
SUBSTITUTE SENATE BILL 5366

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Schoesler, Prentice, Sheldon, Honeyford, Haugen and Delvin)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to pre-1976 mobile homes; and amending RCW
2 46.44.170, 43.22.340, 43.22.432, and 46.12.290.

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

4 **Sec. 1.** RCW 46.44.170 and 2004 c 79 s 4 are each amended to read
5 as follows:

6 (1) Any person moving a mobile home as defined in RCW 46.04.302 or
7 a park model trailer as defined in RCW 46.04.622 upon public highways
8 of the state must obtain: (a) A special permit from the department of
9 transportation and local authorities pursuant to RCW 46.44.090 and
10 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941
11 and 46.44.096; and (b) for mobile homes constructed before June 15,
12 1976, and already situated in the state, a certification from the
13 department of labor and industries that the mobile home was inspected
14 for fire safety, or an affidavit in the form prescribed by the
15 department of community, trade, and economic development signed by the
16 owner stating that the mobile home is being moved by the owner for his
17 or her continued occupation or use.

18 (2) A special permit issued as provided in subsection (1) of this
19 section for the movement of any mobile home or a park model trailer

1 that is assessed for purposes of property taxes shall not be valid
2 until the county treasurer of the county in which the mobile home or
3 park model trailer is located shall endorse or attach his or her
4 certificate that all property taxes which are a lien or which are
5 delinquent, or both, upon the mobile home or park model trailer being
6 moved have been satisfied. Further, any mobile home or park model
7 trailer required to have a special movement permit under this section
8 shall display an easily recognizable decal. However, endorsement or
9 certification by the county treasurer and the display of the decal is
10 not required:

11 (a) When a mobile home or park model trailer is to enter the state
12 or is being moved from a manufacturer or distributor to a retail sales
13 outlet or directly to the purchaser's designated location or between
14 retail and sales outlets;

15 (b) When a signed affidavit of destruction is filed with the county
16 assessor and the mobile home or park model trailer is being moved to a
17 disposal site by a landlord as defined in RCW 59.20.030 after (i) the
18 mobile home or park model trailer has been abandoned as defined in RCW
19 59.20.030; or (ii) a final judgment for restitution of the premises
20 under RCW 59.18.410 has been executed in favor of the landlord with
21 regard to the mobile home or park model trailer. The mobile home or
22 park model trailer will be removed from the tax rolls and, upon
23 notification by the assessor, any outstanding taxes on the destroyed
24 mobile home or park model trailer will be removed by the county
25 treasurer; or

26 (c) When a signed affidavit of destruction is filed with the county
27 assessor by any mobile home or park model trailer owner or any property
28 owner with an abandoned mobile home or park model trailer, the same
29 shall be removed from the tax rolls and upon notification by the
30 assessor, any outstanding taxes on the destroyed mobile home or park
31 model trailer shall be removed by the county treasurer.

32 (3) If the landlord of a mobile home park takes ownership of a
33 mobile home or park model trailer with the intent to resell or rent the
34 same under RCW 59.20.030 after (a) the mobile home or park model
35 trailer has been abandoned as defined in RCW 59.20.030; or (b) a final
36 judgment for restitution of the premises under RCW 59.18.410 has been
37 executed in favor of the landlord with regard to the mobile home or

1 park model trailer, the outstanding taxes become the responsibility of
2 the landlord.

3 (4) It is the responsibility of the owner of the mobile home or
4 park model trailer subject to property taxes or the agent to obtain the
5 endorsement and decal from the county treasurer before a mobile home or
6 park model trailer is moved.

7 (5) This section does not prohibit the issuance of vehicle license
8 plates for a mobile home or park model trailer subject to property
9 taxes, but plates shall not be issued unless the mobile home or park
10 model trailer subject to property taxes for which plates are sought has
11 been listed for property tax purposes in the county in which it is
12 principally located and the appropriate fee for the license has been
13 paid.

14 (6) The department of transportation, the department of labor and
15 industries, and local authorities are authorized to adopt reasonable
16 rules for implementing the provisions of this section. The department
17 of transportation shall adopt rules specifying the design, reflective
18 characteristics, annual coloration, and for the uniform implementation
19 of the decal required by this section. By January 1, 2006, the
20 department of labor and industries shall also adopt procedures for
21 notifying destination local jurisdictions concerning the arrival of
22 mobile homes that failed safety inspections.

23 **Sec. 2.** RCW 43.22.340 and 2003 c 53 s 228 are each amended to read
24 as follows:

25 (1) The director shall adopt specific rules for conversion vending
26 units and medical units. The rules for conversion vending units and
27 medical units shall be established to protect the occupants from fire;
28 to address other life safety issues; and to ensure that the design and
29 construction are capable of supporting any concentrated load of five
30 hundred pounds or more. Also, the director shall adopt specific rules
31 concerning safety standards as necessary to implement subsection (3) of
32 this section by January 1, 2006.

33 (2) The director of labor and industries shall adopt rules
34 governing safety of body and frame design, and the installation of
35 plumbing, heating, and electrical equipment in mobile homes, commercial
36 coaches, recreational vehicles, and/or park trailers: PROVIDED, That
37 the director shall not prescribe or enforce rules governing the body

1 and frame design of recreational vehicles and park trailers until after
2 the American National Standards Institute shall have published
3 standards and specifications upon this subject. The rules shall be
4 reasonably consistent with recognized and accepted principles of safety
5 for body and frame design and plumbing, heating, and electrical
6 installations, in order to protect the health and safety of the people
7 of this state from dangers inherent in the use of substandard and
8 unsafe body and frame design, construction, plumbing, heating,
9 electrical, and other equipment and shall correlate with and, so far as
10 practicable, conform to the then current standards and specifications
11 of the American National Standards Institute standards A119.1 for
12 mobile homes and commercial coaches, A119.2 for recreational vehicles,
13 and A119.5 for park trailers.

14 (3) Except as provided in RCW 43.22.436, it shall be unlawful for
15 any person to lease, sell or offer for sale, within this state, any
16 mobile homes, commercial coaches, conversion vending units, medical
17 units, recreational vehicles, and/or park trailers manufactured after
18 January 1, 1968, containing plumbing, heating, electrical, or other
19 equipment, and after July 1, 1970, body and frame design or
20 construction, unless such equipment, design, or construction meets the
21 requirements of the rules provided for in this section.

22 (4) Any person violating this section is guilty of a misdemeanor.
23 Each day upon which a violation occurs shall constitute a separate
24 violation.

25 **Sec. 3.** RCW 43.22.432 and 2002 c 268 s 7 are each amended to read
26 as follows:

27 (1) The department may adopt all standards and regulations adopted
28 by the secretary under the national manufactured home construction and
29 safety standards act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426)
30 for manufactured home construction and safety standards. If any
31 deletions or amendments to the federal standards or regulations are
32 thereafter made and notice thereof is given to the department, the
33 standards or regulations shall be considered automatically adopted by
34 the state under this chapter after the expiration of thirty days from
35 publication in the federal register of a final order describing the
36 deletions or amendments unless within that thirty day period the

1 department objects to the deletion or amendment. In case of objection,
2 the department shall proceed under the rule making procedure of chapter
3 34.05 RCW.

4 (2) The department shall adopt rules with respect to manufactured
5 homes that require the prior written approval of the department before
6 changes or alterations may be made to a manufactured home that differ
7 from the construction standards provided for in this section.

8 (3) For purposes of implementing this section, by January 1, 2006,
9 the department shall adopt requirements for manufactured homes built
10 prior to 1976.

11 (4) Except as provided in RCW 43.22.436, it is unlawful for any
12 person to lease, sell, or offer for sale, within this state, a
13 manufactured home unless the home meets the requirements of the rules
14 provided for in this section.

15 **Sec. 4.** RCW 46.12.290 and 1993 c 154 s 2 are each amended to read
16 as follows:

17 (1) The provisions of chapter 46.12 RCW insofar as they are not
18 inconsistent with the provisions of chapter 231, Laws of 1971 ex. sess.
19 or chapter 65.20 RCW apply to mobile or manufactured homes: PROVIDED,
20 That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to
21 mobile or manufactured homes.

22 (2) In order to transfer ownership of a mobile home, all registered
23 owners of record must sign the title certificate releasing their
24 ownership. If the mobile home was manufactured prior to June 15, 1976,
25 the registered owner must sign an affidavit in the form prescribed by
26 the department of licensing that notice was provided to the purchaser
27 of the mobile home that failure of the mobile home to meet federal
28 housing and urban development standards or failure of the mobile home
29 to meet a fire and safety inspection by the department of labor and
30 industries may result in denial by a local jurisdiction of a permit to
31 site the mobile home.

32 (3) The director of licensing shall have the power to adopt such
33 rules as necessary to implement the provisions of this chapter relating
34 to mobile homes.

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