

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1429

54th Legislature
1995 Regular Session

Passed by the House April 19, 1995
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 12, 1995
Yeas 47 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1429** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1429

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Lisk, Morris, Chandler, Chappell, L. Thomas, Thompson, Hargrove, Casada and Silver)

Read first time 03/01/95.

1 AN ACT Relating to manufacturers of recreation vehicles; amending
2 RCW 43.22.340, 43.22.345, 43.22.350, 43.22.434, 43.22.360, 43.22.370,
3 43.22.380, 43.22.390, 43.22.400, 43.22.410, and 43.22.420; and adding
4 new sections to chapter 43.22 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.22 RCW
7 to read as follows:

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

10 (1) "Park trailer" means a park trailer as defined in the American
11 National Standards Institute A119.5 standard for park 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 **Sec. 2.** RCW 43.22.340 and 1970 ex.s. c 27 s 1 are each amended to
18 read as follows:

1 The director of labor and industries shall prescribe and enforce
2 rules and regulations governing safety of body and frame design, and
3 the installation of plumbing, heating, and electrical equipment in
4 mobile homes, commercial coaches ((and/or)), recreational vehicles,
5 and/or park trailers: PROVIDED, That the director shall not prescribe
6 or enforce rules and regulations governing the body and frame design of
7 recreational vehicles and park trailers until after the American
8 National Standards Institute shall have published standards and
9 specifications upon this subject. Such rules and regulations shall be
10 reasonably consistent with recognized and accepted principles of safety
11 for body and frame design and plumbing, heating, and electrical
12 installations, in order to protect the health and safety of the people
13 of this state from dangers inherent in the use of substandard and
14 unsafe body and frame design, construction, plumbing, heating,
15 electrical, and other equipment and shall correlate with and, so far as
16 practicable, conform to the then current standards and specifications
17 of the American National Standards Institute standards A119.1 for
18 mobile homes and commercial coaches ((and)), A119.2 for recreational
19 vehicles, and A119.5 for park trailers. It shall be unlawful for any
20 person to lease, sell or offer for sale, within this state, any mobile
21 homes, commercial coaches ((and/or)), recreational vehicles, and/or
22 park trailers manufactured after January 1, 1968, containing plumbing,
23 heating, electrical, or other equipment, and after July 1, 1970 body
24 and frame design or construction unless such equipment meets the
25 requirements of the rules and regulations provided for herein.

26 **Sec. 3.** RCW 43.22.345 and 1969 ex.s. c 229 s 4 are each amended to
27 read as follows:

28 Any person violating the provisions of RCW 43.22.340 ((~~as amended~~
29 ~~by section 1, chapter 229, Laws of 1969 ex.s.~~)) shall be guilty of a
30 misdemeanor. Each day upon which a violation occurs shall constitute
31 a separate violation.

32 **Sec. 4.** RCW 43.22.350 and 1977 ex.s. c 21 s 6 are each amended to
33 read as follows:

34 (1) In compliance with any applicable provisions of this chapter,
35 the director of the department of labor and industries shall establish
36 a schedule of fees, whether on the basis of plan approval or
37 inspection, for the issuance of an insigne which indicates that the

1 mobile home, commercial coach (~~(and/or)~~), recreational vehicle, and/or
2 park trailer complies with the provisions of RCW 43.22.340 through
3 43.22.410 or for any other purpose specifically authorized by any
4 applicable provision of this chapter.

5 (2) Insignia are not required on mobile homes, commercial coaches
6 (~~(and/or)~~), recreational vehicles, and/or park trailers manufactured
7 within this state for sale outside this state which are sold to persons
8 outside this state.

9 **Sec. 5.** RCW 43.22.434 and 1977 ex.s. c 21 s 5 are each amended to
10 read as follows:

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

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

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

25 (b) At reasonable times, within reasonable limits, and in a
26 reasonable manner inspect any factory, warehouse, or establishment as
27 required to comply with the standards adopted by the secretary of
28 housing and urban development under the National Mobile Home
29 Construction and Safety Standards Act of 1974. Each inspection shall
30 be commenced and completed with reasonable promptness.

31 (3) In carrying out the inspections authorized by this section the
32 director may establish, by rule, and impose on mobile home
33 manufacturers, distributors, and dealers such reasonable fees as may be
34 necessary to offset the expenses incurred by the director in conducting
35 the inspections.

36 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.22 RCW
37 to read as follows:

1 The director or the director's authorized representative may allow
2 qualifying recreational vehicle and/or park trailer manufacturers to be
3 self-certified as to compliance with the American National Standards
4 Institute A119.2 standard for recreational vehicles and the American
5 National Standards Institute A119.5 standard for park trailers. Except
6 as provided in subsection (4) of this section, a manufacturer approved
7 for the department's self-certification is exempt from the requirements
8 under RCW 43.22.434 and 43.22.360. The director shall adopt rules to
9 implement the self-certification program. The director may establish
10 fees at a sufficient level to cover the costs of administering this
11 program.

12 (1) Before a manufacturer becomes self-certified, the department
13 shall make an initial audit of the manufacturer making self-
14 certification application. The audit must review and report on the
15 following:

16 (a) The manufacturer's quality control program;

17 (b) The manufacturer's demonstrated ability to manufacture products
18 in conformance with either or both of the American National Standards
19 Institute standards A119.2 and A119.5; and

20 (c) The availability on site of comprehensive plans for each model
21 being manufactured.

22 (2) At the sole discretion of the director, a manufacturer
23 currently being audited by the department that is deemed to meet the
24 criteria for an initial self-certification audit may become a self-
25 certified manufacturer without an additional self-certification audit.

26 (3) If the department denies an application to allow a manufacturer
27 to be self-certified, the manufacturer shall be notified in writing
28 including the reasons for denial. A copy of the initial self-
29 certification audit shall be provided to the manufacturer. A
30 manufacturer who is denied self-certification may appeal the denial
31 under chapter 34.05 RCW.

32 (4) If the department has reason to believe that the manufacturer
33 is no longer meeting the criteria established in subsection (1) of this
34 section, the department may make an audit of the manufacturer. For
35 purposes of enforcement of this subsection, the department retains
36 inspection and investigation authority under RCW 43.22.434. At the
37 conclusion of this audit, the director or the director's authorized
38 representative may continue the manufacturer's self-certification or

1 require the manufacturer to meet all of the requirements of this
2 chapter from which the manufacturer was once exempted.

3 (5) The manufacturer to whom the authorization is given shall pay
4 all of the costs of the initial self-certification audit and any
5 subsequent audit that the department has the authority to perform.

6 (6) The department shall conduct a performance audit of additional
7 industry association quality control programs utilized by self-
8 certified manufacturers at least once every two years.

9 **Sec. 7.** RCW 43.22.360 and 1970 ex.s. c 27 s 3 are each amended to
10 read as follows:

11 Plans and specifications of each model or production prototype of
12 a mobile home, commercial coach (~~(and/or)~~), recreational vehicle,
13 and/or park trailer showing body and frame design, construction,
14 plumbing, heating and electrical specifications and data shall be
15 submitted to the department of labor and industries for approval and
16 recommendations with respect to compliance with the regulations and
17 standards of each of such agencies. When plans have been submitted and
18 approved as aforesaid, no changes or alterations shall be made to body
19 and frame design, construction, plumbing, heating or electrical
20 installations or specifications shown thereon in any mobile home,
21 commercial coach (~~(or)~~), recreational vehicle, or park trailer without
22 prior written approval of the department of labor and industries.

23 **Sec. 8.** RCW 43.22.370 and 1970 ex.s. c 27 s 4 are each amended to
24 read as follows:

25 Any mobile home, commercial coach (~~(and/or)~~), recreational vehicle,
26 and/or park trailer leased or sold in Washington and manufactured prior
27 to July 1, 1968, which has not been inspected prior to its sale and
28 which does not meet the requirements prescribed will not be required to
29 comply with said requirements except for alterations or installations
30 referred to in RCW 43.22.360.

31 **Sec. 9.** RCW 43.22.380 and 1970 ex.s. c 27 s 5 are each amended to
32 read as follows:

33 Used mobile homes, commercial coaches (~~(and/or)~~), recreational
34 vehicles, and/or park trailers manufactured for use outside this state
35 which do not meet the requirements prescribed and have been used for
36 six months or more will not be required to comply with said

1 requirements except for alterations or installations referred to in RCW
2 43.22.360.

3 **Sec. 10.** RCW 43.22.390 and 1970 ex.s. c 27 s 6 are each amended to
4 read as follows:

5 Mobile homes, commercial coaches (~~(and/or)~~), recreational vehicles,
6 and/or park trailers subject to the provisions of RCW 43.22.340 through
7 43.22.410, and mobile homes, commercial coaches (~~(and/or)~~),
8 recreational vehicles, and/or park trailers upon which alterations of
9 body and frame design, construction or installations of plumbing,
10 heating or electrical equipment referred to in RCW 43.22.360 are made
11 after July 1, 1968, shall have affixed thereto such insigne of
12 approval.

13 **Sec. 11.** RCW 43.22.400 and 1970 ex.s. c 27 s 7 are each amended to
14 read as follows:

15 If the director of the department of labor and industries
16 determines that the standards for body and frame design, construction
17 and the plumbing, heating and electrical equipment installed in mobile
18 homes, commercial coaches (~~(and/or)~~), recreational vehicles, and/or
19 park trailers by the statutes or rules and regulations of other states
20 are at least equal to the standards prescribed by this state, he may so
21 provide by regulation. Any mobile home, commercial coach (~~(and/or)~~),
22 recreational vehicle, and/or park trailer which a state listed in such
23 regulations has approved as meeting its standards for body and frame
24 design, construction and plumbing, heating and electrical equipment
25 shall be deemed to meet the standards of the director of the department
26 of labor and industries, if he determines that the standards of such
27 state are actually being enforced.

28 **Sec. 12.** RCW 43.22.410 and 1970 ex.s. c 27 s 8 are each amended to
29 read as follows:

30 Any mobile home, commercial coach (~~(and/or)~~), recreational vehicle,
31 and/or park trailer that meets the requirements prescribed under RCW
32 43.22.340 shall not be required to comply with any ordinances of a city
33 or county prescribing requirements for body and frame design,
34 construction or plumbing, heating and electrical equipment installed in
35 mobile homes, commercial coaches (~~(and/or)~~), recreational vehicles,
36 and/or park trailers.

1 **Sec. 13.** RCW 43.22.420 and 1987 c 330 s 601 are each amended to
2 read as follows:

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

16 The members of the advisory board shall be representative of
17 consumers, the regulated industries, and allied professionals. The
18 term of each member shall be four years. However, the director may
19 appoint the initial members of the advisory board to staggered terms
20 not exceeding four years.

21 The chief inspector or any person acting as chief inspector for the
22 factory assembled structures, mobile home, commercial coach ~~((and))~~,
23 recreational vehicle, and park trailer section shall serve as secretary
24 of the board during his tenure as chief. Meetings of the board shall
25 be called at the discretion of the director of labor and industries,
26 but at least quarterly. Each member of the board shall be paid travel
27 expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing
28 or hereafter amended which shall be paid out of the appropriation to
29 the department of labor and industries, upon vouchers approved by the
30 director of labor and industries or his or her designee.

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