, the director shall review the information and make a
26 determination as to whether the applicant is eligible to take the
27 training course and examination for the certificate of manufactured
28 home installation. An applicant must furnish written evidence of six
29 months of experience under the direct supervision of a certified
30 manufactured home installer, or other equivalent experience, in order
31 to be eligible to take the training course and examination. The
32 director shall establish reasonable rules for the training course and
33 examinations to be given to applicants for certificates of manufactured
34 home installation. Upon determining that the applicant is eligible to
35 take the training course and examination, the director shall notify the
36 applicant, indicating the time and place for taking the training course
37 and examination.

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

6 The director may allow other persons to take the training course
7 and examination on manufactured home installation, without
8 certification.

9 NEW SECTION. **Sec. 5.** The department shall prepare a written
10 training course and examination to be administered to applicants for
11 manufactured home installer certification. The examination shall be
12 constructed to determine whether the applicant:

13 (1) Possesses general knowledge of the technical information and
14 practical procedures that are necessary for manufactured home
15 installation;

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

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

20 The department shall certify the results of the examination and
21 shall notify the applicant in writing whether the applicant has passed
22 or failed the examination. An applicant who failed the examination may
23 retake the training course and examination. The director may not limit
24 the number of times that a person may take the training course and
25 examination.

26 NEW SECTION. **Sec. 6.** (1) The department shall issue a certificate
27 of manufactured home installation to an applicant who has taken the
28 training course, passed the examination, paid the fees, and in all
29 other respects meet the qualifications. The certificate shall bear the
30 date of issuance, a certification identification number, and is
31 renewable every three years upon application and completion of a
32 continuing education program as determined by the department. A
33 renewal fee shall be assessed for each certificate. If a person fails
34 to renew a certificate by the renewal date, the person must retake the
35 examination and pay the examination fee.

36 (2) The certificate of manufactured home installation provided for
37 in this chapter grants the holder the right to engage in manufactured

1 home installation throughout the state, without any other installer
2 certification.

3 NEW SECTION. **Sec. 7.** Any local government mobile or manufactured
4 home installation application and permit shall state the name and
5 certification identification number of the certified manufactured home
6 installer supervising such installation. A local government may not
7 issue a permit to install a manufactured home unless: (1) The
8 installer submits a copy of the certificate of manufactured home
9 installation to the local government; or (2) work is being performed
10 that does not require a certified installer. When work must be
11 performed by a certified manufactured home installer, no work may
12 commence until the installer or the installer's agent has posted or
13 otherwise made available, with the inspection record card at the set-up
14 site, a copy of the certified manufactured home installer's certificate
15 of manufactured home installation.

16 NEW SECTION. **Sec. 8.** (1) The department may revoke a certificate
17 of manufactured home installation upon the following grounds:

- 18 (a) The certificate was obtained through error or fraud;
19 (b) The holder of the certificate is judged to be incompetent as a
20 result of multiple infractions of the state installation code, WAC 296-
21 150B-200 through 296-150B-255; or
22 (c) The holder has violated a provision of this chapter or a rule
23 adopted to implement this chapter.

24 (2) Before a certificate of manufactured home installation is
25 revoked, the holder must be given written notice of the department's
26 intention to revoke the certificate, sent by registered mail, return
27 receipt requested, to the holder's last known address. The notice
28 shall enumerate the allegations against the holder, and shall give the
29 holder the opportunity to request a hearing. At the hearing, the
30 department and the holder may produce witnesses and give testimony.
31 The hearing shall be conducted in accordance with the provisions of
32 chapter 34.05 RCW.

33 NEW SECTION. **Sec. 9.** The department shall charge reasonable fees
34 to cover the costs to administer the certification program which shall
35 include but not be limited to the issuance, renewal, and reinstatement
36 of all certificates, training courses, and examinations required under

1 this chapter. The amount of each fee shall be established by the
2 department in rule. All fees collected under this chapter shall be
3 deposited in the manufactured home installation training account
4 created in section 10 of this act and used only for the purposes
5 specified in this chapter.

6 The fees shall be limited to covering the full cost of issuing the
7 certificates, devising and administering the examinations, and
8 administering and enforcing this chapter. The costs shall include
9 necessary travel, per diem, and administrative support costs.

10 NEW SECTION. **Sec. 10.** (1) The manufactured home installation
11 training account is created in the custody of the state treasurer. All
12 fees collected under this chapter and any legislative appropriations
13 for manufactured home installation training shall be deposited into the
14 account. Expenditures from the account shall only be used for the
15 purposes of this chapter. Only the director or the director's designee
16 may authorize expenditures from the account. The account is subject to
17 allotment procedures under chapter 43.88 RCW, but no appropriation is
18 required for expenditures. Unexpended and unencumbered moneys that
19 remain in the account at the end of the fiscal year do not revert to
20 the state general fund but remain in the account, separately accounted
21 for, as a contingency reserve.

22 NEW SECTION. **Sec. 11.** An authorized representative may
23 investigate alleged or apparent violations of this chapter. Upon
24 presentation of credentials, an authorized representative, including a
25 local government building official, may inspect sites at which
26 manufactured home installation work is undertaken to determine whether
27 such work is being done under the supervision of a certified
28 manufactured home installer. Upon request of the authorized
29 representative, a person performing manufactured home installation work
30 shall identify the person holding the certificate issued by the
31 department in accordance with this chapter.

32 NEW SECTION. **Sec. 12.** An authorized representative of the
33 department may issue a notice of infraction if the person supervising
34 the manufactured home installation work fails to produce evidence of
35 having a certificate issued by the department in accordance with this
36 chapter. A notice of infraction issued under this chapter shall be

1 personally served on or sent by certified mail to the person named in
2 the notice by the authorized representative.

3 NEW SECTION. **Sec. 13.** (1) The department shall prescribe the form
4 of the notice of infraction issued under this chapter.

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

6 (a) A statement that the notice represents a determination that the
7 infraction has been committed by the person named in the notice and
8 that the determination is final unless contested as provided in this
9 chapter;

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

12 (c) A statement of the specific infraction for which the notice was
13 issued;

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

16 (e) A statement of the options provided in this chapter for
17 responding to the notice and the procedures necessary to exercise these
18 options;

19 (f) A statement that, at a hearing to contest the determination,
20 the state has the burden of proving, by a preponderance of the
21 evidence, that the infraction was committed, and that the person may
22 subpoena witnesses including the authorized representative who issued
23 and served the notice of the infraction;

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

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

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

32 NEW SECTION. **Sec. 14.** Each day in which a person engages in the
33 installation of manufactured homes in violation of this chapter is a
34 separate infraction. Each worksite at which a person engages in the
35 trade of manufactured home installation in violation of this chapter is
36 a separate infraction.

1 NEW SECTION. **Sec. 15.** It is a violation of this chapter for any
2 contractor, manufactured home dealer, manufacturer, or home dealer's or
3 manufacturer's agent to engage any person to install a manufactured
4 home who is not certified in accordance with this chapter.

5 NEW SECTION. **Sec. 16.** All violations designated as an infraction
6 shall be adjudicated in accordance with the administrative procedure
7 act, chapter 34.05 RCW.

8 NEW SECTION. **Sec. 17.** Unless contested in accordance with this
9 chapter, the notice of infraction represents a determination that the
10 person to whom the notice was issued committed the infraction.

11 NEW SECTION. **Sec. 18.** (1) A person found to have committed an
12 infraction under this chapter shall be assessed a monetary penalty of
13 one thousand dollars.

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

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

18 NEW SECTION. **Sec. 19.** The director may adopt rules in accordance
19 with chapter 34.05 RCW, make specific decisions, orders, and rulings,
20 include demands and findings within the decisions, orders, and rulings,
21 and take other necessary action for the implementation and enforcement
22 of duties under this chapter.

23 NEW SECTION. **Sec. 20.** Sections 1 through 19 of this act shall
24 constitute a new chapter in Title 43 RCW.

25 NEW SECTION. **Sec. 21.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and shall take
2 effect immediately.

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