

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5703

57th Legislature
2001 Regular Session

Passed by the Senate April 18, 2001
YEAS 41 NAYS 0

President of the Senate

Passed by the House April 9, 2001
YEAS 95 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5703** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5703

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions
(originally sponsored by Senators Hargrove and Winsley)

READ FIRST TIME 03/05/01.

1 AN ACT Relating to alterations of mobile homes; amending RCW
2 43.22.335, 43.22.420, 43.22.431, 43.22.432, 43.22.434, 43.22.440,
3 43.22.442, and 43.22.450; creating new sections; and providing an
4 expiration date.

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

6 **Sec. 1.** RCW 43.22.335 and 1999 c 22 s 1 are each amended to read
7 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~~
11 ~~American National Standards Institute A119.5 standard for park~~
12 ~~trailers.~~

13 (2) ~~"Recreational vehicle" means a vehicular-type unit primarily~~
14 ~~designed for recreational camping or travel use that has its own motive~~
15 ~~power or is mounted on or towed by another vehicle. The units include~~
16 ~~travel trailers, fifth-wheel trailers, folding camping trailers, truck~~
17 ~~campers, and motor homes.~~

18 (3)) "Conversion vendor units" means a motor vehicle or
19 recreational vehicle that has been converted or built for the purpose

1 of being used for commercial sales at temporary locations. The units
2 must be less than eight feet six inches wide in the set-up position and
3 the inside working area must be less than forty feet in length.

4 ~~((4))~~ (2) "Manufactured home" means a single-family dwelling
5 required to be built in accordance with regulations adopted under the
6 national manufactured housing construction and safety standards act of
7 1974 (42 U.S.C. 5401 et seq.).

8 (3) "Medical unit" means a self-propelled unit used to provide
9 medical examinations, treatments, and medical and dental services or
10 procedures, not including emergency response vehicles.

11 (4) "Mobile home" means a factory-built dwelling built before June
12 15, 1976, to standards other than the national manufactured housing
13 construction and safety standards act of 1974 (42 U.S.C. 5401 et seq.),
14 and acceptable under applicable state codes in effect at the time of
15 construction or introduction of the home into this state.

16 (5) "Park trailer" means a park trailer as defined in the American
17 national standards institute A119.5 standard for park trailers.

18 (6) "Recreational vehicle" means a vehicular-type unit primarily
19 designed for recreational camping or travel use that has its own motive
20 power or is mounted on or towed by another vehicle. The units include
21 travel trailers, fifth-wheel trailers, folding camping trailers, truck
22 campers, and motor homes.

23 **Sec. 2.** RCW 43.22.420 and 1999 c 22 s 9 are each amended to read
24 as follows:

25 There is hereby created a factory assembled structures advisory
26 board consisting of nine members to be appointed by the director of
27 labor and industries. It shall be the purpose and function of the
28 board to advise the director on all matters pertaining to the
29 enforcement of this chapter including but not limited to standards of
30 body and frame design, construction and plumbing, heating and
31 electrical installations, minimum inspection procedures, the adoption
32 of rules pertaining to the manufacture of factory assembled structures,
33 ~~((mobile))~~ manufactured homes, commercial coaches, conversion vending
34 units, medical units, recreational vehicles, and park trailers. The
35 advisory board shall periodically review the rules adopted under RCW
36 43.22.450 through 43.22.490 and shall recommend changes of such rules
37 to the department if it deems changes advisable.

1 The members of the advisory board shall be representative of
2 consumers, the regulated industries, and allied professionals. The
3 term of each member shall be four years. However, the director may
4 appoint the initial members of the advisory board to staggered terms
5 not exceeding four years.

6 The chief inspector or any person acting as chief inspector for the
7 factory assembled structures, manufactured or mobile home, commercial
8 coach, conversion vending units, medical units, recreational vehicle,
9 and park trailer section shall serve as secretary of the board during
10 his tenure as chief. Meetings of the board shall be called at the
11 discretion of the director of labor and industries, but at least
12 quarterly. Each member of the board shall be paid travel expenses in
13 accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of
14 the appropriation to the department of labor and industries, upon
15 vouchers approved by the director of labor and industries or his or her
16 designee.

17 **Sec. 3.** RCW 43.22.431 and 1977 ex.s. c 21 s 1 are each amended to
18 read as follows:

19 The director of the department of labor and industries may enforce
20 ((mobile)) manufactured home safety and construction standards adopted
21 by the secretary of housing and urban development under the national
22 ((Mobile)) manufactured home construction and safety standards act of
23 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426). Furthermore, the
24 director may make agreements with the United States government and
25 private inspection organizations to implement the development and
26 enforcement of applicable provisions of this chapter and the national
27 ((Mobile)) manufactured home construction and safety standards act of
28 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426).

29 **Sec. 4.** RCW 43.22.432 and 1977 ex.s. c 21 s 2 are each amended to
30 read as follows:

31 (1) The department may adopt all standards and regulations adopted
32 by the secretary under the national ((Mobile)) manufactured home
33 construction and safety standards act of 1974 (800 Stat. 700; 42 U.S.C.
34 Secs. 5401-5426) for ((mobile)) manufactured home construction and
35 safety standards. If any deletions or amendments to the federal
36 standards or regulations are thereafter made and notice thereof is
37 given to the department, the standards or regulations shall be

1 considered automatically adopted by the state under this chapter after
2 the expiration of thirty days from publication in the federal register
3 of a final order describing the deletions or amendments unless within
4 that thirty day period the department objects to the deletion or
5 amendment. In case of objection, the department shall proceed under
6 the rule making procedure of chapter 34.05 RCW.

7 (2) The department shall adopt rules with respect to manufactured
8 homes installed in accordance with the standards adopted under RCW
9 43.22.440 that:

10 (a) Specify exemptions from a requirement for a permit to alter a
11 manufactured home;

12 (b) Authorize the granting of variances from the rules adopted
13 under this section for alterations that use materials, designs, or
14 methods of construction different from those required under the rules
15 adopted under this section; and

16 (c) Require the seller of a manufactured home to deliver to the
17 buyer prior to the sale a completed property transfer disclosure
18 statement that includes all the criteria specified in RCW 64.06.020 and
19 a copy of a variance, if any, granted under the rules adopted under
20 this section. Nothing in this chapter shall be construed to prohibit
21 the sale of a manufactured home that was altered unless the alteration
22 makes the home unsafe so that its use may constitute a hazard to life,
23 safety, or health.

24 **Sec. 5.** RCW 43.22.434 and 1999 c 22 s 10 are each amended to read
25 as follows:

26 (1) The director or the director's authorized representative may
27 conduct such inspections, investigations, and audits as may be
28 necessary to adopt or enforce manufactured and mobile home, commercial
29 coach, conversion vending units, medical units, recreational vehicle,
30 park trailer, factory built housing, and factory built commercial
31 structure rules adopted under the authority of this chapter or to carry
32 out the director's duties under this chapter.

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

36 (a) At reasonable times and without advance notice enter any
37 factory, warehouse, or establishment in which manufactured and mobile
38 homes, commercial coaches, conversion vending units, medical units,

1 recreational vehicles, park trailers, factory built housing, and
2 factory built commercial structures are manufactured, stored, or held
3 for sale;

4 (b) At reasonable times, within reasonable limits, and in a
5 reasonable manner inspect any factory, warehouse, or establishment as
6 required to comply with the standards adopted by the secretary of
7 housing and urban development under the national ((Mobile))
8 manufactured home construction and safety standards act of 1974. Each
9 inspection shall be commenced and completed with reasonable promptness;
10 and

11 (c) As requested by an owner of a conversion vending unit or
12 medical unit, inspect an alteration.

13 (3) The department shall set a schedule of fees by rule which will
14 cover the costs incurred by the department in the administration of RCW
15 43.22.335 through 43.22.490.

16 **Sec. 6.** RCW 43.22.440 and 1988 c 239 s 5 are each amended to read
17 as follows:

18 (1) The legislature finds that inspections of manufactured and
19 mobile home installation are not done on a consistent basis.
20 Manufactured and mobile homes provide housing for many people in the
21 state, and improperly installed manufactured or mobile homes are a
22 serious health and safety risk. Where possible and practical,
23 manufactured and mobile homes should be treated the same as any housing
24 inhabited or to be inhabited by persons in this state, including
25 housing built according to the state building code.

26 (2) In consultation with the factory assembled structures advisory
27 board for ((mobile)) manufactured homes, the director of labor and
28 industries shall by rule establish uniform standards for the
29 performance and workmanship of installation service and warranty
30 service by persons or entities engaged in performing the services
31 within this state for all manufactured and mobile homes, as defined in
32 RCW 46.04.302. The standards shall conform, where applicable, with
33 statutes, rules, and recommendations established under the ((federal))
34 national ((mobile)) manufactured home construction and safety standards
35 act of 1974 (42 U.S.C. Sec. 5401 et seq.). These rules regarding the
36 installation of manufactured and mobile homes shall be enforced and
37 fees charged by the counties and cities in the same manner the state
38 building code is enforced under RCW 19.27.050.

1 (3) In addition to and in conjunction with the remedies provided in
2 this chapter, failure to remedy any breach of the standards and rules
3 so established, upon adequate notice and within a reasonable time, is
4 a violation of the consumer protection act, chapter 19.86 RCW and
5 subject to the remedies provided in that chapter.

6 **Sec. 7.** RCW 43.22.442 and 1980 c 153 s 2 are each amended to read
7 as follows:

8 A manufacturer of ((mobile)) manufactured homes who designates a
9 representative within this state to provide consumers with warranty
10 service for ((mobile)) manufactured homes on behalf of the manufacturer
11 shall make reasonable and timely compensation to the representative for
12 performance of the warranty service.

13 **Sec. 8.** RCW 43.22.450 and 1973 1st ex.s. c 22 s 1 are each amended
14 to read as follows:

15 Whenever used in RCW 43.22.450 through 43.22.490:

16 (1) "Department" means the Washington state department of labor and
17 industries;

18 (2) "Approved" means approved by the department;

19 (3) "Factory built housing" means any structure designed primarily
20 for human occupancy other than a manufactured or mobile home the
21 structure or any room of which is either entirely or substantially
22 prefabricated or assembled at a place other than a building site;

23 (4) "Install" means the assembly of factory built housing or
24 factory built commercial structures at a building site;

25 (5) "Building site" means any tract, parcel or subdivision of land
26 upon which factory built housing or a factory built commercial
27 structure is installed or is to be installed;

28 (6) "Local enforcement agency" means any agency of the governing
29 body of any city or county which enforces laws or ordinances governing
30 the construction of buildings;

31 (7) "Commercial structure" means a structure designed or used for
32 human habitation, or human occupancy for industrial, educational,
33 assembly, professional or commercial purposes.

34 NEW SECTION. **Sec. 9.** (1) A joint legislative task force is
35 created to review chapter 43.22 RCW as it pertains to the regulation of

1 manufactured and mobile homes. The task force membership shall consist
2 of:

3 (a) One member from each caucus of the senate labor, commerce and
4 financial institutions committee, appointed by the president of the
5 senate;

6 (b) One member from each caucus of the house commerce and labor
7 committee, appointed by the co-speakers of the house of
8 representatives;

9 (c) Representatives of the mobile/manufactured homeowners,
10 mobile/manufactured home mortgage lenders, mobile/manufactured home
11 manufacturers and retailers, realtors, business and labor
12 representatives of the electrical and plumbing trades, and other state
13 or local government agencies as appropriate, appointed jointly by the
14 president of the senate and the co-speakers of the house of
15 representatives; and

16 (d) A representative of the department of labor and industries.
17 The department shall cooperate with the task force and provide such
18 technical expertise as the task force cochairs may reasonably require.

19 (2) The task force shall choose its cochairs from among its
20 membership.

21 (3) The study shall review at least the following issues:

22 (a) The fact that many mobile/manufactured homeowners have
23 performed alterations or repairs to their homes without obtaining the
24 required permits with the result that potential buyers may be unable to
25 obtain mortgage financing from the usual sources;

26 (b) The costs associated with obtaining required permits,
27 particularly on those occasions when an engineering analysis is
28 required;

29 (c) The possibility of reducing the number and type of repairs and
30 alterations that require a permit, consistent with public health and
31 safety considerations;

32 (d) The appropriateness of the current legal sanction for not
33 obtaining a permit when required;

34 (e) The feasibility and desirability of allowing for inspections
35 of mobile/manufactured home alterations by local building officials;
36 and

37 (f) Any methods, procedures, or changes in the law that can assist
38 mobile/manufactured homeowners in the proper and economical maintenance
39 and improvement of their homes, and the protection of their equity.

1 (4) The task force shall use legislative facilities and staff from
2 senate committee services and the office of program research. Each
3 nonlegislative member of the task force is eligible to be reimbursed
4 for travel expenses in accordance with RCW 43.03.050 and 43.03.060.
5 All expenses of the task force, including travel, shall be paid jointly
6 by the senate and the house of representatives.

7 (5) The task force shall report its findings and recommendations to
8 the legislature by January 1, 2002.

9 (6) This section expires April 1, 2002.

10 NEW SECTION. **Sec. 10.** This act applies to manufactured homes
11 without regard to the date such homes may have been altered.

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