

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5580**

53rd Legislature  
1993 Regular Session

Passed by the Senate March 17, 1993  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House April 8, 1993  
YEAS 98 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5580** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 5580

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Passed Legislature - 1993 Regular Session

State of Washington                      53rd Legislature                      1993 Regular Session

By Senators Moore, Barr, McAuliffe, Vognild, Newhouse, Prentice, Prince, Amondson, Sutherland, Fraser, Winsley and von Reichbauer; by request of Department of Community Development

Read first time 02/04/93. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to regulation of manufactured housing construction  
2 and safety; adding new sections to chapter 43.63A RCW; and prescribing  
3 penalties.

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

5            NEW SECTION.    **Sec. 1.** The director of the department of community  
6 development shall enforce manufactured housing safety and construction  
7 standards adopted by the secretary of housing and urban development  
8 under the National Manufactured Housing Construction and Safety  
9 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).  
10 Furthermore, the director may make agreements with the United States  
11 government, state agencies, or private inspection organizations to  
12 implement the development and enforcement of applicable provisions of  
13 this chapter and the National Manufactured Housing Construction and  
14 Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)  
15 regarding the state administrative agency program.

16            NEW SECTION.    **Sec. 2.** The department shall adopt all rules under  
17 chapter 34.05 RCW necessary to implement chapter ..., Laws of 1993  
18 (this act), giving due consideration to standards and regulations

1 adopted by the secretary of housing and urban development under the  
2 National Manufactured Housing Construction and Safety Standards Act of  
3 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured  
4 housing construction and safety standards.

5 NEW SECTION. **Sec. 3.** The department shall adopt appropriate  
6 hearing procedures under chapter 34.05 RCW for the holding of formal  
7 and informal presentation of views, giving due consideration to hearing  
8 procedures adopted by the secretary of housing and urban development  
9 under the National Manufactured Housing Construction and Safety  
10 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

11 NEW SECTION. **Sec. 4.** (1) A person who violates any of the  
12 provisions of the National Manufactured Housing Construction and Safety  
13 Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)  
14 applicable to sections 1, 2, 3, and 5 of this act or any rules adopted  
15 under sections 1, 2, 3, and 5 of this act is liable to the state of  
16 Washington for a civil penalty of not to exceed one thousand dollars  
17 for each such violation. Each violation of the provisions of the  
18 National Manufactured Housing Construction and Safety Standards Act of  
19 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) applicable to sections  
20 1, 2, 3, and 5 of this act or any rules adopted under sections 1, 2, 3,  
21 and 5 of this act, shall constitute a separate violation with respect  
22 to each manufactured home or with respect to each failure or refusal to  
23 allow or perform an act required thereby, except that the maximum civil  
24 penalty may not exceed one million dollars for any related series of  
25 violations occurring within one year from the date of the first  
26 violation.

27 (2) An individual or a director, officer, or agent of a corporation  
28 who knowingly and willfully violates any of the provisions of sections  
29 1, 2, 3, and 5 of this act or any rules adopted under sections 1, 2, 3,  
30 and 5 of this act, in a manner that threatens the health or safety of  
31 any purchaser, shall be fined not more than one thousand dollars or  
32 imprisoned not more than one year, or both.

33 (3) Any legal fees, court costs, expert witness fees, and staff  
34 costs expended by the state in successfully pursuing violators of  
35 sections 1, 2, 3, and 5 of this act shall be reimbursed in full by the  
36 violators.

1        NEW SECTION.

2        **Sec. 5.**

3        (1) The director or the director's  
4 authorized representative shall conduct such inspections and  
5 investigations as may be necessary to implement or enforce manufactured  
6 housing rules adopted under the authority of this chapter or to carry  
7 out the director's duties under this chapter.

8        (2) For the purposes of enforcement of this chapter, persons duly  
9 designated by the director upon presenting appropriate credentials to  
10 the owner, operator, or agent in charge shall:

11        (a) At reasonable times and without advance notice enter any  
12 factory, warehouse, or establishment in which manufactured homes are  
13 manufactured, stored, or held for sale; and

14        (b) At reasonable times, within reasonable limits, and in a  
15 reasonable manner inspect any factory, warehouse, or establishment as  
16 required to comply with the standards adopted by the secretary of  
17 housing and urban development under the National Manufactured Housing  
18 Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C.  
19 Secs. 5401-5426). Each inspection shall be commenced and completed  
20 with reasonable promptness.

21        (3) For the purpose of carrying out the provisions of this chapter,  
22 the director or the director's authorized representative is authorized:

23        (a) To require, by general or special orders, any factory,  
24 warehouse, or establishment in which manufactured homes are  
25 manufactured, to file, in such form as prescribed, reports or answers  
26 in writing to specific questions relating to any function of the  
27 department under this chapter. Such reports and answers shall be made  
28 under oath or otherwise, and shall be filed with the department within  
29 such reasonable time periods as prescribed by the department; and

30        (b) To hold such hearings, take such testimony, sit and act at such  
31 times and places, administer such oaths, and require, by subpoena or  
32 otherwise, the attendance and testimony of such witnesses and the  
33 production of such books, papers, correspondence, memorandums,  
34 contracts, agreements, or other records, as the director or such  
35 officer or employee deems advisable.

36        (4) In carrying out the inspections authorized by this section the  
37 director shall establish by rule, under chapter 34.05 RCW, and impose  
38 on manufactured home manufacturers, distributors, and dealers such  
reasonable fees as may be necessary to offset the expenses incurred by  
the director in conducting the inspections, provided these fees are set

1 in accordance with guidelines established by the United States  
2 secretary of housing and urban development.

3 NEW SECTION. **Sec. 6.** This act shall expire and be of no force and  
4 effect on January 1 in any year following the failure of the United  
5 States department of housing and urban development to reimburse the  
6 state for the duties described in this act.

7 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each  
8 added to chapter 43.63A RCW.

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