

SENATE BILL REPORT

SB 5341

As of February 10, 2017

Title: An act relating to monetary penalties imposed for infractions relating to mobile and manufactured home installation.

Brief Description: Modifying monetary penalties imposed for infractions relating to mobile and manufactured home installation.

Sponsors: Senators King, Baumgartner and Conway; by request of Department of Labor & Industries.

Brief History:

Committee Activity: Commerce, Labor & Sports: 2/01/17.

Brief Summary of Bill

- Reduces the penalties for infractions related to mobile/manufactured home installations from \$1,000 to \$250 for the 1st infraction and up to \$1,000 for subsequent infractions.
- Requires the Department of Labor and Industries to make rules setting a schedule of penalties.

SENATE COMMITTEE ON COMMERCE, LABOR & SPORTS

Staff: Susan Jones (786-7404)

Background: Mobile Home and Manufactured Home Installation. The Mobile Home and Manufactured Home Installation laws ensure that all mobile and manufactured homes are installed by a certified manufactured home installer in accordance with the state installation code to provide greater consumer protections and make the warranty requirement easier to achieve. The Department of Labor and Industries (L&I) perform the functions that are required for purposes of complying with the Federal Department of Housing and Urban Development for Manufactured Housing regulations. L&I enforces manufactured housing safety and construction standards adopted by the Secretary of Housing and Urban Development under the National Manufactured Housing Construction and Safety Standards Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Certification Requirements. To become a certified manufactured home installer, an applicant must apply to L&I and L&I must review the information and make a determination about whether the applicant is eligible to take the training course and examination. An applicant must furnish written evidence of six months of experience under the direct supervision of a certified manufactured home installer, or other equivalent experience, in order to be eligible to take the training course and examination. L&I must issue a certificate of manufactured home installation to an applicant who has taken the training course, passed the examination, paid the fees, and meets all other qualifications.

Violations and Notices of Infraction. L&I can issue a notice of infraction for:

- failure to have a certified installer on the installation site when installation work is being performed;
- failure to correct all nonconforming aspects of the installation identified by a local enforcement agency or L&I within thirty days of issuance of the notice;
- failure by a certified installer to affix a certification tag to an installed manufactured/mobile home;
- the transfer of certification tags from a certified installer to another certified installer without L&I's prior written approval;
- the transfer of certification tags from a certified installer to a noncertified installer; or
- the transfer of unused installer certification tags by a manufactured home retailer to a new ownership without L&I's prior written approval.

There is a \$1,000 penalty for an infraction. Each worksite and day on which a violation occurs constitutes a separate infraction. Each day in which a person engages in the installation of manufactured homes in violation of this laws is a separate infraction. Each worksite where a person engages in the trade of manufactured home installation in violation of the laws is a separate infraction. It is a violation for any contractor, manufactured home dealer, manufacturer, or home dealer's or manufacturer's agent to engage any person to install a manufactured home who is not certified.

Summary of Bill: A person who committed an infraction may be assessed a \$250 penalty for the first infraction and not more than \$1,000 for a second or subsequent infraction. L&I must set by rule a schedule of monetary penalties for infractions imposed under Mobile Home and Manufactured Home Installation chapter.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a simple bill that allows L&I some discretion. Now the only option is to fine \$1,000. This bill is another way that L&I can improve the way it does business with the public. Rather than starting with a \$1,000 penalty, L&I is asking to be able to start with a warning for these specific violations and proceed from there. L&I would prefer to educate people.

Persons Testifying: PRO: Senator Curtis King, Prime Sponsor; Tammy Fellin, Labor & Industries.

Persons Signed In To Testify But Not Testifying: No one.