
ENGROSSED SUBSTITUTE HOUSE BILL 1688

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Trade, Economic Development & Housing (originally sponsored by Representatives Campbell, Forner, Roland, Tate, Mastin, Conway, Shin and Sheldon)

Read first time 03/03/93.

1 AN ACT Relating to manufactured housing installation; adding a new
2 chapter to Title 43 RCW; prescribing penalties; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The purpose of this chapter is to provide
6 for an installation training course and examination process and ensure
7 that all mobile and manufactured homes are installed by a certified
8 manufactured home installer.

9 NEW SECTION. **Sec. 2.** Unless the context clearly requires
10 otherwise, the definitions in this section apply throughout this
11 chapter.

12 (1) "Authorized representative" means an employee of a state
13 agency, city, or county acting on behalf of the department.

14 (2) "Certified manufactured home installer" means a person who is
15 in the business of installing mobile or manufactured homes and who has
16 been issued a certificate by the department as provided in this
17 chapter.

18 (3) "Department" means the department of community development.

1 (4) "Director" means the director of community development.

2 (5) "Manufactured home" means a single-family dwelling built in
3 accordance with the department of housing and urban development
4 manufactured home construction and safety standards act, which is a
5 national, preemptive building code.

6 (6) "Mobile or manufactured home installation" means all on-site
7 work necessary for the installation of a manufactured home, including:

8 (a) Construction of the foundation system;

9 (b) Installation of the support piers;

10 (c) Required connection to foundation system and support piers;

11 (d) Skirting;

12 (e) Connections to the on-site water and sewer systems that are
13 necessary for the normal operation of the home; and

14 (f) Extension of the pressure relief valve for the water heater.

15 (7) "Manufactured home standards" means the manufactured home
16 construction and safety standards as promulgated by the United States
17 department of housing and urban development (HUD).

18 (8) "Mobile home" means a factory-built dwelling built prior to
19 June 15, 1976, to standards other than the HUD code, and acceptable
20 under applicable state codes in effect at the time of construction or
21 introduction of the home into the state. Mobile homes have not been
22 built since introduction of the HUD manufactured home construction and
23 safety standards act.

24 (9) "Training course" means the education program administered by
25 the department as a prerequisite to taking the examination for
26 certification.

27 NEW SECTION. **Sec. 3.** After July 1, 1994, a mobile or manufactured
28 home may not be installed without a certified manufactured home
29 installer providing on-site supervision whenever installation work is
30 being performed. The certified manufactured home installer is
31 responsible for the reading, understanding, and following the
32 manufacturer's installation instructions and performance of
33 noncertified workers engaged in the installation of the home. There
34 shall be at least one certified manufactured home installer on the
35 installation site whenever installation work is being performed.

36 A manufactured home installer certification shall not be required
37 for:

38 (1) Site preparation;

- 1 (2) Sewer and water connections outside of the building site;
- 2 (3) Specialty trades that are responsible for constructing
- 3 accessory structures such as garages, carports, and decks;
- 4 (4) Pouring concrete into forms;
- 5 (5) Painting and dry wall finishing;
- 6 (6) Carpet installation;
- 7 (7) Specialty work performed within the scope of their license by
- 8 licensed plumbers or electricians. This provision does not waive or
- 9 lessen any state regulations related to licensing or permits required
- 10 for electricians or plumbers;
- 11 (8) A mobile or manufactured home owner performing installation
- 12 work on their own home; and
- 13 (9) A manufacturer's mobile home set-up crew installing a mobile or
- 14 manufactured home sold by the manufacturer except for the on-site
- 15 supervisor.
- 16 Violation of this section is an infraction.

17 NEW SECTION. **Sec. 4.** A person desiring to be issued a certificate
18 of manufactured home installation as provided in this chapter shall
19 make application to the department, in such a form as required by the
20 department.

21 Upon receipt of the application and evidence required in this
22 chapter, the director shall review the information and make a
23 determination as to whether the applicant is eligible to take the
24 training course and examination for the certificate of manufactured
25 home installation. An applicant must furnish written evidence of six
26 months of experience under the direct supervision of a certified
27 manufactured home installer, or other equivalent experience, in order
28 to be eligible to take the training course and examination. The
29 director shall establish reasonable rules for the training course and
30 examinations to be given to applicants for certificates of manufactured
31 home installation. Upon determining that the applicant is eligible to
32 take the training course and examination, the director shall notify the
33 applicant, indicating the time and place for taking the training course
34 and examination.

35 The requirement that an applicant must be under the direct
36 supervision of a certified manufactured home installer for six months
37 only applies to applications made on or after July 1, 1995. For

1 applications made before July 1, 1995, the department shall require
2 evidence of experience to satisfy this requirement.

3 The director may allow other persons to take the training course
4 and examination on manufactured home installation, without
5 certification.

6 NEW SECTION. **Sec. 5.** The department shall prepare a written
7 training course and examination to be administered to applicants for
8 manufactured home installer certification. The examination shall be
9 constructed to determine whether the applicant:

10 (1) Possesses general knowledge of the technical information and
11 practical procedures that are necessary for manufactured home
12 installation;

13 (2) Is familiar with the federal and state codes and administrative
14 rules pertaining to manufactured homes; and

15 (3) Is familiar with the local government regulations as related to
16 manufactured home installations.

17 The department shall certify the results of the examination and
18 shall notify the applicant in writing whether the applicant has passed
19 or failed the examination. An applicant who failed the examination may
20 retake the training course and examination. The director may not limit
21 the number of times that a person may take the training course and
22 examination.

23 NEW SECTION. **Sec. 6.** (1) The department shall issue a certificate
24 of manufactured home installation to an applicant who has taken the
25 training course, passed the examination, paid the fees, and in all
26 other respects meet the qualifications. The certificate shall bear the
27 date of issuance and is renewable every three years upon application
28 and completion of a continuing education program as determined by the
29 department. A renewal fee shall be assessed for each certificate. If
30 a person fails to renew a certificate by the renewal date, the person
31 must retake the examination and pay the examination fee.

32 (2) The certificate of manufactured home installation provided for
33 in this chapter grants the holder the right to engage in manufactured
34 home installation throughout the state, without any other installer
35 certification.

1 NEW SECTION. **Sec. 7.** Any local government mobile or manufactured
2 home installation application and permit shall state the name and
3 certification identification of the certified manufactured home
4 installer supervising such installation.

5 NEW SECTION. **Sec. 8.** (1) The department may revoke a certificate
6 of manufactured home installation upon the following grounds:

7 (a) The certificate was obtained through error or fraud;

8 (b) The holder of the certificate is judged to be incompetent as a
9 result of multiple infractions of the state installation code, WAC 296-
10 150B-200 through 296-150B-255; or

11 (c) The holder has violated a provision of this chapter or a rule
12 adopted to implement this chapter.

13 (2) Before a certificate of manufactured home installation is
14 revoked, the holder must be given written notice of the department's
15 intention to revoke the certificate, sent by registered mail, return
16 receipt requested, to the holder's last known address. The notice
17 shall enumerate the allegations against the holder, and shall give the
18 holder the opportunity to request a hearing. At the hearing, the
19 department and the holder may produce witnesses and give testimony.
20 The hearing shall be conducted in accordance with the provisions of
21 chapter 34.05 RCW.

22 NEW SECTION. **Sec. 9.** The department shall charge reasonable fees
23 to cover the costs to administer the certification program which shall
24 include but not be limited to the issuance, renewal, and reinstatement
25 of all certificates, training courses, and examinations required under
26 this chapter. The amount of each fee shall be established by the
27 department in rule. All fees collected under this chapter shall be
28 deposited in the general fund and used only for the purposes specified
29 in this chapter.

30 The fees shall be limited to covering the full cost of issuing the
31 certificates, devising and administering the examinations, and
32 administering and enforcing this chapter. The costs shall include
33 necessary travel, per diem, and administrative support costs.

34 NEW SECTION. **Sec. 10.** An authorized representative may
35 investigate alleged or apparent violations of this chapter. Upon
36 presentation of credentials, an authorized representative, including a

1 local government building official, may inspect sites at which
2 manufactured home installation work is undertaken to determine whether
3 such work is being done under the supervision of a certified
4 manufactured home installer. Upon request of the authorized
5 representative, a person performing manufactured home installation work
6 shall identify the person holding the certificate issued by the
7 department in accordance with this chapter.

8 NEW SECTION. **Sec. 11.** An authorized representative of the
9 department may issue a notice of infraction if the person supervising
10 the manufactured home installation work fails to produce evidence of
11 having a certificate issued by the department in accordance with this
12 chapter. A notice of infraction issued under this chapter shall be
13 personally served on or sent by certified mail to the person named in
14 the notice by the authorized representative.

15 NEW SECTION. **Sec. 12.** (1) The department shall prescribe the form
16 of the notice of infraction issued under this chapter.

17 (2) The notice of infraction shall include the following:

18 (a) A statement that the notice represents a determination that the
19 infraction has been committed by the person named in the notice and
20 that the determination is final unless contested as provided in this
21 chapter;

22 (b) A statement that the infraction is a noncriminal offense for
23 which imprisonment may not be imposed as a sanction;

24 (c) A statement of the specific infraction for which the notice was
25 issued;

26 (d) A statement of a monetary penalty that has been established for
27 the infraction;

28 (e) A statement of the options provided in this chapter for
29 responding to the notice and the procedures necessary to exercise these
30 options;

31 (f) A statement that, at a hearing to contest the determination,
32 the state has the burden of proving, by a preponderance of the
33 evidence, that the infraction was committed, and that the person may
34 subpoena witnesses including the authorized representative who issued
35 and served the notice of the infraction;

1 (g) A statement, that the person shall sign, that the person
2 promises to respond to the notice of infraction in one of the ways
3 provided in this chapter;

4 (h) A statement that refusal to sign the infraction as directed in
5 (g) of this subsection is a misdemeanor; and

6 (i) A statement that failure to respond to a notice of infraction
7 as promised is a misdemeanor and may be punished by a fine or
8 imprisonment in jail.

9 NEW SECTION. **Sec. 13.** Each day in which a person engages in the
10 installation of manufactured homes in violation of this chapter is a
11 separate infraction. Each worksite at which a person engages in the
12 trade of manufactured home installation in violation of this chapter is
13 a separate infraction.

14 NEW SECTION. **Sec. 14.** It is a violation of this chapter for any
15 contractor, manufactured home dealer, manufacturer, or home dealer's or
16 manufacturer's agent to engage any person to install a manufactured
17 home who is not certified in accordance with this chapter.

18 NEW SECTION. **Sec. 15.** All violations designated as an infraction
19 shall be adjudicated in accordance with the administrative procedure
20 act, chapter 34.05 RCW.

21 NEW SECTION. **Sec. 16.** Unless contested in accordance with this
22 chapter, the notice of infraction represents a determination that the
23 person to whom the notice was issued committed the infraction.

24 NEW SECTION. **Sec. 17.** (1) A person found to have committed an
25 infraction under this chapter shall be assessed a monetary penalty of
26 one thousand dollars.

27 (2) The administrative law judge may waive, reduce, or suspend the
28 monetary penalty imposed for the infraction.

29 (3) Monetary penalties collected under this chapter shall be
30 remitted as provided in chapter 3.62 RCW.

31 NEW SECTION. **Sec. 18.** The director may adopt rules in accordance
32 with chapter 34.05 RCW, make specific decisions, orders, and rulings,
33 include demands and findings within the decisions, orders, and rulings,

1 and take other necessary action for the implementation and enforcement
2 of duties under this chapter.

3 NEW SECTION. **Sec. 19.** Sections 1 through 18 of this act shall
4 constitute a new chapter in Title 43 RCW.

5 NEW SECTION. **Sec. 20.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 21.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and shall take
12 effect immediately.

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